

STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature coming from the

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

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Joint Standing Committee on Criminal Justice and Public Safety

LD 568 An Act To Amend the Sex Offender Registration Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES DIAMOND	ONTP	

LD 568 was carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053.

This bill implements recommendations for immediate legislative changes to the Sex Offender Registration and Notification Act of 1999, as recommended by the Joint Standing Committee on Criminal Justice and Public Safety in its Final Report of the Criminal Justice and Public Safety Committee Study of Sex Offender Registration Laws in November 2008.

The bill amends the crime of prohibited contact with a minor by repealing the element that the person has a duty to register under the Sex Offender Registration and Notification Act of 1999 and by making the law applicable only to those persons convicted on or after June 30, 1992. The fact that a person must previously have been convicted of a Maine Revised Statutes, Title 17-A, chapter 11 or chapter 12 offense against a victim who had not attained 14 years of age is material to the commission of the crime of prohibited contact with a minor. The bill also specifies that the person must initiate the direct or indirect contact with another person who has not attained 14 years of age.

The bill repeals from the sentencing provisions the directive that a court order a person convicted of a sex offense or a sexually violent offense to satisfy all requirements of the Sex Offender Registration and Notification Act of 1999. This change clarifies that the Legislature determines that a duty to register exists based on the conviction and that the court's duty is only to notify the person of that duty.

The bill repeals from the probation provisions the directive that a court attach as a condition of probation that a person convicted of a sex offense or a sexually violent offense satisfy all requirements of the Sex Offender Registration and Notification Act of 1999. The court has discretion to order any condition of probation reasonably related to the rehabilitation of the convicted person or the public safety or security, including satisfying registration requirements if appropriate.

The bill amends that part of the definition of "lifetime registrant" in the Sex Offender Registration and Notification Act of 1999 that pertains to persons classified as lifetime registrants because of having multiple convictions for sex offenses to clarify that the changes made by Public Law 2005, chapter 423 operate prospectively. For persons convicted and sentenced on or after September 17, 2005, the definition remains unchanged except for technical drafting changes. For persons convicted and sentenced before September 17, 2005, the amendment changes the definition of "another conviction" to mean an offense for which sentence was imposed prior to the occurrence of the new offense. This change would undo the expansion of 10-year registrants who became lifetime registrants with the 2005 change, including those registrants whose duty to register had ended prior to that change.

Changes proposed in LD 568 were enacted in Public Law 2009, chapter 365 during the First Regular Session of the 124th Legislature. LD 568 was considered as a vehicle for additional amendments to the Sex Offender Registration and Notification Act of 1999 during the Second Regular Session of the 124th Legislature, but changes to the SORNA of 1999 were adopted only in the committee bill, LD 1822, An Act to Further Amend

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the Sex Offender Registration and Notification Act of 1999. LD 1822 was reported out of committee as a unanimous ought to pass report and went straight to the floor. LD 1822, now Public Law 2009, chapter 570, was enacted as an emergency measure effective March 30, 2010.

LD 791 An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-364

This bill prohibits the furnishing of a place for minors to use illegal drugs. A person is guilty of furnishing a minor a place to use scheduled drugs, imitation scheduled drugs or counterfeit drugs if that person knowingly furnishes a minor a place to use scheduled drugs, imitation scheduled drugs or counterfeit drugs. Violation of the offense would be a Class B crime if the violation involves a counterfeit drug or a schedule W drug, a Class C crime if the violation involves a schedule X, Y or Z drug and a Class D crime if the violation involves an imitation scheduled drug.

Committee Amendment "A" (S-193)

This amendment was adopted during the First Regular Session of the 124th Legislature. The amendment replaces the bill and mirrors the penalties for furnishing a place for a minor to consume alcohol in the Maine Revised Statutes, Title 28-A, section 2081. For purposes of this new crime, a minor is a person under 21 years of age. The amendment also adds an appropriations and allocations section.

LD 791 was recommitted to the Committee on Criminal Justice and Public Safety after being removed from the Special Appropriations Table and was subsequently carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053.

Committee Amendment "B" (S-364)

This amendment was adopted by the Second Regular Session of the 124th Legislature. This intent of this amendment is the same as Committee Amendment "A." Committee Amendment "B" replaces the bill and mirrors the penalties for furnishing a place for a minor to consume alcohol in the Maine Revised Statutes, Title 28-A, section 2081. For purposes of this new crime, a minor is a person under 21 years of age. The amendment is drafted to comply with Maine Criminal Code drafting standards for prior convictions, including violations for conduct that is substantially similar and committed in another jurisdiction. The amendment also adds an appropriations and allocations section.

This bill and its accompanying amendment were referred to the Special Appropriations Table and died on adjournment.

LD 1139 An Act To Require Internet Service Providers To Retain Records

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL DIAMOND	ONTP	

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This bill requires that Internet service providers retain customer records for at least 180 days and directs the Attorney General to adopt routine technical rules governing the retention of those records. Failure to comply with the retention requirements is a civil violation for which a fine of up to \$10,000 per violation may be adjudged.

LD 1139 was carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053. The committee voted this bill ought not to pass at this time, with the understanding that the Department of Public Safety and Internet service providers will continue to work together on the issue of retention of records, and Congress is also currently considering similar legislation to comprehensively regulate record retention.

LD 1497 *An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors*

**PUBLIC 551
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	H-701 MCKANE S-377

This bill makes the following clarifications to the law governing smoke detectors and carbon monoxide detectors.

1. Smoke detectors are required in each unit in a multifamily building and in any single-family dwelling built after January 1, 1982. Smoke detectors are also required in any single-family dwelling in which an addition adding a new bedroom is constructed, or in any dwelling that is converted to a single-family dwelling, after September 19, 1985. These dates reflect the original effective dates of legislation requiring smoke detectors.
2. Smoke detectors are required in all rental units rather than only rental apartments. At the time of new occupancy, the landlord must ensure that smoke detectors are present.
3. Landlords may install 10-year sealed tamper-resistant battery-powered smoke detectors in rented single-family dwellings.
4. Smoke detectors required upon transfer of a dwelling to a new owner may be powered by the electrical service, by battery or by both.
5. The definition of "electrical service" for carbon monoxide detectors is clarified as either plugging the device into an outlet or hard-wiring it.
6. Carbon monoxide detectors in rental units, new construction and dwellings that are transferred to new owners are required to be powered by both electrical service and by battery.
7. The buyer of any single-family dwelling or multifamily apartment building must install carbon monoxide detectors and certify that the buyer has done so.
8. Carbon monoxide detectors are required in all rental units. At the time of new occupancy, the landlord must ensure that carbon monoxide detectors are present.
9. Rental units requiring carbon monoxide detectors do not include hotels, motels, inns or bed and breakfast establishments licensed as eating and lodging places under the Maine Revised Statutes, Title 22, chapter 562.

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10. The Commissioner of Public Safety may transfer up to \$100,000 from the Department of Public Safety, Office of the State Fire Marshal for the purpose of purchasing carbon monoxide detectors for distribution. This amends Public Law 2009, chapter 162, which required the transfer of \$100,000 for this purpose.

11. One-time funding of \$115,000 is provided in fiscal year 2010-11 for the purpose of purchasing carbon monoxide detectors and educational materials.

Committee Amendment "A" (S-377)

This amendment makes the following changes to the bill.

1. It removes the requirement for smoke detectors and carbon monoxide detectors to be installed in accordance with the National Electric Code and clarifies that they must be installed according to the manufacturer's requirements at the time of installation.
2. It clarifies that smoke detectors installed or replaced after the effective date of the bill within 20 feet of a kitchen or bathroom with a tub or shower must be of a photoelectric type, except that ionization detectors are permitted in bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom with a tub or shower.
3. It requires a buyer of a single-family dwelling or multiapartment building to certify at closing that the buyer will install smoke detectors and carbon monoxide detectors within 30 days of acquisition rather than on the day of closing.
4. It removes smoke detector installers and carbon monoxide detector installers from protection from liability from damages resulting from the operation of the detectors.
5. It includes closing agents and lenders in the list of people exempt from claims for relief resulting from the operation of smoke detectors or carbon monoxide detectors.
6. It clarifies that claims for relief are for damages from the operation, maintenance or effectiveness of smoke detectors and carbon monoxide detectors, not only the proper operation, maintenance or effectiveness.
7. It removes the exemption for hotels, motels, inns or bed and breakfasts from the requirement for rental units to have carbon monoxide detectors. This would allow the Department of Public Safety, Office of the State Fire Marshal the ability to require carbon monoxide detectors in these facilities through rulemaking.

House Amendment "A" To Committee Amendment "A" (H-701)

This amendment requires a buyer of a single-family dwelling or a multiapartment building to install smoke detectors and carbon monoxide detectors within 30 days of acquisition or occupancy of the dwelling, whichever is later, if smoke detectors and carbon monoxide detectors are not already present.

Enacted Law Summary

Public Law 2009, chapter 551 makes the following clarifications to the law governing smoke detectors and carbon monoxide detectors.

1. Smoke detectors are required in each unit in a multifamily building and in any single-family dwelling built after January 1, 1982. Smoke detectors are also required in any single-family dwelling in which an addition adding a new bedroom is constructed, or in any dwelling that is converted to a single-family dwelling, after September 19, 1985. These dates reflect the original effective dates of legislation requiring smoke detectors.

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2. Smoke detectors and carbon monoxide detectors are required in all rental units not only rental apartments and must be installed at the time of a new occupancy if they are not already present.
3. Landlords may install 10-year sealed tamper-resistant battery-powered smoke detectors in rented single-family dwellings.
4. Smoke detectors required upon transfer of a dwelling to a new owner may be powered by the electrical service, by battery or by both.
5. The definition of electrical service for carbon monoxide detectors is clarified as either plugging the device into an outlet or hard-wiring it.
6. The buyer of any single-family dwelling or multiapartment building must certify at closing that the buyer will install smoke detectors and carbon monoxide detectors within 30 days of acquisition of occupancy of the dwelling, whichever is later, if smoke detectors and carbon monoxide detectors are not already present.
7. The requirement for smoke detectors and carbon monoxide detectors to be installed in accordance with the National Electric Code is removed. The detectors must be installed according to the manufacturer's requirements at the time of installation.
8. Smoke detectors installed or replaced after the effective date of the law within 20 feet of a kitchen or bathroom with a tub or shower must be of a photoelectric type, except that ionization detectors are permitted in bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom with a tub or shower.
9. Smoke detector installers and carbon monoxide detector installers are removed from protection from liability from damages resulting from the operation of the detectors.
10. Closing agents and lenders are included in the list of people exempt from claims for relief resulting from the operation of smoke detectors or carbon monoxide detectors.
11. Claims for relief for damages are from the operation, maintenance or effectiveness of smoke detectors and carbon monoxide detectors, not the proper operation, maintenance or effectiveness.
12. The Commissioner of Public Safety may transfer up to \$100,000 from the Department of Public Safety, Office of the State Fire Marshal for the purpose of purchasing carbon monoxide detectors for distribution. This amends Public Law 2009, chapter 162, which required the transfer of \$100,000 for this purpose.
13. One-time funding of \$115,000 is provided in fiscal year 2010-11 for the purpose of purchasing carbon monoxide detectors and educational materials.

Public Law 2009, chapter 551 was enacted as an emergency measure effective March 3, 2010.

LD 1522 An Act To Streamline the Renewal Process for a Permit To Carry a Firearm

PUBLIC 503

Sponsor(s)

PRATT

Committee Report

OTP-AM

Amendments Adopted

H-633

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This bill requires the Commissioner of Public Safety to renew, upon payment of the filing fee, a permit authorizing a person to carry a firearm who would otherwise be prohibited from doing so, unless the Commissioner of Public Safety has revoked that permit for cause. This provision deals only with the issuance of permits to carry black powder rifles.

Prior to the four-year limit on these permits, no further tracking or checking of permit holders was done; once a permit was issued, it lasted forever even if the holder committed new crimes or other bad acts. The adoption of the four-year permit renewal process requires a person to apply to the Commissioner of Public Safety; the Commissioner then does a background check on the applicant. The background check is the same kind of procedure conducted before certain professional licenses are issued.

The Commissioner then sends letters to the sentencing judge, the Attorney General, the District Attorney where applicant resides and the District Attorney where the conviction making the person ineligible to possess a firearm occurred, the law enforcement agency that investigated that crime, and the Chief of Police and Sheriff where the crime occurred, as well as the Chief and Sheriff where the applicant resides at time of filing the permit application. Any objection results in a denial of issuance of the permit. Objections may be based on such factors as the existence of protection from abuse orders, past crimes and history of violence and repeated criminal conduct that shows a history of disrespect for the law. An applicant who has been denied may challenge the decision by filing an 80-C appeal, which is defended by the Attorney General.

Committee Amendment "A" (H-633)

This amendment replaces the bill. The amendment specifies that, if there is an objection to the issuance of an initial permit to carry a firearm to a person who would otherwise be prohibited from doing so, the objection must be provided to the Commissioner of Public Safety in writing and, as is currently provided, the Commissioner may not issue the permit. The reason for the objection must be communicated in writing to the Commissioner in order for it to be the sole basis for denial. If a person notified objects in writing, including the reason for the objection, to the commissioner regarding a second or subsequent issuance of a permit, the commissioner shall consider the objection when determining whether a second or subsequent permit may be issued to the applicant, but need not deny the issuance of a permit based on an objection alone. Again, as current law provides, the Commissioner may deny any application for a permit, even if no objection is filed.

Enacted Law Summary

Public Law 2009, chapter 503 specifies that, if there is an objection to the issuance of an initial permit to carry a firearm to a person who would otherwise be prohibited from doing so, the objection must be provided to the Commissioner of Public Safety in writing and, as is currently provided, the Commissioner may not issue the permit. The reason for the objection must be communicated in writing to the Commissioner in order for it to be the sole basis for denial. If a person notified objects in writing, including the reason for the objection, to the Commissioner regarding a second or subsequent issuance of a permit, the commissioner shall consider the objection when determining whether a second or subsequent permit may be issued to the applicant, but need not deny the issuance of a permit based on an objection alone. As has always been the case, the Commissioner may deny any application for a permit, even if no objection is filed.

LD 1531 An Act To Update Laws Regulating the Maine Emergency Management Agency

PUBLIC 479

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

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This bill removes the provision permitting a prospective hazardous chemical and substance inventory report and fee based on projected inventory levels to be submitted to the Maine Emergency Management Agency at the time of registration and leaves the requirement that the inventory report and fee for the previous year be submitted annually on March 1st.

Enacted Law Summary

Public Law 2009, chapter 479 removes the provision permitting a prospective hazardous chemical and substance inventory report and fee based on projected inventory levels to be submitted to the Maine Emergency Management Agency at the time of registration and leaves the requirement that the inventory report and fee for the previous year be submitted annually on March 1st.

LD 1576 An Act To Improve the Ability of the Commissioner of Corrections To Respond in Special Situations

PUBLIC 498

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-615

This bill authorizes the Commissioner of the Department of Corrections to establish ongoing emergency response teams consisting of personnel from more than one facility to assist in emergency situations throughout the department. Current law provides that when emergency situations are certified by the chief administrative officer to exist at a facility, the Commissioner, with approval of the Governor, may assign personnel, from other facilities temporarily and as necessary, to assist in the emergency.

Committee Amendment "A" (H-615)

This amendment clarifies that the Commissioner of Corrections has authority to create interfacility teams to respond to special situations throughout the department. The amendment ensures that the commissioner may pull staff with expertise from one facility to assist in a special situation in another facility. The amendment does not change the current procedure for emergencies, in which the commissioner must seek approval from the Governor to assign personnel as necessary to assist in emergency situations.

Enacted Law Summary

Public Law 2009, chapter 498 clarifies that the Commissioner of Corrections has authority to create interfacility teams to respond to special situations throughout the department. Public Law 2009, chapter 498 ensures that the commissioner may pull staff with expertise from one facility to assist in a special situation in another facility. This does not change the current procedure for emergencies, in which the commissioner must seek approval from the Governor to assign personnel as necessary to assist in emergency situations.

LD 1583 An Act To Improve the Delivery of Community Corrections Services

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-679

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This bill amends the juvenile disposition provisions to provide that restitution orders for juvenile offenders be handled through the Department of Corrections, just as the department handles orders for adult offenders. The bill provides that all repeat sexual assault offenders who are incarcerated as a result of a probation revocation must participate in a sex offender treatment program when requested by the department or in the alternative, have their probation revoked.

The bill authorizes probation officers to respond to violations of no contact conditions of probation for probationers or to violations of no contact conditions for supervised release for sex offenders while the probationer or offender is still incarcerated. LD 1583 allows a probation officer to move for revocation of probation of a person who is serving an initial term of imprisonment or being held for a violation and who continues to have prohibited contact with the victim while in jail or prison. The bill also provides the same authority for revocation of supervised release for a sex offender who is incarcerated and continues to have prohibited contact with a victim.

Committee Amendment "A" (H-679)

This amendment specifies that probation and supervised release may be revoked for misconduct occurring during a term of imprisonment served pursuant to any partial revocation of probation or supervised release. The bill authorizes revocation of probation and supervised release only for misconduct occurring during the initial term of imprisonment. The amendment also adds an appropriations and allocations section.

This amendment was never removed from the Special Appropriations Table and died on adjournment.

LD 1588 An Act To Change the Penalties for Writing Bad Checks

PUBLIC 495

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW DIAMOND	OTP-AM	H-616

This bill authorizes a person in a civil action against another for a dishonored check to recover up to three times the amount of the check, in addition to court costs, processing and interest. Current law authorizes recovery of the amount of the check, plus the other charges. Current law also provides that before recovering costs, the holder must first give notice for payment of the check, as outlined in Title 14 §6073, to the person liable, and the person liable fails to tender the amount of the check plus bank fees and mailing costs within 10 days of receiving that notice.

The bill provides a person up to 18 months after the date on the dishonored check to bring an action to recover costs, and specifies that if a person does not pay three times the amount of the dishonored check before a hearing, then the court may award reasonable attorney's fees and shall award a civil penalty not to exceed \$50 to the holder of the dishonored check.

The bill also amends the crime of theft by creating a new version; a person is guilty of theft if the person negotiates a worthless instrument as described in Title 17-A §708 and 30 days have passed since the there was a transfer of property in exchange for the worthless instrument.

The bill also amends the negotiating a worthless instrument statute by increasing the Class of crime from a Class E to a Class D crime and by making negotiating a worthless instrument of more than \$500 up to \$10,000 a Class C crime.

Committee Amendment "A" (H-616)

This amendment replaces the bill and increases from an amount not to exceed \$50 to an amount not to exceed \$150 the civil penalty that a court may order be paid to the holder of a bad check by a person liable for the check. This

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penalty, in addition to reasonable attorney's fees, may be imposed by the court when the person liable does not pay the amount of the check, plus costs and interest, before the hearing.

Enacted Law Summary

Public Law 2009, chapter 495 increases from an amount not to exceed \$50 to an amount not to exceed \$150 the civil penalty that a court may order be paid to the holder of a bad check by a person liable for the check. This penalty, in addition to reasonable attorney's fees, may be imposed by the court when the person liable does not pay the amount of the check, plus costs and interest, before the hearing.

LD 1590 An Act To Update and Clarify Polygraph Examiner and Private Investigator Licensing Laws Administered by the Department of Public Safety

ONTP

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

This bill makes the following changes to the polygraph examiner and private investigator licensing laws that are administered by the Department of Public Safety.

1. Polygraph is redefined more generally as an instrument designed to verify the truth of statements.
2. Only licensed polygraph examiners are authorized to conduct polygraphs.
3. Canada is included in the reciprocity law for polygraph examiners.
4. Inquiries into sexual behavior of an examinee are grounds for denial, suspension or revocation of a polygraph license unless the inquiry is specifically relevant or an applicant for a position with a law enforcement agency.
5. Only a licensed polygraph examiner whose license has been endorsed by the Commissioner can administer post-conviction sex offender polygraph exams. That license requires 40 hours of training and 200 complete polygraph exams.
6. Exceptions to private investigator license requirements are increased to include expert testimony; licensed professionals, whose professional work includes responsibilities that include private investigation; and securing information from the public domain including the Internet.

LD 1609 An Act To Expand the Use of Ignition Interlock Devices

PUBLIC 482

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL JACKSON	OTP	

This bill allows a person who committed a second or third OUI offense prior to September 1, 2008 to apply for early termination of a driver's license suspension on the condition that the person installs an ignition interlock device (IID) in the motor vehicle the person operates. This bill repeals the prior effective date that applied the new law to OUI offenses occurring after August 31, 2008, making the option available to more persons.

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The bill also clarifies that the mandatory requirement of installing an IID by persons with four or more OUIs be applied only from the time the law was enacted for offenses committed after August 31, 2008 and going forward. Since the IID requirement is mandatory in these cases, applying the law prospectively puts defendants on notice of the requirement.

Enacted Law Summary

Public Law 2009, chapter 482 allows a person who committed a second or third OUI offense prior to September 1, 2008 to apply for early termination of a driver's license suspension on the condition that the person installs an ignition interlock device (IID) in the motor vehicle the person operates. Public Law 2009, chapter 482 repeals the prior effective date that applied the new law to OUI offenses occurring after August 31, 2008, making the option available to more persons.

Public Law 2009, chapter 482 also clarifies that the mandatory requirement of installing an IID by persons with four or more OUIs be applied only from the time the law was enacted for offenses committed after August 31, 2008 and going forward. Since the IID requirement is mandatory in these cases, applying the law prospectively puts defendants on notice of the requirement.

LD 1610 An Act To Establish the Silver Alert Program

PUBLIC 583

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO CRAVEN	OTP-AM MAJ ONTP MIN	H-709

This bill establishes the Silver Alert Program, a statewide alert program for missing adults with disabilities. A missing adult is defined as one who has a cognitive impairment, lives in Maine, whose whereabouts is unknown and whose disappearance threatens their well-being. The Silver Alert Program is established in cooperation with the Department of Transportation, the Maine Turnpike Authority, the Maine Association of Broadcasters, the Governor's Office and appropriate law enforcement agencies. It requires a local law enforcement agency to notify the Department of Public Safety, all law enforcement officers in the county and enter a report to the state missing persons file and the National Crime Information Center. The department would issue an alert including notifying the media. The bill also requires all law enforcement agencies to adopt written policies regarding missing adults with disabilities and requires the Board of Trustees of the Maine Criminal Justice Academy to establish mandatory minimum standards for such policies by no later than January 1, 2011. All law enforcement agencies would be required to certify to the Board of Trustees of the Maine Criminal Justice Academy by no later than June 1, 2011 that their policies are consistent with the minimum standards established by the board and to certify to the Board of Trustees of the Maine Criminal Justice Academy by no later than January 1, 2012 that all law enforcement officers have received orientation and training with respect to the policies.

Committee Amendment "A" (H-709)

This amendment, which is the majority report, replaces the bill. It requires the Department of Public Safety to develop a Silver Alert Program for missing senior citizens in cooperation with the Department of Transportation, the Maine Turnpike Authority, the Office of the Governor, a statewide organization representing broadcast groups in the State and appropriate law enforcement agencies. The Silver Alert Program must include standards of procedure for receiving reports of a missing person with an irreversible deterioration of intellectual faculties such as dementia, activating a Silver Alert at the appropriate local or statewide level, and a plan for alerting the public through the media and highway message signs. The Silver Alert Program must also include appropriate training for all law

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enforcement officers. The program and training must be developed and implemented within existing resources. The amendment removes the requirement for Board of Trustees of the Maine Criminal Justice Academy to establish mandatory minimum standards by January 1, 2011 and for law enforcement agencies to certify that their policies are consistent with those standards.

Enacted Law Summary

Public Law 2009, chapter 583 requires the Department of Public Safety to develop a Silver Alert Program for missing senior citizens in cooperation with the Department of Transportation, the Maine Turnpike Authority, the Office of the Governor, a statewide organization representing broadcast groups in the State and appropriate law enforcement agencies. The Silver Alert Program must include standards of procedure for receiving reports of a missing person with an irreversible deterioration of intellectual faculties such as dementia, activating a Silver Alert at the appropriate local or statewide level, and a plan for alerting the public through the media and highway message signs. The Silver Alert Program must also include appropriate training for all law enforcement officers. The program and training must be developed and implemented within existing resources.

**LD 1611 **Resolve, Directing the Department of Corrections To Coordinate
Review of Due Process Procedures and To Ensure Transparency in
Policies Regarding the Placement of Special Management Prisoners****

RESOLVE 213

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ MARRACHE	ONTP A OTP-AM B OTP-AM C	H-763

This bill proposes minimum standards for the humane treatment of special management prisoners of the Department of Corrections. As defined in this bill, a "special management prisoner" is a prisoner assigned to one of several high-risk categories and confined in a secure special management unit. The bill also defines "serious mental illness" and "special management unit (SMU)."

The minimum standards established in this bill include the following.

The confinement of prisoners with serious mental illness to a SMU is prohibited.

The department shall provide a private evaluation by a licensed mental health professional within 48 hours of a prisoner's placement in a SMU and shall provide subsequent evaluations at least every seven days after the initial evaluation. Evaluations must be in person, not through a cell door and must assess the current mental status and condition of the prisoner, the current risk of suicide or other self-harming behavior and include a review of the prisoner's inpatient and outpatient treatment history. A prisoner determined to suffer from a serious mental illness at the time of an evaluation must be removed from the SMU within seven days. If the prisoner is subsequently transferred to a psychiatric or mental health unit or a hospital, the commissioner shall ensure that the prisoner is held in conditions that are consistent with those established in the bill.

A prisoner's confinement to a SMU may be no more than 45 consecutive days, unless it is determined at a hearing that the prisoner has committed or attempted to commit a sexual assault, an escape from confinement or an act of violence within the previous 45 days of incarceration. Hearings must be held by a panel of at least three persons appointed by the Commissioner of Corrections, one of whom must be a clinician representing the mental health staff at that facility.

The hearing process, at which the department has the burden of proof, involves the following. The Commissioner must provide written notice to the prisoner at least 72 hours before the hearing and the notice must set forth the factual basis for the continued placement in the SMU. Notice must also be provided to the prisoner indicating that

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the prisoner has the right to: appear in person at the hearing, to submit evidence in the prisoner's own defense, to call witnesses and to be represented by an attorney. The Commissioner shall make audiovisual recording of hearing and maintain the recording and all related records until at least 120 days after the person is released from incarceration. The panel shall issue a written decision within five days after the hearing and provide a copy, including the reasons for the decision, to the prisoner. If the decision is to hold prisoner in SMU longer than 45 days, the decision must include guidance to the prisoner as to how to gain release from the SMU, and the panel shall review its decision every seven days to determine if the prisoner should continue to be held in the SMU. After receipt of the decision, a prisoner may appeal the decision of the panel to the Commissioner. The Commissioner shall respond to the appeal in writing within seven days. A decision by the Commissioner on an appeal or a failure to issue a decision within seven days is a final agency action as defined in Title 5, section 8002, and the prisoner is entitled to judicial review of that decision under title 5, chapter 375, subchapter 7.

Corporal punishment of special management prisoners is prohibited, and the use of chemical agents or instruments of physical restraint on special management prisoners is prohibited, unless an audiovisual record of that process is made and the procedure is conducted in the presence of appropriate medical staff. The recording must be retained until at least 120 days after the prisoner is released from incarceration. Instruments of physical restraint, including but not limited to handcuffs, chains, leg shackles, restraint chairs and four-point restraints, may not be used on special management prisoners.

A special management prisoner's access to food, medical or sanitary facilities, mail or legal assistance may not be restricted for disciplinary reasons.

The Commissioner is required to maintain a current list of all special management prisoners that includes the date of confinement in the SMU, the date of last review, the reasons for placement in the SMU and when the prisoner has been housed in the SMU for more than 60 days, a written statement of the criteria to support the extended confinement. The Commissioner shall provide the list on a quarterly basis to each board of visitors for each correctional facility.

The Commissioner, to the extent permitted by an interstate compact in effect at the time, may not transfer a prisoner to an out-of-state facility unless the administrator of that out-of-state facility has agreed in writing to adhere to the provisions of special management proposed in this bill with respect to the treatment of that prisoner. The Commissioner shall return that prisoner to Maine if these special management standards are not met.

The board of visitors of each correctional facility is required to annually conduct a comprehensive review of the policies, standards and treatment of special management prisoners to determine the effectiveness of those policies and standards and the degree to which the treatment of special management prisoners complies with the law. Each board is required to include its findings in its annual report to this committee.

The Commissioner is required to review the status of all current special management prisoners in the State to determine whether prisoners confined to SMUs should remain in those units and to ensure that prisoners held in SMUs more than 45 days receive a hearing as outlined in this bill.

The Commissioner is also required to review all policies in effect on the effective date of this Act relating to special management prisoners and update those policies as necessary to conform to the law.

Committee Amendment "A" (H-763)

This amendment is one of two minority amendments of the committee. The amendment replaces the title and creates a resolve directing the Commissioner of Corrections, in consultation with the mental health and substance abuse focus group of the State Board of Corrections, to review due process procedures and other policies related to the placement of special management prisoners. The amendment also requires the Commissioner to consider an appropriate timeline for regular reporting to the joint standing committee of the Legislature having jurisdiction over corrections matters and to report all recommendations, including any suggested policy or legislative changes, to that

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committee by January 15, 2011. Upon receiving that report, the committee may report out a bill to the 125th Legislature.

Committee Amendment "B" (H-764)

This amendment is one of two committee minority amendments and establishes minimum standards for the humane treatment of special management prisoners of the Department of Corrections. As defined in this amendment, a "special management prisoner" is a prisoner assigned to disciplinary, high-risk or administrative segregation and confined in a SMU. The amendment amends the definition of "severe mental illness" to mean schizophrenia, bipolar disorder, schizoaffective disorder, major depression or any other psychiatric condition that is recognized by a statewide association of psychiatric physicians that would tend to cause the prisoner's emotional stability to deteriorate if confined in a SMU for an extended period.

The amendment amends the provision addressing special management unit criteria for persons with serious mental illness by adding the requirement that evaluations must be conducted with audio privacy.

The minimum standards established in the amendment include limiting a prisoner's confinement to a special management unit to 45 days unless it is determined at a hearing that within the previous 45 days the prisoner has committed or attempted to commit a sexual assault, an escape from confinement, an act of serious physical violence or that housing the prisoner in the general population of a correctional facility would pose an immediate and unacceptable risk to the safety of staff or other prisoners. At hearings, the department has the burden of proof by a preponderance of the evidence. The amendment prohibits the confinement of prisoners with serious mental illness to a SMU and requires that a special management prisoner determined to be suffering from serious mental illness be removed from the SMU within seven days. The amendment strikes language that addresses corporal punishment and restrictions on transferring prisoners out of state.

The amendment also authorizes the calling of relevant witnesses and having an attorney at hearings, but requires that these be secured and paid for by the prisoner. The amendment requires panel review of a placement decision every 30 days instead of every seven days and specifies that appeals are made to the chief administrative officer of the facility and not to the Commissioner of Corrections. The amendment also clarifies that holding a prisoner for more than 45 days must be based on a finding as outlined in the Maine Revised Statutes, Title 34-A, section 1406, subsection 3.

The amendment also requires the Commissioner to maintain a current list of all special management prisoners and, when the prisoner has been retained for more than 60 days in one or more of the units of the SMU, to also retain a written statement of the criteria relied upon to support that extended confinement. The Commissioner shall provide the boards of visitors, the State Board of Corrections and the joint standing committee of the Legislature having jurisdiction over corrections matters with a copy of that list on a quarterly basis.

The amendment further requires the State Board of Corrections to annually conduct a comprehensive review of the policies, standards and treatment of special management prisoners to determine the effectiveness of those policies and standards and the degree to which the treatment of special management prisoners complies with the law. The State Board of Corrections is required to include its findings in its annual report to the joint standing committee of the Legislature having jurisdiction over corrections matters.

The amendment maintains the requirement of the bill that the Commissioner of Corrections review the status of all special management prisoners in the State to determine whether prisoners confined to SMUs should remain in those units and to ensure that prisoners held in SMUs more than 45 days receive a hearing. The Commissioner is also required to review all policies in effect on the effective date of the bill relating to special management prisoners and update those policies as necessary to conform to the law.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-820)

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This amendment removes the review of policies related to placement of special management prisoners provided in Committee Amendment "A". The amendment requires the Department of Corrections to divert or remove an inmate with a serious mental illness, as defined in the amendment, from confinement in a SMU when such confinement could last for a period in excess of one week and states that this provision may not prevent the disciplinary process from proceeding in accordance with department rules for disciplinary hearings.

The amendment also requires the Commissioner of Corrections to maintain a current list of all special management prisoners and, when a prisoner has been retained for more than 60 days in one or more of the units of the SMU, to also maintain a written statement of the criteria relied upon to support that extended confinement. The Commissioner shall provide the boards of visitors, the State Board of Corrections and the joint standing committee of the Legislature having jurisdiction over corrections matters a copy of the list on a quarterly basis.

The amendment further requires the State Board of Corrections to annually conduct a comprehensive review of the policies, standards and treatment of special management prisoners to determine the effectiveness of those policies and standards and the degree to which the treatment of special management prisoners complies with the law. The State Board of Corrections is required to include its findings in an annual report to the joint standing committee of the Legislature having jurisdiction over corrections matters.

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-823)

This amendment replaces the review of policies related to placement of special management inmates provided in Committee Amendment "A" with a requirement that the Director of the Office of Program Evaluation and Government Accountability convene a working group to review the policy of secure and humane use of segregation as set forth in this amendment and departmental policies, rules and practices related to the placement of special management inmates. The amendment requires the working group to provide an interim report to the joint standing committee of the Legislature having jurisdiction over corrections matters by November 15, 2010 and a final report including any suggested legislation to the committee by December 15, 2011. It also adds an appropriations and allocations section.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-518)

This amendment replaces the review of policies related to placement of special management inmates provided in Committee Amendment "A" with a requirement that the Director of the Office of Program Evaluation and Government Accountability convene a working group to review the policy of secure and humane use of segregation as set forth in this amendment and departmental policies, rules and practices related to the placement of special management inmates. The amendment requires the working group to provide an interim report to the joint standing committee of the Legislature having jurisdiction over corrections matters by November 15, 2010 and a final report including any suggested legislation to the committee by December 15, 2011. It also adds an appropriations and allocations section.

This amendment was not adopted.

Enacted Law Summary

Resolve 2009, chapter 213 directs the Commissioner of Corrections, in consultation with the mental health and substance abuse focus group of the State Board of Corrections, to review due process procedures and other policies related to the placement of special management prisoners. Resolve 2009, chapter 213 also requires the Commissioner to consider an appropriate timeline for regular reporting to the joint standing committee of the Legislature having jurisdiction over corrections matters and to report all recommendations, including any suggested policy or legislative changes, to that committee by January 15, 2011. Upon receiving that report, the committee may

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report out a bill to the 125th Legislature.

LD 1612 An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card

PUBLIC 493

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS	OTP-AM	H-617

This bill amends the offense of possessing or displaying a suspended license by creating a two-tier violation, a crime and a traffic infraction, which parallels the changes made to the operating after suspension statute by Public Law 2009, chapter 297. The bill provides that a person commits a Class E crime if that person displays or possesses a suspended driver's license or identification card when operation of the motor vehicle by that person is punishable as a crime. The bill also provides that a person commits a traffic infraction if that person displays or possesses a suspended driver's license or identification card when operation of the motor vehicle by that person is punishable as a traffic infraction.

The bill further adds a cross-reference to clarify what is intended by the conduct of "operating while license suspended." The conduct is as described in the Maine Revised Statutes, Title 29-A, section 2412-A, subsection 1-A, paragraph A. The bill also clarifies which prohibited acts are strict liability crimes.

Committee Amendment "A" (H-617)

This amendment strikes from the bill language regarding the suspension of an identification card, as it is not suspended like a driver's license. The amendment also gives a law enforcement officer the authority to have towed a motor vehicle of a person who is issued a summons for a traffic infraction operating after suspension.

Enacted Law Summary

Public Law 2009, chapter 493 amends the offense of possessing or displaying a suspended license by creating a two-tier violation, a crime and a traffic infraction, which parallels the changes made to the operating after suspension statute by Public Law 2009, chapter 297. Public Law 2009, chapter 493 provides that a person commits a Class E crime if that person displays or possesses a suspended driver's license when operation of the motor vehicle by that person is punishable as a crime. Public Law 2009, chapter 493 further provides that a person commits a traffic infraction if that person displays or possesses a suspended driver's license when operation of the motor vehicle by that person is punishable as a traffic infraction. Public Law 2009, chapter 493 also gives a law enforcement officer the authority to have towed a motor vehicle of a person who is issued a summons for a traffic infraction operating after suspension.

Public Law 2009, chapter 493 also adds a cross-reference to clarify what is intended by the conduct of "operating while license suspended." The conduct is as described in the Maine Revised Statutes, Title 29-A, section 2412-A, subsection 1-A, paragraph A.

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LD 1700 An Act Concerning Statewide Communications Interoperability

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BLISS	ONTP MAJ OTP-AM MIN	H-775

This bill requires that the Department of Administrative and Financial Services, Office of Information Technology ensure that, in meeting the purposes set forth in the law establishing the Statewide Radio and Network System Reserve Fund, the ability of state agencies and agencies of county and local government to communicate with one another is in no way diminished, and the counties and local units of government are not required to replace or upgrade their equipment at their own expense solely in order to maintain their ability to communicate with state agencies. The bill also requires that a portion of the Statewide Radio and Network System Reserve Fund, which is financing the statewide radio and network system used by state agencies, is used to reimburse county and local governments for the purchase of radio equipment necessary for them to communicate on the new network.

Committee Amendment "A" (H-775)

This amendment, which is the minority report, removes the requirement for the Statewide Radio and Network System Reserve Fund to reimburse counties and local units of government for purchasing radio equipment necessary for counties and local units of government to communicate on the new statewide radio and network system. It requires the Department of Administrative and Financial Services, Office of Information Technology to ensure that the ability of county and local governments to communicate with state agencies is enhanced whenever possible and is not significantly diminished under the new statewide radio and network system.

LD 1703 Resolve, To Implement the Recommendations of the Juvenile Justice Task Force

**RESOLVE 204
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL GERZOFISKY	OTP-AM	H-708 S-498 GERZOFISKY

This emergency resolve implements the recommendations of the Juvenile Justice Task Force. The resolve includes directives to the Departments of Corrections, Education, Health and Human Services and Labor to develop a statewide coordinated services district system by June 1, 2010. The system will be responsible for coordinating and implementing service delivery initiatives for the purpose of increasing high school graduation rates, reducing the number of youth in the juvenile justice system, reducing child abuse and neglect and increasing employment opportunities for youth. The resolve also directs the system to work with the Children's Cabinet.

The resolve directs that by December 1, 2010, the Department of Corrections shall design and implement two demonstration projects that use a capitated funding model to provide services for youth who are in the juvenile justice system. The specific goals for the demonstration projects are to increase school completion and reduce the use of detention and incarceration. The demonstration projects shall include access to a full array of in-home and out-of-home placements and substance abuse and mental health services. The demonstration projects shall work with the coordinated services district system developed under Section 1 and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The demonstration projects must be

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funded with existing resources.

The resolve directs the Departments of Corrections and Health and Human Services to develop a plan that will detail a statewide system for in-home and out-of-home placements for youth in the juvenile justice system by June 1, 2010. The plan must include funding options for emergency shelter placements, foster home placements and residential placements.

The resolve directs that by June 1, 2010 the Departments of Corrections, Health and Human Services and Education develop a plan that identifies an ongoing mechanism for providing flexible funding for youth who are served by multiple state agencies. The plan must include resources from public, private and nonprofit sectors.

The resolve requires that the Department of Corrections report progress on these cooperative initiatives to the joint standing committee of the Legislature having jurisdiction over juvenile justice matters by January 15, 2011 and gives that committee authority to introduce suggested legislation to implement the recommendations to the 125th Legislature.

Committee Amendment "A" (H-708)

This amendment strikes from the resolve language directing the Department of Corrections to design and implement two demonstration projects. The amendment adds language to the resolve directing the Department of Corrections, in cooperation with the Department of Health and Human Services, the Department of Education and the Department of Labor, to work with the coordinated services district system and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The amendment also specifies that the coordinated services district system must be funded with existing resources.

The amendment also changes some dates for development in order to provide adequate time for completion of the necessary work.

House Amendment "A" To Committee Amendment "A" (H-773)

This amendment changes reporting dates and provides a deadline of April 30, 2011 for the committee of jurisdiction to submit a bill to the 125th Legislature. This amendment was not adopted.

Senate Amendment "A" (S-498)

This amendment removes language that requires the Department of Corrections to include with its progress report proposed legislation necessary to implement the initiatives. It also removes language that provides the joint standing committee of the Legislature having jurisdiction over juvenile justice issues authority to introduce legislation to the 125th Legislature based on the department's report.

Enacted Law Summary

Resolve 2009, chapter 204 implements recommendations of the Juvenile Justice Task Force. The resolve includes directives to the Departments of Corrections, Education, Health and Human Services and Labor to develop a statewide coordinated services district system. The system will be responsible for coordinating and implementing service delivery initiatives for the purpose of increasing high school graduation rates, reducing the number of youth in the juvenile justice system, reducing child abuse and neglect and increasing employment opportunities for youth. The resolve also directs the system to work with the Children's Cabinet.

Resolve 2009, chapter 204 directs the Department of Corrections, in cooperation with the Department of Health and Human Services, the Department of Education and the Department of Labor, to work with the coordinated services district system and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The coordinated services district system must be funded with existing resources.

Resolve 2009, chapter 204 directs the Departments of Corrections and Health and Human Services to develop a plan that will detail a statewide system for in-home and out-of-home placements for youth in the juvenile justice system

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by September 1, 2010. The plan must include funding options for emergency shelter placements, foster home placements and residential placements.

Resolve 2009, chapter 204 directs that by January 15, 2011 the Departments of Corrections, Health and Human Services and Education develop a plan that identifies an ongoing mechanism for providing flexible funding for youth who are served by multiple state agencies. The plan must include resources from public, private and nonprofit sectors.

Resolve 2009, chapter 204 also requires that the Department of Corrections report progress on these cooperative initiatives to the joint standing committee of the Legislature having jurisdiction over juvenile justice matters by January 15, 2011.

Resolve 2009, chapter 204 was finally passed as an emergency measure effective April 7, 2010.

LD 1737 An Act To Clarify Safety Requirements in Acadia National Park

PUBLIC 607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP-AM MIN	S-424 S-459 RAYE

The federal Credit Card Accountability Responsibility and Disclosure Act of 2009, Public Law 111-24, Section 512 repealed a federal ban on firearms in national parks, effective February 22, 2010. The federal law prohibits the Department of Interior from adopting or enforcing rules that prohibit people from possessing firearms in national parks and wildlife refuges, as long as the person is in compliance with state law. Unless the State prohibits possession in the national parks and wildlife refuges, people can carry firearms in those places.

This bill proposes to maintain the prohibition of possession of firearms in national parks by prohibiting possession of a firearm in any unit of the United States National Park System in Maine, except: within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by State or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties.

This bill's intent is to promote public safety and the preservation of wildlife by maintaining consistency with the prior prohibition against possession of firearms in national parks, with exceptions noted above, which are like the exceptions in some of Maine's state parks. In some of Maine's state parks hunting is permitted at certain times; at some firearms are prohibited at all times.

Committee Amendment "B" (S-425)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and amends the bill to apply only to Acadia National Park. The amendment prohibits possession of firearms in Acadia National Park except within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by state or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties. Under this amendment, violation of this prohibition is a Class E crime.

This amendment was not adopted.

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Committee Amendment "A" (S-424)

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and amends the bill to apply only to Acadia National Park. In addition to the exceptions to the prohibition for possession of a firearm provided in the bill, the amendment authorizes possession of a firearm when the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B who possesses photographic identification; when the firearm is a concealed firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C who possesses photographic identification; or when the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in the Maine Revised Statutes, Title 25, chapter 252. This amendment also establishes penalties for violations, including a Class D crime for illegal possession of a concealed firearm, a Class E crime for illegal possession of a firearm, and a civil violation for failure to have proper identification or permit while carrying a concealed firearm.

Senate Amendment "A" To Committee Amendment "A" (S-459)

This amendment clarifies the violation provisions in Committee Amendment "A" as they pertain to concealed weapons and weapons that are not concealed.

Enacted Law Summary

The federal Credit Card Accountability Responsibility and Disclosure Act of 2009, Public Law 111-24, Section 512 repealed a federal ban on firearms in national parks, effective February 22, 2010. The federal law prohibits the Department of Interior from adopting or enforcing rules that prohibit people from possessing firearms in national parks and wildlife refuges, as long as the person is in compliance with state law. Public Law 2009, chapter 607 maintains the prohibitions of possession of firearms in national parks by prohibiting possession of a firearm in any unit of the United States National Park System in Maine, except: within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by State or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties.

Public Law 2009, chapter 607 also adds additional exceptions to the prohibition for possession of a firearm in Acadia National Park. Specifically, it authorizes possession of a firearm when the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B who possesses photographic identification; when the firearm is a concealed firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C who possesses photographic identification; or when the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in the Maine Revised Statutes, Title 25, chapter 252.

LD 1740 Resolve, Regarding Legislative Review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a Major Substantive Rule of the State Board of Corrections

**RESOLVE 165
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a major substantive rule of the State Board of Corrections. The rule establishes the process and standards used by the Board of Corrections to determine the use of state correctional facilities and county jails including if a

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state correctional facility or county jail should be assigned a new service responsibility, downsized or closed.

Enacted Law Summary

Resolve 2009, chapter 165 provides for legislative review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a major substantive rule of the State Board of Corrections. The rule establishes the process and standards used by the Board of Corrections to determine the use of state correctional facilities and county jails including if a state correctional facility or county jail should be assigned a new service responsibility, downsized or closed.

Resolve 2009, chapter 165 was finally passed as an emergency measure effective March 22, 2010.

LD 1745 An Act To Amend the Laws Governing County Jail Budgeting for York County

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-461

This bill provides that the county commissioners of York County may use revenue generated from boarding prisoners in the county jail in York County for any county expense. It requires the county commissioners to use money from the budget of the county jail in York County to pay the cost of payroll expenses for administrative services that are properly allocated to the county jail in York County. It requires the county commissioners of York County to pay the cost of debt service for the county jail in York County from the budget of the county jail in York County.

Committee Amendment "A" (S-461)

This amendment replaces the bill. It amends the tax assessment that can be collected annually by counties for the provision of correctional services, excluding debt service, so that York County's cap is reduced by \$280,433. The lease-purchase arrangement for the heating, ventilating and air conditioning system that amounts to \$280,433 a year is determined as debt rather than correctional expenditures and moved outside of the cap. The changes take effect on July 1, 2010 to coincide with the fiscal year. The amendment adds an emergency preamble and emergency clause.

This amendment was never removed from the Special Appropriations Table and died on adjournment.

Senate Amendment "A" To Committee Amendment "A" (S-548)

This amendment removes the emergency preamble and emergency clause. This amendment was never introduced.

LD 1766 Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections

**RESOLVE 170
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

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This resolve provides for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The updated rule makes technical changes to the Batterer Intervention Program Certification.

Enacted Law Summary

Resolve 2009, chapter 170 provides for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The updated rule makes technical changes to the Batterer Intervention Program Certification.

Resolve 2009, chapter 170 was finally passed as an emergency measure effective March 24, 2010.

LD 1777 An Act To Display the Homeland Security Advisory System at Public Transportation Facilities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON NUTTING J	ONTP	

This bill requires the posting of information about the federal Homeland Security Advisory System and its color-coded threat conditions in publicly accessible locations in public transportation facilities.

LD 1789 An Act Containing the Recommendations of the Criminal Law Advisory Commission PUBLIC 608

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-742

This bill amends the Maine Juvenile Code to specify that restitution for juvenile offenders is the same as restitution for adult offenders under the Maine Revised Statutes, Title 17-A, chapter 54, except that section 1329, the restitution default provision, does not apply to juvenile offenders. Although section 1329 does not apply to juvenile offenders, enforcement of a restitution order imposed in a juvenile case is available pursuant to Title 15, section 3314, subsection 7, enforcement of a dispositional order.

The bill amends the Maine Juvenile Code to provide the court the authority to employ upon any default in payment of a fine or restitution the levying of execution or the taking of other measures authorized for the collection of unpaid civil judgments to collect the unpaid fine or restitution. A levy of execution does not affect confinement ordered as a punitive sanction and does not discharge a juvenile confined as a remedial sanction until the full amount of the fine or restitution has been paid. The amendment is modeled on Title 17-A, section 1304, subsection 4 and Title 17-A, section 1329, subsection 4.

The bill amends laws regarding dissemination of sexually explicit material and possession of sexually explicit material by clarifying that the age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of dissemination or possession of the sexually explicit visual image or material.

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The bill clarifies the law regarding the offense of aiding escape by striking the term "contraband" from the offense and replacing that term with the relevant portion of the current definition of "contraband." The bill deletes from the law regarding the offense of trafficking in prison contraband the current reference to the definition of "contraband" in Title 17-A, section 756 and defines "contraband" in Title 17-A, section 757, subsection 2 using the relevant portion that is repealed in Title 17-A, section 756, subsection 2.

The bill enacts Title 17-A, section 1177 in chapter 48 of the Maine Criminal Code addressing victims' rights to provide notice to victims of the existence of Title 16, sections 53A, 53B and 53C, to clarify that certain communications by victims to sexual assault counselors, victim advocates, victim witness advocates or victim witness coordinators are privileged from disclosure.

The bill specifies that, in the context of dissemination of sexually explicit material, and possession of sexually explicit material for purposes of determining a period of probation, it is not the age of the person depicted at the time of the alleged dissemination or possession of the sexually explicit visual image or material that the State must plead and prove, but rather the age of the victim at the time the sexually explicit conduct occurred.

The bill clarifies that if a court orders as a condition of probation that the convicted person forfeit and pay a specific amount of restitution, that order, as a matter of law, also constitutes the imposition of restitution as a sentencing alternative and no additional stand-alone order in this regard is necessary.

The bill gives the court where a warrant of arrest is executed the same authority to conduct the default hearing as the court located where the warrant is issued. The court where a warrant of arrest is executed may exercise its discretion as to whether to hold the hearing or instead return the offender to the issuing court for that purpose.

The bill clarifies the statutes concerning default by adding a reference to Title 17-A, chapter 54-C following the reference to "community service work."

The bill amends the provision regarding time and method of restitution to reflect the new Title 17-A, section 1326-F, which addresses restitution deducted from judgment in civil action, and Title 17-A, section 1329, which addresses what happens when a defendant defaults in payment of restitution. The changes comprehensively address any offender who has completed any term of commitment to the Department of Corrections or any period of probation and still has not paid the restitution ordered by the court in full.

The bill amends the provision regarding income withholding orders to expressly allow probation officers to apply for income withholding orders when an offender owing restitution receives a sentence that includes a period of probation, making this provision consistent with the recent amendment to Title 17-A, section 1326-A, which leaves to the Department of Corrections the determination for probationers of the time and method of restitution payment.

The bill enacts a new section that comprehensively addresses the situation in which an offender who has completed the term of commitment to the Department of Corrections or the period of probation still has not paid the restitution ordered by the court in full. It provides notice to former Department of Corrections' clients still owing restitution that the duty to pay remains; requires that monetary compensation continue to be paid to the Department of Corrections; and requires that, unless otherwise modified by the court, the time and method of payment determined by the Department of Corrections during the former term of commitment or period of probation continues to control.

The bill amends the statutes concerning default to ensure that restitution payments are made to the same agency to which the restitution was required to be paid under Title 17-A, section 1326-A or 1326-F.

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Committee Amendment "A" (H-742)

This amendment includes by reference to the Maine Revised Statutes, Title 16, section 53-B, subsection 3 and section 53-C, subsection 3 certain exceptions to disclosure privileges in a provision of the bill making certain communications made by victims privileged from disclosure. This amendment also clarifies the duties of the Department of Corrections in regard to overseeing payment of restitution by offenders who are no longer incarcerated or on probation.

Enacted Law Summary

Public Law 2009, chapter 608 implements recommendations from the Criminal Law Advisory Commission. Public Law 2009, chapter 608 amends the Maine Juvenile Code to specify that restitution for juvenile offenders is the same as restitution for adult offenders under the Maine Revised Statutes, Title 17-A, chapter 54, except that section 1329, the restitution default provision, does not apply to juvenile offenders. Although section 1329 does not apply to juvenile offenders, enforcement of a restitution order imposed in a juvenile case is available pursuant to Title 15, section 3314, subsection 7, enforcement of a dispositional order.

Public Law 2009, chapter 608 amends the Maine Juvenile Code to provide the court the authority to employ upon any default in payment of a fine or restitution the levying of execution or the taking of other measures authorized for the collection of unpaid civil judgments to collect the unpaid fine or restitution. A levy of execution does not affect confinement ordered as a punitive sanction and does not discharge a juvenile confined as a remedial sanction until the full amount of the fine or restitution has been paid.

Public Law 2009, chapter 608 amends laws regarding dissemination of sexually explicit material and possession of sexually explicit material by clarifying that the age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of dissemination or possession of the sexually explicit visual image or material.

Public Law 2009, chapter 608 clarifies the law regarding the offense of aiding escape by striking the term "contraband" from the offense and replacing that term with the relevant portion of the current definition of "contraband." The bill deletes from the law regarding the offense of trafficking in prison contraband the current reference to the definition of "contraband" in Title 17-A, section 756 and defines "contraband" in Title 17-A, section 757, subsection 2 using the relevant portion that is repealed in Title 17-A, section 756, subsection 2.

Public Law 2009, chapter 608 enacts Title 17-A, section 1177 in chapter 48 of the Maine Criminal Code addressing victims' rights to provide notice to victims of the existence of Title 16, sections 53A, 53B and 53C, to clarify that certain communications by victims to sexual assault counselors, victim advocates, victim witness advocates or victim witness coordinators are privileged from disclosure.

Public Law 2009, chapter 608 specifies that, in the context of dissemination of sexually explicit material, and possession of sexually explicit material for purposes of determining a period of probation, it is not the age of the person depicted at the time of the alleged dissemination or possession of the sexually explicit visual image or material that the State must plead and prove, but rather the age of the victim at the time the sexually explicit conduct occurred.

Public Law 2009, chapter 608 clarifies that if a court orders as a condition of probation that the convicted person forfeit and pay a specific amount of restitution, that order, as a matter of law, also constitutes the imposition of restitution as a sentencing alternative and no additional stand-alone order in this regard is necessary.

Public Law 2009, chapter 608 gives the court where a warrant of arrest is executed the same authority to

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conduct the default hearing as the court located where the warrant is issued. The court where a warrant of arrest is executed may exercise its discretion as to whether to hold the hearing or instead return the offender to the issuing court for that purpose.

Public Law 2009, chapter 608 clarifies the statutes concerning default by adding a reference to Title 17-A, chapter 54-C following the reference to "community service work."

Public Law 2009, chapter 608 amends the provision regarding time and method of restitution to reflect the new Title 17-A, section 1326-F, which addresses restitution deducted from judgment in civil action, and Title 17-A, section 1329, which addresses what happens when a defendant defaults in payment of restitution. The changes comprehensively address any offender who has completed any term of commitment to the Department of Corrections or any period of probation and still has not paid the restitution ordered by the court in full.

Public Law 2009, chapter 608 amends the provision regarding income withholding orders to expressly allow probation officers to apply for income withholding orders when an offender owing restitution receives a sentence that includes a period of probation, making this provision consistent with the recent amendment to Title 17-A, section 1326-A, which leaves to the Department of Corrections the determination for probationers of the time and method of restitution payment.

Public Law 2009, chapter 608 enacts a new section that comprehensively addresses the situation in which an offender who has completed the term of commitment to the Department of Corrections or the period of probation still has not paid the restitution ordered by the court in full. It provides notice to former Department of Corrections' clients still owing restitution that the duty to pay remains; requires that monetary compensation continue to be paid to the Department of Corrections; and requires that, unless otherwise modified by the court, the time and method of payment determined by the Department of Corrections during the former term of commitment or period of probation continues to control.

Public Law 2009, chapter 608 amends the statutes concerning default to ensure that restitution payments are made to the same agency to which the restitution was required to be paid under Title 17-A, section 1326-A or 1326-F, except that if the offender is no longer in the custody or under the supervision of the Department of Corrections, the payments must be made to the office of the attorney for the State who prosecuted the case or the clerk of court.

LD 1817 An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

This bill implements the recommendations of the working group concerning domestic violence and firearms established under Resolve 2009, chapter 86.

Specifically, the bill authorizes a law enforcement officer to seize firearms from a person upon arrest for certain crimes of domestic violence, including: murder; assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members; domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct; violating a court-ordered consent agreement or protection from abuse order or aggravated assault on a family or

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household member. A person subject to firearm seizure pursuant to this authority is subject to a new bail condition established in the Maine Revised Statutes, Title 15, section 1023, subsection 4-A. The new provision requires, as a condition of bail, that all firearms in the possession of the person arrested be relinquished to a law enforcement officer and that the person refrain from possessing a firearm or other specified dangerous weapons until further order of a court. Upon request of the defendant, such a bail condition must be heard by the court as expeditiously as possible.

The bill also amends Title 25, section 2803-B to expand policies for domestic violence by specifying that all law enforcement agencies adopt a written policy for the seizure of firearms and safe storage of firearms seized by a law enforcement officer in a domestic violence arrest.

The bill was not referred to committee.

LD 1822 An Act To Further Amend the Sex Offender Registration and Notification Act of 1999

**PUBLIC 570
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

On December 22, 2009, the Maine Law Court issued its decision in *State v. Letalien*, 2009 ME 130. The Law Court held that "the retroactive application of the lifetime registration requirement and quarterly in-person verification procedures of SORNA of 1999 to offenders originally sentenced subject to SORA of 1991 and SORNA of 1995, without, at a minimum, affording those offenders any opportunity to ever be relieved of the duty as was permitted under those laws, is ... an unconstitutional ex post facto law...." The Law Court stayed the mandate of the decision until March 31, 2010 in order to provide the Legislature the opportunity to deal with the issue. This bill of the Joint Standing Committee on Criminal Justice and Public Safety responds to the constitutional concern raised in *Letalien* in two ways.

First, it amends the in-person verification provisions to conform with those of Alaska that were found constitutional by the United States Supreme Court in *Smith v. Doe*, 538 U.S. 84 (2003). Maine's ex post facto clause is interpreted consistently with the United States Constitution, so this bill provides for verification for persons retroactively required to register as lifetime registrants that is consistent with the Alaska law found constitutional in *Smith v. Doe*. In particular, the bill amends the verification of registry information for persons sentenced on or after January 1, 1982 and prior to September 18, 1999. For 10-year registrants sentenced during that time period, the Department of Public Safety, State Bureau of Identification shall verify the registration information in writing as provided by the bureau on each anniversary of the registrant's initial registration date and once every five years in person. For lifetime registrants sentenced in that time period, the bureau shall verify the registration information in writing as provided by the bureau every 90 days after that lifetime registrant's initial registration date and once every five years in person. The bill also provides that if there is a reason to believe the offender's appearance has changed significantly, the law enforcement agency or the bureau may instruct the offender in writing to appear in person at the registration agency with a current photograph or to allow a photograph to be taken or, if authorized in writing by the law enforcement agency or the bureau, to submit a new photograph without appearing in person.

Second, the bill expands the provisions to allow certain registrants to be relieved of their duty to register on application and proof of legislatively established factors. An additional waiver scheme that authorized registrants to petition the court for relief from the duty to register was not included in the bill at this juncture due to a substantial fiscal note from the judicial branch, but may be considered again in the next legislative session.

Specifically, the bill expands the existing exception that was enacted pursuant to Public Law 2009, chapter 365 to

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allow the opportunity for additional registrants to provide documentation to the State Bureau of Identification to determine if they qualify for relief from the duty to register. First, it allows persons sentenced in Maine on or after June 30, 1992 and prior to September 18, 1999 who were finally discharged from the correctional system at least 10 years prior to applying for relief and who meet the other existing factors of the Maine Revised Statutes, Title 34-A, section 11202-A to apply. Second, it allows persons sentenced in Maine on or after September 18, 1999 and prior to July 30, 2004 for a violation of former Title 17-A, section 252 who were finally discharged at least 10 years prior to applying for relief and who meet the other existing factors of Title 34-A, section 11202-A to apply. The former crime of rape was added to the list of registerable offenses pursuant to Public Law 2003, chapter 711, so people convicted of rape prior to that law, which became effective on July 30, 2004, were also retroactively made lifetime registrants. Finally, it allows persons sentenced in another jurisdiction who were finally discharged from the correctional system at least 10 years prior to applying for relief, who have been in full compliance with the registration duties as a resident required under Title 34-A, section 11202-A, subsection 2 since September 12, 2009 and who meet the other existing criteria of Title 34-A, section 11202-A to apply. The intent of the amendments to Title 34-A, section 11202-A is to make the relief process available to Maine residents with out-of-state convictions, but not to encourage convicted offenders to move to Maine solely to evade registration requirements in their home states or in Maine. Accordingly, the legislation sets a date of September 12, 2009, the original effective date of this statutory exception, as the deadline by which persons with out-of-state convictions that require registration must be residents in compliance with Maine's Sex Offender Registration and Notification Act of 1999 in order to qualify. This reduces the likelihood that persons will move to Maine primarily to take advantage of the exception. It also reduces the likelihood of factual disputes over residency status, as the determination depends on registration and verification paperwork that the registrant must already have filed with the State Bureau of Identification as part of the registration and verification process, and in which the registrant would have identified his or her own status. It decreases the burden on both the State Bureau of Identification and the applicant regarding obtaining documentation to establish residency for the purposes of the exception. Finally, it significantly reduces the likelihood of applicants fabricating evidence of residency for the purposes of the exception.

The bill also changes the calculation of the 10-year registrant start times in Title 34-A, section 11225-A to make consistent the calculation of the 10-year registration period imposed retroactively for 10-year registrants sentenced January 1, 1982 to June 30, 1992 with that for 10-year registrants sentenced June 30, 1992 to September 17, 1999.

Enacted Law Summary

On December 22, 2009, the Maine Law Court issued its decision in *State v. Letalien*, 2009 ME 130. The Law Court held that "the retroactive application of the lifetime registration requirement and quarterly in-person verification procedures of SORNA of 1999 to offenders originally sentenced subject to SORA of 1991 and SORNA of 1995, without, at a minimum, affording those offenders any opportunity to ever be relieved of the duty as was permitted under those laws, is ... an unconstitutional ex post facto law...." The Law Court stayed the mandate of the decision until March 31, 2010 in order to provide the Legislature the opportunity to deal with the issue. Public Law 2009, chapter 570 responds to the constitutional concern raised in *Letalien* in two ways.

First, it amends the in-person verification provisions to conform with those of Alaska that were found constitutional by the United States Supreme Court in *Smith v. Doe*, 538 U.S. 84 (2003). Maine's ex post facto clause is interpreted consistently with the United States Constitution, so this bill provides for verification for persons retroactively required to register as lifetime registrants that is consistent with the Alaska law found constitutional in *Smith v. Doe*. In particular, the bill amends the verification of registry information for persons sentenced on or after January 1, 1982 and prior to September 18, 1999. For 10-year registrants sentenced during that time period, the Department of Public Safety, State Bureau of Identification shall verify the registration information in writing as provided by the bureau on each anniversary of the registrant's initial registration date and once every five years in person. For lifetime registrants sentenced in that time period, the bureau shall verify the registration information in writing as provided by the bureau every 90 days after that lifetime registrant's initial registration date and once every five years in person. Public Law 2009, chapter 570 also provides that if there is a reason to believe the offender's appearance has changed significantly, the law enforcement agency or the bureau may instruct the offender in writing to appear in person at the registration agency with a current photograph or to allow a photograph to be taken or, if authorized

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in writing by the law enforcement agency or the bureau, to submit a new photograph without appearing in person.

Second, the Public Law 2009, chapter 570 expands the provisions to allow certain registrants to be relieved of their duty to register on application and proof of legislatively established factors. An additional waiver scheme that authorized registrants to petition the court for relief from the duty to register was not included in the bill at this juncture due to a substantial fiscal note from the judicial branch, but may be considered again in the next legislative session.

Specifically, Public Law 2009, chapter 570 expands the existing exception that was enacted pursuant to Public Law 2009, chapter 365 to allow the opportunity for additional registrants to provide documentation to the State Bureau of Identification to determine if they qualify for relief from the duty to register. First, it allows persons sentenced in Maine on or after June 30, 1992 and prior to September 18, 1999 who were finally discharged from the correctional system at least 10 years prior to applying for relief and who meet the other existing factors of the Maine Revised Statutes, Title 34-A, section 11202-A to apply. Second, it allows persons sentenced in Maine on or after September 18, 1999 and prior to July 30, 2004 for a violation of former Title 17-A, section 252 who were finally discharged at least 10 years prior to applying for relief and who meet the other existing factors of Title 34-A, section 11202-A to apply. The former crime of rape was added to the list of registerable offenses pursuant to Public Law 2003, chapter 711, so people convicted of rape prior to that law, which became effective on July 30, 2004, were also retroactively made lifetime registrants. Finally, it allows persons sentenced in another jurisdiction who were finally discharged from the correctional system at least 10 years prior to applying for relief, who have been in full compliance with the registration duties as a resident required under Title 34-A, section 11202-A, subsection 2 since September 12, 2009 and who meet the other existing criteria of Title 34-A, section 11202-A to apply. The intent of the amendments to Title 34-A, section 11202-A is to make the relief process available to Maine residents with out-of-state convictions, but not to encourage convicted offenders to move to Maine solely to evade registration requirements in their home states or in Maine. Accordingly, the legislation sets a date of September 12, 2009, the original effective date of this statutory exception, as the deadline by which persons with out-of-state convictions that require registration must be residents in compliance with Maine's Sex Offender Registration and Notification Act of 1999 in order to qualify. This reduces the likelihood that persons will move to Maine primarily to take advantage of the exception. It also reduces the likelihood of factual disputes over residency status, as the determination depends on registration and verification paperwork that the registrant must already have filed with the State Bureau of Identification as part of the registration and verification process, and in which the registrant would have identified his or her own status. It decreases the burden on both the State Bureau of Identification and the applicant regarding obtaining documentation to establish residency for the purposes of the exception. Finally, it significantly reduces the likelihood of applicants fabricating evidence of residency for the purposes of the exception.

Public Law 2009, chapter 570 also changes the calculation of the 10-year registrant start times in Title 34-A, section 11225-A to make consistent the calculation of the 10-year registration period imposed retroactively for 10-year registrants sentenced January 1, 1982 to June 30, 1992 with that for 10-year registrants sentenced June 30, 1992 to September 17, 1999.

Public Law 2009, chapter 570 was enacted as an emergency measure effective March 30, 2010.

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SUBJECT INDEX

Criminal Law

Enacted

LD 1588 An Act To Change the Penalties for Writing Bad Checks PUBLIC 495

Not Enacted

LD 791 An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs DIED ON ADJOURNMENT

Criminal Procedure/Bail/Sentencing

Enacted

LD 1789 An Act Containing the Recommendations of the Criminal Law Advisory Commission PUBLIC 608

Domestic Violence

Not Enacted

LD 1817 An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms INDEF PP

Juveniles

Enacted

LD 1703 Resolve, To Implement the Recommendations of the Juvenile Justice Task Force RESOLVE 204 EMERGENCY

Maine Emergency Management Agency

Enacted

LD 1531 An Act To Update Laws Regulating the Maine Emergency Management Agency PUBLIC 479

Not Enacted

LD 1777 An Act To Display the Homeland Security Advisory System at Public Transportation Facilities ONTP

OUI/OAS/Other MV Violations

Enacted

LD 1609	An Act To Expand the Use of Ignition Interlock Devices	PUBLIC 482
LD 1612	An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card	PUBLIC 493

Public Safety/Fire Safety/Emergency Communications

Enacted

LD 1497	An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors	PUBLIC 551 EMERGENCY
LD 1610	An Act To Establish the Silver Alert Program	PUBLIC 583

Not Enacted

LD 1139	An Act To Require Internet Service Providers To Retain Records	ONTP
LD 1590	An Act To Update and Clarify Polygraph Examiner and Private Investigator Licensing Laws Administered by the Department of Public Safety	ONTP
LD 1700	An Act Concerning Statewide Communications Interoperability	DIED BETWEEN HOUSES

Sex Offender Registration and Notification

Enacted

LD 1822	An Act To Further Amend the Sex Offender Registration and Notification Act of 1999	PUBLIC 570 EMERGENCY
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Not Enacted

LD 568	An Act To Amend the Sex Offender Registration Laws	ONTP
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State and County Corrections & State Board of Corrections

Enacted

LD 1576	An Act To Improve the Ability of the Commissioner of Corrections To Respond in Special Situations	PUBLIC 498
LD 1611	Resolve, Directing the Department of Corrections To Coordinate Review of Due Process Procedures and To Ensure Transparency in Policies Regarding the Placement of Special Management Prisoners	RESOLVE 213
LD 1740	Resolve, Regarding Legislative Review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a Major Substantive Rule of the State Board of Corrections	RESOLVE 165 EMERGENCY

LD 1766	Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections	RESOLVE 170 EMERGENCY
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Not Enacted

LD 1583	An Act To Improve the Delivery of Community Corrections Services	DIED ON ADJOURNMENT
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LD 1745	An Act To Amend the Laws Governing County Jail Budgeting for York County	DIED ON ADJOURNMENT
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Weapons/Firearms/Concealed Firearms Permits

Enacted

LD 1522	An Act To Streamline the Renewal Process for a Permit To Carry a Firearm	PUBLIC 503
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LD 1737	An Act To Clarify Safety Requirements in Acadia National Park	PUBLIC 607
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