

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
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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. Provides that operations and staffing of the commission are dependent on adequate funding, and that the commission must postpone its operations if funding and staffing levels are not sufficient to allow the commission to fully and effectively carry out its duties. The commission must notify the Legislature in writing at least 30 days prior to postponing activities that it no longer has sufficient funding to continue its work;
5. Provides that, if funding is not available for staffing support, the commission may request staffing assistance from the Legislative Council, subject to certain restrictions;
6. Provides an appropriation of \$155,000 in fiscal year 2013-14 and \$2,500 every year thereafter to contract for a chief counsel and staffing support; and
7. Repeals the Criminal Law Revision Commission on October 1, 2017.

Committee Amendment "A" (S-426)

This amendment strikes and replaces the appropriations and allocations section of the bill.

Senate Amendment "A" To Committee Amendment "A" (S-549)

This amendment removes the appropriations section that provides funds for staff for, and the per diem and expenses of Legislators serving on, the Criminal Law Revision Commission and replaces it with an allocation of Other Special Revenue Funds. This amendment also requires the Attorney General to seek outside funding for the work of the commission. The amendment provides for an effective date of July 1, 2015, or when the Attorney General is able to identify, and the State Controller to transfer, \$159,000 for this purpose to the Legislature, whichever occurs first. Any funds identified or received by the Attorney General for the Criminal Law Revision Commission on or after July 1, 2015, must be transferred by the State Controller to the Legislature, Criminal Law Revision Commission, Other Special Revenue Funds account established for the purposes of this Act.

This amendment also removes the emergency preamble and emergency clause.

LD 1782

An Act To Make Technical Amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and a Related Provision in the Maine Revised Statutes, Title 20-A

PUBLIC 507

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-427

This bill implements the recommendations of the Criminal Law Advisory Commission to make technical amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act enacted by Public Law 2013, chapter 267. Specifically, the bill makes changes to the Maine Revised Statutes, Title 16 as follows:

1. Amends section 703, subsection 2, paragraph E by replacing the phrase "indefinitely postponed" with the phrase "postponed for a period of more than one year";
2. Amends section 705, subsection 3 by replacing the incorrect term "use" in the final sentence with "employment";
3. Amends section 804 by adding the omitted words "is or" to conform with section 802, and includes the inadvertently omitted word "Maine" before the term "criminal justice agency";

Joint Standing Committee on Criminal Justice and Public Safety

4. Amends section 805, subsection 3, paragraph B by adding "or court decision" for purposes of completeness;
5. Amends section 806, subsection 1 by adding government agencies or subunits of government agencies in this State or another state that by statute are responsible for licensing or regulating the programs or facilities that provide care to children or incapacitated or dependent adults, and changing the conditions under which intelligence and investigative record information may be provided to these agencies and investigatory agencies. The licensing agencies were unintentionally omitted from subsection 1 when it replaced former section 614, subsection 3, paragraphs B and B-1;
6. Amends section 806, subsection 2 by adding "foster parent or guardian" for purposes of completeness;
7. Amends section 807 by adding the inadvertently omitted word "Maine" before the words "criminal justice agency"; and
8. Amends section 809 by adding the inadvertently omitted word "confidential" to describe the words "intelligence and investigative record information."

The bill also makes a correction in Title 20-A. It amends Title 20-A, section 6103, subsection 1 to correct an error made in Public Law 2013, chapter 267 concerning sharing criminal history record information with the Department of Education. The law prior to 2013 authorized the sharing of conviction data, which was defined to be public information. Chapter 267 inadvertently and incorrectly revised the type of information available to confidential criminal history record information. The bill corrects that error by limiting the information to be provided to the Department of Education to public criminal history record information and corrects a cross-reference.

Committee Amendment "A" (S-427)

This amendment amends the Maine Revised Statutes, Title 16, section 703, subsection 2, paragraph F regarding confidential criminal history record information to be consistent with other changes proposed in the bill. This recommendation of the Criminal Law Advisory Commission was inadvertently omitted from the bill.

It also restores the ability of an insurer to receive confidential investigative records. Public Law 2013, chapter 267, Part A, section 3 inadvertently changed the long-standing practice of law enforcement's sending this information to insurers.

Enacted Law Summary

Public Law 2013, chapter 507 implements the recommendations of the Criminal Law Advisory Commission to make technical amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act enacted by Public Law 2013, chapter 267. Specifically, Public Law 2013, chapter 507 makes changes to the Maine Revised Statutes, Title 16 as follows:

1. Amends section 703, subsection 2, paragraph E by replacing the phrase "indefinitely postponed" with the phrase "postponed for a period of more than one year";
2. Amends section 705, subsection 3 by replacing the incorrect term "use" in the final sentence with "employment";
3. Amends section 804 by adding the omitted words "is or" to conform with section 802, and includes the inadvertently omitted word "Maine" before the term "criminal justice agency";
4. Amends section 805, subsection 3, paragraph B by adding "or court decision" for purposes of completeness;
5. Amends section 806, subsection 1 by adding government agencies or subunits of government agencies in this State or another state that by statute are responsible for licensing or regulating the programs or facilities that provide care to children or incapacitated or dependent adults and changing the conditions under which intelligence and

Joint Standing Committee on Criminal Justice and Public Safety

investigative record information may be provided to these agencies and investigatory agencies. The licensing agencies were unintentionally omitted from subsection 1 when it replaced former section 614, subsection 3, paragraphs B and B-1;

- 6. Amends section 806, subsection 2 by adding "foster parent or guardian" for purposes of completeness;
- 7. Amends section 807 by adding the inadvertently omitted word "Maine" before the words "criminal justice agency";
- 8. Amends section 809 by adding the inadvertently omitted word "confidential" to describe the words "intelligence and investigative record information";
- 9. Amends Title 20-A, section 6103, subsection 1 to correct an error made in Public Law 2013, chapter 267, concerning sharing criminal history record information with the Department of Education. The law prior to 2013 authorized the sharing of conviction data, which was defined to be public information. Chapter 267 inadvertently and incorrectly revised the type of information available to confidential criminal history record information. Public Law 2013, chapter 507 corrects that error by limiting the information to be provided to the Department of Education to public criminal history record information and corrects a cross-reference; and
- 10. Restores the ability of an insurer to receive confidential investigative records.

LD 1810 An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u> PLUMMER	<u>Committee Report</u> ONTP OTP-AM	<u>Amendments Adopted</u>
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This bill makes it a Class C crime if a person who is required to maintain proof of financial responsibility operates a vehicle, or allows the operation of that vehicle, on a public way without such proof and that vehicle is involved in an accident that results in severe bodily injury while being operated on the public way. This bill also increases from a Class E to a Class D crime the penalty for such a person operating a vehicle or allowing the operation of a vehicle without proof of financial responsibility.

Committee Amendment "A" (S-455)

This amendment is the minority report and changes the phrase "severe bodily injury" to "serious bodily injury" to conform to the language used in the Maine Criminal Code.

LD 1811 An Act To Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes

Died On Adjournment

<u>Sponsor(s)</u> PLUMMER	<u>Committee Report</u> OTP-AM OTP-AM OTP-AM	<u>Amendments Adopted</u> S-498
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This bill creates four new District Court Judge positions within the Judicial Department. These judges must hear and decide drug-related criminal cases and sit in the cities of Presque Isle, Bangor, Lewiston and Portland.