

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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

**STAFF:**

CURTIS BENTLEY, LEGISLATIVE ANALYST  
ANNA BROOME, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

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**STATE OF MAINE**  
126<sup>TH</sup> 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 HOUSES* .....House & 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  
*EMERGENCY* .....enacted 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 126<sup>th</sup> 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**

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.

***Joint Standing Committee on Criminal Justice and Public Safety***

This bill provides funding for 14 Investigative Agent positions in the Department of Public Safety, Maine Drug Enforcement Agency and funding for training and costs associated with conducting investigations.

This bill also provides funding for four Assistant Attorney General positions in the Department of the Attorney General that will be dedicated to prosecuting drug crimes.

**Committee Amendment "A" (S-498)**

This amendment is the majority report. It creates two new District Court Judge positions within the Judicial Department instead of four as proposed in the bill. These judges are appointed to the District Court in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously.

This amendment provides ongoing funding for two Assistant Attorney General positions in the Department of the Attorney General dedicated to prosecuting drug crimes instead of four as proposed in the bill.

This amendment reduces the ongoing General Fund appropriation to the Department of Public Safety to support drug enforcement activities from \$1,692,123 to \$920,812.

Finally, this amendment also provides an ongoing General Fund appropriation of \$750,000 to the Department of Health and Human Services for substance abuse treatment programs.

**Committee Amendment "C" (S-500)**

This amendment is a minority report. It provides that the four new judge positions are appointed to the District Court and assigned in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously, and adds a General Fund appropriation for the appointment of the four new judges and their support staff.

**Committee Amendment "B" (S-499)**

This amendment is a minority report of the committee and provides that four new judge positions are appointed to the District Court and assigned in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously.

This amendment requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to develop a plan that includes proposed rules and any legislation needed to implement the personal use, taxation, and regulation of marijuana. The bureau is required to report its plan to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 31, 2015 and authorizes the joint standing committee to report out legislation, which includes enforcement and prosecution of drug crimes, and the treatment of substance abuse, to the First Regular Session of the 127th Legislature.

This amendment amends the bill by submitting the question of legalizing and taxing marijuana to voters in the State at a referendum, and makes establishing the new positions related to the enforcement and prosecution of drug crimes contingent on the availability of sufficient funding received from tax revenues on the sale of marijuana.

**LD 1814 An Act To Create a Secure, Therapeutic Mental Health Unit**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DION	ONTP	

This bill provides for the establishment of a secure, therapeutic mental health unit for defendants undergoing court-ordered assessments to determine their competency to stand trial or their criminal culpability. This bill also