

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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STAFF:

MARION HYLAN BARR, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

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SEN. EARLE L. MCCORMICK
SEN. ROGER L. SHERMAN

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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

LD 329 An Act To Provide Equity in County Jail Maximum Sentences

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER MCCORMICK		

This bill changes the maximum county jail sentences from 9 months to less than 6 months. It also changes the maximum imprisonment in a county jail for crimes other than murder from 9 months to less than 6 months. This bill was not referred to the Criminal Justice and Public Safety Committee, and it was indefinitely postponed.

LD 351 An Act To Allow Municipalities To Designate Safe Zones To Protect Children from Sex Offenders

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	ONTP	

This bill requires municipalities to designate safe zones to protect minors from sexual offenses and from drug-related offenses. The bill requires courts to treat the commission of a sexual offense within a designated safe children zone, including a municipally created safe zone, as an aggravating sentencing factor.

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

LD 361 An Act To Create a Waiting Period for Firearms

DIED IN
CONCURRENCE

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to create a 10-day waiting period for the purchase of a rifle or a shotgun by a person under 21 years of age.

Committee Amendment "A" (H-122)

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment combines the unlawful transfer of a firearm to a minor provision with the unlawful transfer of a handgun to a minor provision and redefines "firearm" to include handguns for purposes of the new section. The result requires written parental consent for a person who has not attained 18 years of age to purchase or receive a firearm or handgun. The same exceptions for a temporary transfer of a handgun to a minor that exist in current law apply to the transfer of a firearm, including a handgun, to a minor under the amendment.

The amendment also directs the Department of Public Safety, in cooperation with the Department of Health and Human Services, to conduct a study to determine the ownership status of firearms used in firearms-related suicides in Maine. The Commissioner of Public Safety shall report the study's findings to the Joint Standing Committee on Criminal Justice and Public Safety by January 15, 2008. Upon receiving the report, the Joint Standing Committee

Joint Standing Committee on Criminal Justice and Public Safety

on Criminal Justice and Public Safety may submit legislation to the Second Regular Session of the 123rd Legislature.

This amendment was not adopted.

LD 362 An Act To Effect the Seizure and Disposal of Contraband Fireworks

**PUBLIC 81
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP	

This bill is an emergency bill that establishes a process for the disposal of fireworks seized by or surrendered to law enforcement authorities. The only situations in which fireworks are not contraband are when they are exempted from sanction, for instance, in the case of maritime flares, or the person possessing, using or transporting them is already permitted to do so under the Maine Revised Statutes, Title 8, chapter 9-A.

Enacted Law Summary

Public Law 2007, chapter 81 establishes a process for the disposal of fireworks seized by or surrendered to law enforcement authorities. The only situations in which fireworks are not contraband are when they are exempted from sanction, for instance, in the case of maritime flares, or the person possessing, using or transporting them is already permitted to do so under the Maine Revised Statutes, Title 8, chapter 9-A.

Public Law 2007, chapter 81 was enacted as an emergency measure effective May 7, 2007.

LD 363 An Act To Improve Juvenile Justice

PUBLIC 196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES	OTP-AM	H-186

This bill amends the Maine Juvenile Code as follows.

Section 1 provides clarification of when conditions of release imposed by a juvenile community corrections officer (jcco) terminate. A conditional release ordered by the court or jcco will stay in place, if the juvenile is not prosecuted, until an informal adjustment is begun and/or the DA determines that no petition will be filed on a given case.

Section 2 clarifies that the public may not be excluded from a proceeding involving a juvenile petition alleging a second or subsequent crime that would be a Class D or higher class crime if Class D offense were preceded by not only another Class D offense unrelated to the current offense but also if it was preceded by another offense that would constitute a Class A, B or C offense or murder if committed by an adult.

Section 4 provides explicit statutory authority for the juvenile court to invoke contempt powers to enforce dispositional orders and hold accountable juveniles who fail to comply with such orders.

Sections 3 and 5 authorize the court to suspend for up to 6 months the license, permit or right to operate a motor vehicle of a juvenile adjudicated of illegal possession or consumption of liquor by a minor.

Committee Amendment "A" (H-186)