

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Criminal Justice and Public Safety

This bill imposes a mandatory condition of probation for a person convicted of a sex offense who is required to be registered on the sex offender registry that the person reside only in a residence approved by the probation officer.

LD 148 *Resolve, Directing the Department of Public Safety and the Attorney General To Review Other States' Concealed Weapon Reciprocity Agreements and Actively Seek Reciprocity Where Appropriate*

RESOLVE 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA HASTINGS	OTP-AM	H-478

Current law allows the Chief of the State Police to enter into reciprocity agreements with 2 other states regarding the recognition of permits to carry a concealed firearm. Reciprocity may be granted with another state if the other state that issued the permit to carry has substantially equivalent or stricter requirements for the issuance of a permit and the other state observes the same rules of reciprocity.

This bill allows a person from another state to carry a concealed firearm in Maine if that person has a permit to carry a concealed firearm issued by a state that grants reciprocity to concealed firearm permits issued by Maine or if that person's state requires no permit to carry a concealed firearm.

Committee Amendment "A" (H-478)

This amendment replaces the bill and creates a resolve that directs the Commissioner of Public Safety to work in cooperation with the Attorney General to conduct a comprehensive review of other states' concealed weapon laws for the purpose of identifying and seeking other states with whom this State may enter into concealed weapon reciprocity agreements. The Commissioner of Public Safety shall report findings and progress to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 1, 2008. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may submit necessary implementing legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 84 directs the Commissioner of Public Safety to work in cooperation with the Attorney General to conduct a comprehensive review of other states' concealed weapon laws for the purpose of identifying and seeking other states with whom this State may enter into concealed weapon reciprocity agreements. The Commissioner of Public Safety shall report findings and progress to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 1, 2008. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may submit necessary implementing legislation to the Second Regular Session of the 123rd Legislature.

LD 149 *An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault*

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT		H-508

This bill amends the sentencing laws regarding terms of imprisonment by specifying that if the State pleads and proves that a Class B or C crime was committed with the intent to facilitate a sexual assault, and the person is convicted of both the offense that facilitated the sexual assault and the sexual assault, the sentencing class for the crime that facilitated the sexual assault is one class higher than it would otherwise be. The bill also specifies that if the State pleads and proves that a Class A, B or C crime was committed with the intent to facilitate a sexual assault,

Joint Standing Committee on Criminal Justice and Public Safety

and the person is convicted of both the offense that facilitated the sexual assault and the sexual assault, the court shall sentence the person to serve the terms of imprisonment consecutively.

Committee Amendment "A" (H-508)

This amendment replaces the bill and clarifies the intent by moving the new sentencing provisions proposed in the bill to the more appropriate sections of the Maine Revised Statutes, Title 17-A, sections 1252 and 1256. The amendment makes the ability to impose consecutive sentences discretionary instead of mandatory. The amendment also makes technical language changes to conform to the Maine Criminal Code.

LD 149 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 182 An Act To Amend the Laws Governing Cases Involving the Plea or Finding of Not Criminally Responsible by Reason of Insanity

**ACCEPTED ONTP
REPORT**

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

This bill requires a person who pleaded or was found not criminally responsible by reason of insanity for a crime involving violence be committed for at least 2 years to "an appropriate institution for the mentally ill or the mentally retarded" for care and treatment. The bill also requires a person who pleads not criminally responsible by reason of insanity for a charge of murder of Class A crime to be tried before a jury.

Committee Amendment "A" (S-53)

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment requires a commitment to an appropriate institution for the mentally ill or the mentally retarded of at least 2 years for a defendant who pleads or is found not criminally responsible by reason of insanity for a crime of murder, attempted murder or manslaughter. This amendment was not adopted.

LD 191 An Act To Prevent Certain Sex Offenders from Having Contact with Persons less than 14 Years of Age

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT COURTNEY	ONTP	

This bill creates a new Class D crime of prohibited contact with a minor. A person is guilty of prohibited contact with a minor if that person is convicted of an offense under the Maine Revised Statutes, Title 17-A, chapter 11 or chapter 12 against another person who has not in fact attained 12 years of age and that person intentionally or knowingly has any direct or indirect unsupervised contact with another person who has not in fact attained 14 years of age. It is an affirmative defense to prosecution that the parent, foster parent, guardian or other similar person responsible for the person who had not in fact attained 14 years of age granted the defendant permission to initiate any unsupervised contact.

See LD 1491, "An Act to Prohibit Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons under 14 Years of Age."