

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

May 2004

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Sen. Pamela Henderson Hatch
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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 arranged alphabetically by committee name 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/billsumm.htm).

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..... 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 all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Criminal Justice and Public Safety

LD 1731 **An Act To Expand the State Fire Marshal's Responsibilities and To Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules** **PUBLIC 535**

<u>Sponsor(s)</u> BLANCHETTE HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-681
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LD 1731 proposed to expand the responsibility of the State Fire Marshal to include protection of the public in the area of incendiary devices and to clarify that the Commissioner of Public Safety must follow the Maine Administrative Procedure Act when making rules involving life safety and property protection.

Committee Amendment "A" (H-681) proposed to update the definition of "explosives" in Title 17-A, section 1001; to amend the headnote of Title 25, section 2452 to better reflect the purpose of the law; to change the phrase "outdoor gatherings" to "mass outdoor gatherings," as defined in the Maine Revised Statutes, Title 22, section 1601; and to add a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 535 expands the responsibility of the State Fire Marshal to include protection of the public in the area of incendiary devices and makes it clear that the Commissioner of Public Safety must follow the Maine Administrative Procedure Act when making rules involving life safety and property protection. Public Law 2003, chapter 535 also updates the definition of "explosives" in Title 17-A, section 1001; amends the headnote of Title 25, section 2452 to better reflect the purpose of the law; and changes the phrase "outdoor gatherings" to "mass outdoor gatherings," as defined in the Maine Revised Statutes, Title 22, section 1601.

LD 1738 **An Act To Amend the Law Providing Restitution to Victims of Timber Theft** **PUBLIC 540**

<u>Sponsor(s)</u> SMITH N BRYANT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-690
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LD 1738 proposed to amend the law awarding restitution for the unlawful cutting of trees by allowing evidence of more than just financial loss when determining restitution and by allowing the court to award restitution in lieu of or based upon the schedule of forfeitures for unlawfully cutting trees.

Committee Amendment "A" (H-690) proposed to replace the bill. The amendment proposed that, at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged for unlawfully cutting trees and apply it to restitution to the property owner of the unlawfully cut trees. The amendment also proposed to add a fiscal note.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted Law Summary

Public Law 2003, chapter 540 amends the law awarding restitution for the unlawful cutting of trees by specifying that, at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged for unlawfully cutting trees and apply it to restitution to the property owner of the unlawfully cut trees.

LD 1744 **An Act To Amend the Laws Governing the Display of Fireworks and Indoor Pyrotechnics** **PUBLIC 521**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE HATCH PH	OTP-AM	H-644

LD 1744 proposed to amend the law regarding pyrotechnics by:

1. Requiring a person to apply for a permit from the Commissioner of Public Safety 20 days before conducting a fireworks display, instead of the current 10 days;
2. Increasing the amount of public liability insurance that an applicant for a permit to conduct a fireworks display must have from \$500,000 to \$1,000,000;
3. Requiring the State Fire Marshal or the State Fire Marshal's designee to monitor all indoor pyrotechnic events;
4. Increasing certain penalties regarding the unlawful conduct of a fireworks display and failure to obtain a fireworks permit; and
5. Delineating license renewal procedures for fireworks technicians.

Committee Amendment "A" (H-644) proposed to remove the section of the bill that would increase penalties for conducting a fireworks display without a permit or in violation of a permit and proposed to add a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 521 amends the law regarding pyrotechnics as follows.

1. It requires a person to apply for a permit from the Commissioner of Public Safety 20 days before conducting a fireworks display, instead of 10 days before as currently required.
2. It increases the amount of public liability insurance that an applicant for a permit to conduct a fireworks display must have from \$500,000 to \$1,000,000.