

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*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

July 2006

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 and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular 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 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 (Pocket Veto).....	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 August 23, 2006.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1810 proposed to require the State Bureau of Identification within the State Police under the Department of Safety to establish procedures by rule to ensure that information that is released as part of a criminal history record check is current and valid, identifies the correct individual and is released in accordance with law.

LD 1825

**An Act To Amend the Rule-making Authority of the
Commissioner of Public Safety Regarding the Construction,
Installation, Maintenance and Inspection of Chimneys, Fireplaces,
Vents and Solid Fuel Burning Appliances**

**PUBLIC 571
EMERGENCY**

<u>Sponsor(s)</u> THOMAS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-943
-----------------------------	--	-----------------------------------	--	------------------------------------

LD 1825 proposed to provide that a municipal fire department, volunteer fire association or fire ward that inspects a chimney or wood stove or any other heating device or appliance may not be held liable for any claim arising from death or injury or damage to property if any alterations are made to the chimney or wood stove or any other heating device or appliance after the inspection has taken place.

Committee Amendment “A” (H-943) proposed to replace the bill, change the title, add an emergency preamble and clause and amend the Commissioner of Public Safety's rule-making authority regarding the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. The amendment proposed to repeal the current directive to the Commissioner of Public Safety to adopt the National Fire Protection Association Code #211, “The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances,” and replace that with more general rule-making authority that directs the commissioner to adopt routine technical rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. The amendment also proposed to authorize the commissioner to adopt major substantive rules pertaining to the inspection and maintenance of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property.

The purpose of amending the current rule-making authority was specifically to address the regulatory requirement that Level II chimney inspections be conducted upon the sale or transfer of real estate pursuant to National Fire Protection Association Code #211. The amendment proposed to give the Commissioner of Public Safety the ability to tailor rules to the needs of the State.

The amendment also proposed to add a penalty provision that specifies that a person who violates a rule adopted pursuant to the Maine Revised Statutes, Title 25, section 2465 commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged. The amendment proposed that this penalty does not apply to a rule requiring an annual chimney inspection for a single-family home.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted law summary

Public Law 2005, chapter 571 amends the Commissioner of Public Safety's rule-making authority regarding the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Public Law 2005, chapter 571 repeals the current directive to the Commissioner of Public Safety to adopt the National Fire Protection Association Code #211, "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances," and replaces that with more general rule-making authority that directs the commissioner to adopt routine technical rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Public Law 2005, chapter 571 also authorizes the commissioner to adopt major substantive rules pertaining to the inspection and maintenance of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property.

Public Law 2005, chapter 571's amendment of the current rule-making authority is specifically to address the current regulatory requirement that Level II chimney inspections be conducted upon the sale or transfer of real estate pursuant to National Fire Protection Association Code #211. Public Law 2005, chapter 571 gives the Commissioner of Public Safety the ability to tailor rules to the needs of the State.

Public Law 2005, chapter 571 also adds a penalty provision that specifies that a person who violates a rule adopted pursuant to the Maine Revised Statutes, Title 25, section 2465 commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged. This penalty does not apply to a rule requiring an annual chimney inspection for a single-family home.

Public Law 2005, chapter 571 was enacted as an emergency measure effective April 12, 2006.

LD 1831 **An Act To Allow Law Enforcement Agencies To Maintain Sex Offender Websites for Public Use** **PUBLIC 545**

<u>Sponsor(s)</u> CURLEY SNOWE-MELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-867
--	--	-----------------------------------	--	------------------------------------

LD 1831 proposed to maintain the requirement that the bureau maintain a sex offender registry on the Internet but also proposed to authorize other law enforcement agencies to maintain a sex offender registry that is accessible by the public. Current law requires the State Bureau of Identification to maintain a sex offender registry; other law enforcement agencies are permitted to maintain a sex offender registry, but only for internal use by those agencies.

Committee Amendment "A" (H-867) proposed to replace the bill. The amendment proposed to clarify that only the Department of Public Safety, State Bureau of Identification may maintain a state sex offender registry on the Internet but proposed to authorize law enforcement agencies to maintain their own sex offender websites for internal use and for use by the public if certain conditions are met. Specifically, in order to make a sex offender website available to the public, the amendment proposed that a law enforcement agency must post on its website that the website is not the official state sex offender registry and that the law enforcement agency posting the website is solely responsible for the website's content; provide a link to the bureau's Internet sex offender registry; post information regarding only 10-year and lifetime registrants who are domiciled, reside, attend college or school or work within the posting law enforcement agency's jurisdiction; update the information on the website as