

# 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 333

### An Act Regarding the Sale of Firearms at Gun Shows

ONTP

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

LD 333 proposed to require that a national instant criminal background check be performed prior to the sale or transfer of a firearm at a gun show. The bill proposed to require gun show operators to post signs at gun shows to notify exhibitors of the background check requirement, to notify in writing all exhibitors that a background check must be completed prior to each sale or transfer and to provide unlicensed sellers and transferors with access to licensed sellers and transferors who will undertake the required background checks for them.

LD 333 proposed that a failure to perform any of these requirements may result in a fine of up to \$10,000 for each such failure. The bill also proposed to define “gun show,” “licensed firearms dealer” and “national instant criminal background check” for purposes of this statute.

**Committee Amendment "A" (H-383)** was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to replace the penalty provision of the bill, which would have allowed the court to adjudge a fine of not more than \$10,000 for any violation, to allow the court to adjudge a fine of not more than \$1,000 for the first violation, not more than \$2,500 for a 2nd violation and not more than \$5,000 for a 3rd or subsequent violation. This amendment was not adopted.

**LD 344**

### An Act To Authorize the Regulation of Firearms on Public Property

ONTP

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

LD 344 proposed to explicitly authorize all public entities, including those with jurisdiction over civic centers, hospitals, universities, libraries, schools and municipal offices, to regulate the possession of firearms on public property under those entities’ jurisdictions. Current law’s one exception to the state preemption of the regulation of firearms is the right of a municipality to regulate the discharge of firearms within that municipality.

**Committee Amendment "A" (S-236)** proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. It proposed to establish a basic prohibition against possessing or carrying firearms on public property. It also proposed to provide exceptions to that basic policy for:

1. A law enforcement officer authorized to carry a firearm;
2. A person authorized to carry a firearm on public property by order, ordinance, rule or regulation of the governing body of the public property;
3. A person who possessed a hunting license and who was on property where hunting was lawfully permitted; and

*Joint Standing Committee on Criminal Justice and Public Safety*

4. A person whose firearm was located inside a motor vehicle if that person was otherwise lawfully entitled to possess that firearm.

This amendment was not adopted.

**LD 348**                      **An Act To Expand the Home-release Monitoring Program for a Person with a Terminal Illness**                      **PUBLIC 68**

<u>Sponsor(s)</u> GERZOFSKY STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-120
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LD 348 proposed to amend the supervised community confinement program to expand the options for release to the community of a prisoner who is terminally ill when the release is medically appropriate. The bill proposed to allow a prisoner to be transferred to a private residence with in-home medical hospice care, subject to approval by the Commissioner of Corrections.

**Committee Amendment "A" (H-120)** proposed to expand the options for release to the community of a county jail inmate who is terminally ill when the release is medically appropriate. The amendment proposed to allow a county jail inmate to be transferred to a private residence with in-home medical hospice care, subject to approval by the sheriff. This amendment also proposed to make technical changes to the bill.

***Enacted law summary***

Public Law 2005, chapter 68 amends the supervised community confinement program to expand the options for release to the community of a prisoner who is terminally ill when the release is medically appropriate. Public Law 2005, chapter 68 allows a prisoner to be transferred to a private residence with in-home medical hospice care, subject to approval by the Commissioner of Corrections. Public Law 2005, chapter 68 also amends the home-release monitoring program to expand the options for release to the community of a county jail inmate who is terminally ill when the release is medically appropriate. Public Law 2005, chapter 68 allows a county jail inmate to be transferred to a private residence with in-home medical hospice care, subject to approval by the sheriff.

**LD 351**                      **An Act To Provide the Portland Harbor Commission with the Authority To Arrest**                      **P & S 4**

<u>Sponsor(s)</u> BLISS BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-98
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LD 351 proposed to give the Portland Harbor Commission the power to arrest, making its powers consistent with those of other harbor commissions around the State.