

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Criminal Justice and Public Safety*

*August 2005*

**Members:**

*Sen. Bill Diamond, Chair*

*Sen. John M. Nutting*

*Sen. Dean F. Clukey*

*Rep. Patricia A. Blanchette, Chair*

*Rep. Stan Gerzofsky*

*Rep. Carol A. Grose*

*Rep. Rosaire "Ross" Paradis, Jr.*

*Rep. Stephen P. Hanley*

*Rep. Richard M. Sykes*

*Rep. John W. Churchill*

*Rep. Christian D. Greeley*

*Rep. Kimberly J. Davis*

*Rep. Gary E. Plummer*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 310**

**An Act To Require a 10-day Waiting Period for the Purchase of Firearms by a Person under 22 Years of Age**

**ONTP**

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

LD 310 proposed to require a 10-day waiting period before a firearm may be sold or transferred to any person who has not attained 22 years of age.

**Committee Amendment "A" (H-264)** proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to repeal the current provisions regarding transferring a firearm to a minor and regarding transferring a handgun to a minor and combine them into one section to prohibit the transfer without parental consent of any firearm to a person under 18 years of age. The amendment proposed to describe the prohibited conduct and create affirmative defenses to the crime, some of which currently exist as affirmative defenses in the Maine Revised Statutes, Title 17-A, section 554-A and some of which currently exist as exceptions to the crime in Title 17-A, section 554-B. The amendment also proposed to change the title to reflect the intent of the amendment. This amendment was not adopted.

**House Amendment "A" to Committee Amendment "A" (H-282)** proposed to require a 5-day waiting period before a firearm may be sold to any person who has not attained 19 years of age. This amendment was not adopted.

**Senate Amendment "A" to Committee Amendment "A" (S-141)** proposed to do the same as House Amendment "A" to Committee Amendment "A." This amendment was not adopted.

**LD 326**

**An Act To Impose Mandatory Minimum Sentences for Certain Sexual Offenses**

**ONTP**

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

LD 326 proposed to require a minimum sentence of 10 years in prison for a crime of gross sexual assault or sexual abuse of a minor and 20 years for a 2nd or subsequent offense. This bill also proposed to prohibit the reduction of the minimum sentence through suspension or plea bargaining.

**Committee Amendment "A" (H-384)** was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. It proposed to add an appropriations and allocations section to the bill. This amendment was not adopted.