

# 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 1521**

**An Act To Clarify Law Enforcement Procedures For Fatal Motor Vehicle Accidents**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE MILLS P	ONTP	

LD 1521 proposed to specify that the State Police is the lead agency for the investigation of fatal motor vehicle accidents when it appears that a surviving operator of one of the vehicles involved in the accident violated a law governing the operation of a motor vehicle. This bill proposed to provide status to the State Police similar to the status given other state agencies involving different crimes, such as giving the State Fire Marshal lead-agency status over suspicious fires and the Attorney General direction and control over suspected homicides.

**LD 1550**

**An Act To Establish the Arsonist Registration Act**

**ONTP**

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

LD 1550 proposed to create the Arsonist Registration Act, which would require a person convicted of an arson offense to register with the State Bureau of Identification and the law enforcement agency having jurisdiction over the arsonist's domicile, place of employment and school. The bill proposed that the information be available to law enforcement agencies and registries in other jurisdictions and be provided to the Department of Public Safety, Office of the State Fire Marshal, who could then post this information for public access on an Internet website or other medium. The bill proposed that an arsonist convicted of an arson offense must remain registered for 10 years after the duty to register is incurred.

**LD 1579**

**An Act To Extend the Ban on Assault Weapons**

**ONTP**

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

LD 1579 proposed to create the Class D crime of knowingly manufacturing, transferring or possessing an assault weapon, a .50 caliber rifle or .50 caliber ammunition. The new crime proposed to define several terms, including "assault weapon" and ".50 caliber rifle" and directs the Attorney General and the Chief of the State Police to create a system for identifying, exempting and adding new models as necessary. The bill proposed that "assault weapon" and ".50 caliber rifle" not include antique firearms and that pistols that are sanctioned by the International Olympic Committee and by the national governing body for international shooting competition in the United States and that are used for Olympic target shooting purposes be exempt also.

The bill proposed to amend current law regarding the confiscation, seizure and forfeiture of machine guns, so that the same procedures and due process apply to the confiscation, seizure and forfeiture of assault weapons and .50