

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*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

Staff:

Marion Hylan Barr, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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

Joint Standing Committee on Criminal Justice and Public Safety

caliber rifles and ammunition. The bill proposed that machine guns, assault weapons and .50 caliber rifles and ammunition manufactured, acquired, transferred or possessed in accordance with the National Firearms Act, as amended, be exempt from these laws.

The bill also proposed that the crime of knowingly manufacturing, transferring or possessing an assault weapon or .50 caliber rifle or ammunition does not apply to any law enforcement officer of the State, any law enforcement officer of another state or a territory of the United States or a member of the Armed Forces, Maine National Guard or Maine State Guard who possesses an assault weapon or .50 caliber rifle or ammunition if the possession or carrying of the weapon or .50 caliber ammunition is in the discharge of that person's official duties and has been authorized by that person's appointing authority.

LD 1632 An Act To Require the Secretary of State To Collect Information ONTP
on Operating-under-the-influence Convictions from Other
Jurisdictions before Issuing a Driver's License in Maine

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

LD 1632 proposed to provide that an applicant for a driver's license or for the renewal of a driver's license shall disclose any OUI convictions from another jurisdiction that occurred in the 10 years prior to the application. The bill proposed that the Secretary of State may inquire of a licensee at any time regarding that licensee's OUI convictions from another jurisdiction that occurred in the 10 years prior to the inquiry.

LD 1645 Resolve, To Establish the Task Force To Study Maine's Homeland RESOLVE 126
Security Needs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS RICHARDSON J	OTP-AM	H-714 DUPLESSIE S-290

LD 1645 proposed to establish a study commission to analyze the State's homeland security needs, the State's current level of homeland security preparedness and the Federal Government's homeland security spending priorities as they relate to the State. The bill proposed that the commission be required to submit an interim report of its findings and recommendations to the Legislature by January 17, 2006 and a final report by December 15, 2006.

Committee Amendment "A" (S-290) proposed to strike the resolve and replace the blue ribbon commission with the Task Force to Study Maine's Homeland Security Needs. The amendment also proposed to change the membership and redefine the duties. The amendment proposed that the task force be composed of 11 members: 6 Legislators and 5 members of the public who are not directly involved in homeland security or emergency preparedness. The amendment proposed that the task force review needs and preparedness, using a report from the Governor's Homeland Security Task Force as a beginning point. The amendment proposed that the task force also look at ways to improve communications with the Legislature and the public and consider ways to help the congressional delegation explain Maine's needs on the federal level. The amendment also proposed that the task