

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JULY 2000

MEMBERS:

*Sen. Robert E. Murray, Jr., Chair
Sen. William B. O'Gara
Sen. Paul T. Davis*

*Rep. Edward J. Povich, Chair
Rep. Roger D. Frechette
Rep. Christopher T. Muse
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Rep. James H. Tobin, Jr.
Rep. Roger L. Sherman*

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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
ONT P..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	OTP-AM MAJ	
PINGREE	ONTP MIN	

LD 2484 proposed to prohibit the issuance of a concealed firearms permit to a person who has been the subject of a permanent protection from abuse order within 2 years of the date of the application.

Under current law, a person is prohibited from owning or possessing a firearm if that person is the subject of an order that restrains that person from harassing, stalking or threatening an intimate partner or child of that partner, except that this prohibition applies only to a court order issued after a hearing for which that person received notice and had a chance to participate and that includes a finding that the person represents a credible threat to the physical safety of the partner or child or the order explicitly prohibits the use or threat of physical force against the partner or child that would be expected to cause bodily injury.

Committee Amendment "A" (H-922) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to prohibit the issuance of a concealed firearms permit to a person who is the subject of a protective order and specify that the person cannot apply to receive a concealed firearms permit until at least 2 years after the person is no longer the subject of the protective order. As proposed, if a concealed firearms permit holder became the subject of a protective order, that person's permit would be revoked and that person could not reapply for a permit for at least 2 years after the person was no longer the subject of the protective order. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-958) proposed to allow a resident of another state who holds a permit to carry a concealed firearm or who otherwise has the legal right to carry a concealed firearm to carry a concealed firearm in this State without obtaining a permit in this State.

This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-960) proposed to remove from current law the requirement that a person obtain a permit to carry a concealed firearm. The amendment proposed that a person may carry a concealed firearm unless that person has been convicted of certain crimes or carries the firearm with the intent or declared purpose of injuring another person, except in self-defense, or with the intent or declared purpose of committing a crime, which is similar to Vermont law. This amendment proposed to retain the intent of Committee Amendment "A" by prohibiting a person who is the subject of a protective order from carrying a concealed weapon for at least 2 years after the person is no longer the subject of the protective order. This amendment also proposed to repeal the provision of law that declares possession of a loaded firearm on or within 10 feet of a paved way to be evidence of hunting.

This amendment was not adopted.

House Amendment "C" to Committee Amendment "A" (H-961) proposed to allow an applicant for a concealed firearms permit to appeal a denial of that permit to the Chief of the State Police. The amendment

proposed that the chief make a decision on the permit within 21 days of receipt of the appeal; otherwise, the permit must be granted. This amendment was not adopted.

House Amendment "D" to Committee Amendment "A" (H-974) proposed to provide that an application for a concealed firearms permit submitted by a person who obtains a protective order must be granted or denied within 3 business days. This amendment was not adopted.

House Amendment "E" to Committee Amendment "A" (H-985) proposed to retain the provisions of Committee Amendment "A" but require that Committee Amendment "A" apply only to a person who is the subject of a protective order that has been issued after there has been a finding that the person actually committed an act involving domestic abuse. This amendment was not adopted.

House Amendment "F" to Committee Amendment "A" (H-987) proposed to change Committee Amendment "A" in the following ways:

1. Mirror current law regarding the possession of a firearm to require the revocation of a concealed firearms permit or prohibit the person from applying for a concealed firearms permit if the person is the subject of a protective order that was issued after a hearing for which the person received actual notice and at which the person had the opportunity to participate and that:
 - A. Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or child; or
 - B. By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury; and
2. Allow a person who has been the subject of such a protective order to apply or reapply for a concealed firearms permit as soon as the protective order lapses. This amendment was not adopted.

House Amendment "G" to Committee Amendment "A" (H-1009), in addition to the provisions of Committee Amendment "A," proposed to allow a person who obtains a protective order to obtain a concealed firearms permit as long as that person:

1. Is at least 18 years of age;
2. Has not been convicted of a crime that is punishable by a year or more imprisonment;
3. Has not been convicted of a crime that involved use of a dangerous weapon or firearm against another person; or
4. Is not prohibited from obtaining a concealed firearms permit because the person is the subject of a protective order.

The amendment proposed that the issuing authority make a decision regarding the issuance of the permit within 48 hours of receipt of a written application, and, if the issuing authority failed to make a decision, the application would be granted. This amendment was not adopted.