

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice*

August 2001

Members:

*Sen. Michael J. McAlevey, Chair
Sen. William B. O'Gara
Sen. Paul T. Davis*

*Rep. Edward J. Povich, Chair
Rep. Michael W. Quint
Rep. Charles E. Mitchell
Rep. Lillian LaFontaine O'Brien
Rep. Patricia A. Blanchette
Rep. Stanley J. Gerzofsky
Rep. Judith B. Peavey
Rep. Edgar Wheeler
Rep. James H. Tobin, Jr.
Rep. Lois A. Snowe-Mello*

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Maine State Legislature
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120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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:

CARRIED OVER..... *Bill Carried Over to Second Regular Session*
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..... *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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

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2. Reduce the appropriation for the Thermal Imaging Camera Program to \$50,000. The program could receive funds from private sources. Under this amendment, loans would only be made to the extent funds are available; and
3. Add a fiscal note to the bill.

LD 260 as amended by Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment. However, Public Law 2001, chapter 439 enacted part of LD 260 that provides funds to establish the fund. (See Part BBBB.)

LD 267 **An Act to Repeal the Requirement That a Person Have a Permit for Concealed Firearms** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRACY DAVIS P	ONTP	

LD 267 proposed to repeal the requirement that a person obtain a permit prior to carrying a concealed firearm. It would have required a person who wanted to carry a concealed firearm to complete a handgun safety course and to carry proof of the successful completion of that course. As proposed, failure to obtain and carry such proof while carrying a concealed firearm would have been a Class D crime. A person who had a concealed firearms permit could have applied to the Commissioner of Public Safety for a waiver of the safety course requirement.

LD 272 **An Act to Seize the Cars of Habitual Offenders** **ONTP**

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

LD 272 proposed to allow the seizure of a motor vehicle operated by an habitual offender.

LD 274 **An Act Concerning the Requirements for Exits for Boardinghouses and Lodging Houses** **PUBLIC 31**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL LEMONT	OTP-AM	H-28

LD 274 proposed to allow a boardinghouse or lodging house of 3 stories or less to have a single exit from each story if it has a sprinkler system, meets the requirements of the applicable chapter of the National Fire Protection Association Life Safety Code 101 and every sleeping room has a 2nd means of escape. Current law requires that

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each story above the first story of a boardinghouse or lodging house accommodating more than 6 persons have more than one exit, either by stairways on the inside or fire escapes on the outside of the building.

Committee Amendment "A" (H-28) replaced the bill and proposed to eliminate references to boardinghouses and lodging houses in the provision of law regarding more than one means of egress. The effect of this change for lodging houses, also known as bed and breakfasts, would be to permit them to follow less stringent standards contained in the new National Fire Protection Association Life Safety Code 101 if they have a sprinkler system. Boardinghouses are regulated by a different provision of law and are subject to more stringent requirements than contained in this section of law.

Enacted law summary

Public Law 2001, chapter 31 allows lodging houses, also known as bed and breakfasts, to follow minimum egress standards contained in the new National Fire Protection Association Life Safety Code 101 if they have a sprinkler system.

LD 277 **An Act to Amend the Standards Regarding the Endangerment of** **PUBLIC 111**
the Welfare of a Dependent Person

<u>Sponsor(s)</u> MCALEVEY POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-75
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LD 277 proposed to amend the law governing when a person is guilty of endangering the welfare of a dependent person by changing the standard to reckless endangerment rather than intentional endangerment. This change proposed to make the standard applied to culpability for endangerment of the welfare of a dependent person parallel to that applied in the law regarding child endangerment.

Committee Amendment "A" (S-75) proposed to specify that the culpable state of mind required for a person to endanger the welfare of a dependent person may be "intentionally," "knowingly" or "recklessly." The amendment also proposed to clarify that, for purposes of endangerment of a dependent person, a legal duty may be inferred if the defendant had assumed responsibility for the care of the dependent person.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 111 amends the law governing when a person is guilty of endangering the welfare of a dependent person by changing the standard to reckless endangerment rather than intentional endangerment. This change would make the standard applied to culpability for endangerment of the welfare of a dependent person parallel to that applied in the law regarding child endangerment.

Public Law 2001, chapter 111 specifies that the culpable state of mind required for a person to endanger the welfare of a dependent person may be "intentionally," "knowingly" or "recklessly," and clarifies that, for purposes