

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER.....carried over to a subsequent session of the Legislature
CON RES XXX chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSESHouse & Senate disagreed; legislation died
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.....emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT.....legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW.....sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY.....ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX chapter # of enacted public Law
RESOLVE XXX chapter # of finally passed resolve
VETO SUSTAINED.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Criminal Justice and Public Safety

- 4. The Department of Administrative and Financial Services, Bureau of Revenue Services for three positions to allow the bureau to address tax collection cases; and
- 5. The Department of Corrections for three months of contracted clinical staff to a mental health unit at the Maine State Prison.

This amendment also transfers funds from the Gambling Control Board in the Department of Public Safety to the General Fund.

Enacted Law Summary

Public Law 2013, chapter 591 provides funding for the following:

- 1. The Department of Public Safety, Maine Criminal Justice Academy, to support the activities of the Academy;
- 2. The Department of Economic and Community Development to support the code enforcement officer training and certification program;
- 3. The Maine Lakes Society to manage and analyze certain data to assist with water pollution control, water quality protection and other environmental training programs;
- 4. The Department of Education for HIV prevention training and education;
- 5. The Department of Administrative and Financial Services, Bureau of Revenue Services for three positions to allow the bureau to address tax collection cases; and
- 6. The Department of Corrections for three months of contracted clinical staff to a mental health unit at the Maine State Prison.

Public Law 2013, chapter 591 also transfers funds from the Gambling Control Board in the Department of Public Safety to the General Fund.

LD 1729

An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence

PUBLIC 604

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARKS	OTP-AM	H-729

This bill increases the period of time for calculating a prior conviction for operating under the influence from 10 years to 15 years.

Committee Amendment "A" (H-729)

This amendment does the following.

- 1. It removes the provisions of the bill that increase the period of time for calculating a prior conviction for operating under the influence from 10 years to 15 years.
- 2. It amends the laws governing criminal operating under the influence to provide that the period of time for the calculation of a prior conviction for a Class B or C crime of operating under the influence is unlimited.
- 3. It changes the time from which a prior conviction is calculated from the date of the docket entry of conviction to

Joint Standing Committee on Criminal Justice and Public Safety

the date the sentence is imposed.

Enacted Law Summary

Public Law 2013, chapter 604 amends the laws governing criminal operating under the influence to provide that the period of time for the calculation of a prior conviction for a Class B or C crime of operating under the influence is unlimited. It also changes the time from which a prior conviction is calculated from the date of the docket entry of conviction to the date the sentence is imposed.

LD 1764 An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, the Maine Juvenile Code and the Maine Criminal Code and Related Statutes

PUBLIC 519

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP	H-698

This bill implements the following Criminal Law Advisory Commission recommendations.

1. In regard to the prohibition on the possession of firearms for certain persons, it adds an exception to the prohibition for a person under a deferred disposition until sentence imposition.
2. In the laws concerning limitations on the authority of a bail commissioner to set bail for an alleged violation of a condition of release, it imposes the same limitations on the setting of post-conviction bail as previously imposed on the setting of preconviction bail for that alleged violation.
3. It makes a technical correction to the laws concerning competency of a juvenile.
4. It adds a justice of the peace to those judicial officers authorized to issue a warrant to obtain portable electronic device content information and to obtain location information and, as to the latter, grant an extension of the warrant.
5. In the laws concerning computer crimes in the Maine Criminal Code, it adds a definition for "criminal justice agency."
6. In the laws concerning deferred disposition in the Maine Criminal Code, it clarifies that preconviction bail applies to a person on a deferred disposition until sentence imposition notwithstanding the definition of "preconviction" for purposes of the Maine Bail Code.
7. It replaces an outdated directive to reflect recent changes made to the Maine Revised Statutes, Title 17-A, section 1304 regarding the proration of sentences for inmates committed to the custody of a sheriff for nonpayment of fines.

Committee Amendment "A" (H-698)

This amendment is the majority report and amends the provision of the bill regarding the prohibition on the possession of firearms by certain persons in cases involving a deferred disposition. The bill provides that in cases of deferred disposition, a person is deemed to have been convicted when the court imposes the sentence; however, this amendment provides that in cases involving certain crimes, including domestic violence crimes, the person is prohibited from possessing a firearm when the deferred disposition period begins and not at the point when the sentence is imposed.

Enacted Law Summary

Public Law 2013, chapter 519 implements the following Criminal Law Advisory Commission recommendations.