

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

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

July 2007

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# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Criminal Justice and Public Safety

## LD 122 An Act To Amend the Authority of a Motor Vehicle Investigator

PUBLIC 12

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

Currently, motor vehicle inspectors of the Office of the Secretary of State have statutory authority to enforce only motor vehicle violations under Title 29-A. This bill provides that motor vehicle inspectors have statutory authority to enforce all provisions of Title 29-A, Title 17-A and all the other laws of the State, like a sheriff's powers in a county.

### Enacted Law Summary

Public Law 2007, chapter 12 provides that motor vehicle inspectors have statutory authority to enforce all provisions of Title 29-A, Title 17-A and all the other laws of the State, like a sheriff's powers in a county.

## LD 146 An Act To Enhance Self-defense

ONTP

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

Section 1 of the bill amends Title 12 by repealing the prohibition on having a loaded firearm or crossbow in a motor vehicle for a person other than a holder of a concealed weapons permit.

Sections 2 and 3 of the bill repeal the provision of law that suspends the license of a private investigator for 5 years if that private investigator is convicted of possession of a firearm in an establishment licensed for the on-premises consumption of liquor.

Section 4 of the bill amends the sentencing laws by increasing by 10 years the maximum allowable sentence of a person convicted of aggravated assault, elevated aggravated assault and elevated aggravated assault on a pregnant person if a firearm, slungshot, knuckles, bowie knife, dirk or stiletto was used in the offense.

Sections 5 and 6 of the bill repeal the prohibition on concealing a dangerous weapon except by a person who has a concealed weapons permit.

Section 7 of the bill repeals all exceptions to the law prohibiting the carrying of a concealed dangerous weapon.

Sections 8 and 9 of the bill repeal the requirement that a holder of a concealed weapons permit possess the permit in person while carrying a concealed weapon.

## LD 147 An Act To Require as a Condition of Probation for Sex Offenders the Approval of a Residence by a Probation Officer

ONTP

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

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

This bill imposes a mandatory condition of probation for a person convicted of a sex offense who is required to be registered on the sex offender registry that the person reside only in a residence approved by the probation officer.

**LD 148      *Resolve, Directing the Department of Public Safety and the Attorney  
General To Review Other States' Concealed Weapon Reciprocity  
Agreements and Actively Seek Reciprocity Where Appropriate***

**RESOLVE 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA HASTINGS	OTP-AM	H-478

Current law allows the Chief of the State Police to enter into reciprocity agreements with 2 other states regarding the recognition of permits to carry a concealed firearm. Reciprocity may be granted with another state if the other state that issued the permit to carry has substantially equivalent or stricter requirements for the issuance of a permit and the other state observes the same rules of reciprocity.

This bill allows a person from another state to carry a concealed firearm in Maine if that person has a permit to carry a concealed firearm issued by a state that grants reciprocity to concealed firearm permits issued by Maine or if that person's state requires no permit to carry a concealed firearm.

**Committee Amendment "A" (H-478)**

This amendment replaces the bill and creates a resolve that directs the Commissioner of Public Safety to work in cooperation with the Attorney General to conduct a comprehensive review of other states' concealed weapon laws for the purpose of identifying and seeking other states with whom this State may enter into concealed weapon reciprocity agreements. The Commissioner of Public Safety shall report findings and progress to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 1, 2008. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may submit necessary implementing legislation to the Second Regular Session of the 123rd Legislature.

**Enacted Law Summary**

Resolve 2007, chapter 84 directs the Commissioner of Public Safety to work in cooperation with the Attorney General to conduct a comprehensive review of other states' concealed weapon laws for the purpose of identifying and seeking other states with whom this State may enter into concealed weapon reciprocity agreements. The Commissioner of Public Safety shall report findings and progress to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 1, 2008. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may submit necessary implementing legislation to the Second Regular Session of the 123rd Legislature.

**LD 149      *An Act To Take into Account the Crime Committed That Facilitated a  
Sexual Assault***

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT		H-508

This bill amends the sentencing laws regarding terms of imprisonment by specifying that if the State pleads and proves that a Class B or C crime was committed with the intent to facilitate a sexual assault, and the person is convicted of both the offense that facilitated the sexual assault and the sexual assault, the sentencing class for the crime that facilitated the sexual assault is one class higher than it would otherwise be. The bill also specifies that if the State pleads and proves that a Class A, B or C crime was committed with the intent to facilitate a sexual assault,