

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

It clarifies that "gate money" given to a prisoner by the Department of Corrections upon release is not subject to victim restitution, facility disciplinary restitution or facility monetary sanctions.

It clarifies that prisoners who are admitted to a Department of Health and Human Services psychiatric hospital from a Department of Corrections facility may not receive a privilege at the hospital while still in legal custody of the Department of Corrections and clarifies that it is the Commissioner of Corrections who determines whether a person may receive a privilege under the Maine Revised Statutes, Title 34-A, section 3069.

LD 720 An Act To Clarify What Constitutes a Schedule W Drug

PUBLIC 55

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

This bill clarifies current drug law by specifying that a compound, mixture or preparation that contains a narcotic drug is considered a narcotic drug for purposes of classification as a Schedule W drug and determining the class of crime for possession of that drug, either in its pure form or as a compound, mixture or preparation.

Enacted Law Summary

Public Law 2007, chapter 55 clarifies current drug law by specifying that a compound, mixture or preparation that contains a narcotic drug is considered a narcotic drug for purposes of classification as a Schedule W drug and determining the class of crime for possession of that drug, either in its pure form or as a compound, mixture or preparation.

LD 769 An Act To Establish the Missing Senior Citizen Alert Program

**DIED BETWEEN
HOUSES**

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

This bill establishes the Missing Senior Citizen Alert Program, which establishes within the Department of Public Safety a clearinghouse or central repository of information related to missing senior citizens. For purposes of the bill a "missing senior citizen" is defined as a person 60 years of age or older whose temporary or permanent residence is or is believed to be in Maine, whose location is not determined and whose disappearance poses a credible threat to the safety and health of that person as determined by a local law enforcement agency. The Commissioner of the Department of Public Safety shall appoint a director to supervise the clearinghouse and shall establish services appropriate to aid in the location of missing senior citizens. Law enforcement agencies shall submit reports they receive regarding missing senior citizens to the clearinghouse, and family members or legal guardians may submit reports of missing senior citizens to the clearinghouse. The commissioner shall adopt routine technical rules to implement this new program.

Committee Amendment "A" (H-196)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and replaces the bill. The amendment expands the missing senior citizens alert program created in the bill to include persons with disabilities who have impaired mental conditions. The amendment maintains all the features of the program as created in the bill, except that the clearinghouse director position is eliminated and the list of persons who may submit a missing persons report under the program is expanded to include the missing person's agent under a health care power of attorney and the person's health care provider. The amendment also adds a mandate preamble.

Joint Standing Committee on Criminal Justice and Public Safety

This amendment was not adopted.

House Amendment "A" (H-218)

This amendment removes the mandate preamble from the committee amendment by making the reporting by local law enforcement agencies permissive rather than mandatory.

This amendment was not adopted.

LD 778 An Act To Enhance the Qualifications for a Concealed Firearms Permit

ONTP

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

Section 1 of the bill requires all new applicants for concealed firearms permits, and Section 2 requires all renewing concealed firearms permit holders to show documentation that they have completed a firearms safety course that includes relevant state and federal law, basic defensive marksmanship, gun safety, civic responsibility, appropriate conduct while carrying a firearm and the moral and ethical issues surrounding the potential use of firearms as a means of self-defense.

Section 1 of the bill also removes current exemptions to the existing handgun safety course requirement for an applicant or holder of a concealed firearms permit who can personally demonstrate knowledge of the subject matter of the handgun course requirements and a person who received basic firearms training as a member of the Armed Forces of the United States. Applicants and permit holders who qualify for a permit under these 2 exemptions would have to take the new firearms safety course.

Section 3 of the bill directs the Department of Public Safety to adopt rules to establish requirements with specific components for a 6-hour instruction course in firearms safety.

LD 815 An Act To Amend the Laws Governing the Establishment of Residency for Convicted Sex Offenders after Release from Prison

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	ONTP	

This bill makes it a Class D crime for a person convicted of a sex offense under the Maine Revised Statutes, Title 17-A, chapter 11 or 12 to intentionally or knowingly establish or maintain a residence or domicile in a municipality that does not have its own police department or other resident law enforcement agency or officer.

This bill also prohibits the Commissioner of Corrections from using any Department of Corrections funds or resources or any other state funds or resources to pay housing costs for a person who has been convicted and sentenced for an offense under Title 17-A, chapter 11 or 12.

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."