

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

Section 2 of the bill requires that incident reports be submitted by municipal fire officials to the State Fire Marshal that are consistent with a national fire incident reporting system. This reporting requirement includes that the municipal fire officials record a report of each response made, whether there was a fire or not.

Section 3 of the bill changes the term "residential-custodial care facilities" to "residential board and care occupancies" for the purposes of clarification and accuracy and to be consistent with other rules adopted by the Office of the Fire Marshal.

Enacted Law Summary

Public Law 2007, chapter 82 clarifies that a person who violates laws applicable to dance facilities commits a Class E crime. The penalty language in this provision is archaic; when incarceration is specified as a sentencing alternative, the offense should be classified as a crime. Public Law 2007, chapter 82 requires that incident reports be submitted by municipal fire officials to the State Fire Marshal that are consistent with a national fire incident reporting system. This reporting requirement includes that the municipal fire officials record a report of each response made, whether there was a fire or not. Public Law 2007, chapter 82 also changes the term "residential-custodial care facilities" to "residential board and care occupancies" for the purposes of clarification and accuracy and to be consistent with other rules adopted by the Office of the Fire Marshal.

LD 907 An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids

PUBLIC 182

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-213

The bill requires that a permit be obtained from the Department of Public Safety prior to installing, constructing or establishing any flammable liquid dispensing facility. This permitting requirement currently applies to above ground flammable liquid storage facilities. Facilities that currently exist and dispense flammable liquids would also need to apply for a permit under the requirements of the bill.

Committee Amendment "A" (H-213)

This amendment replaces the bill, which required that a person obtain a permit from the Commissioner of Public Safety before installing, constructing or establishing any flammable liquid dispensing facility, and instead applies to a retail motor fuel facility dispensing flammable liquids. These requirements do not apply to the dispensing of propane and natural gas, which is regulated by the Department of Professional and Financial Regulation.

Enacted Law Summary

Public Law 2007, chapter 182 requires that before installing, constructing or establishing a retail motor fuel facility that dispenses flammable liquids, a person obtain a permit from the Commissioner of Public Safety. This permitting requirement does not apply to the dispensing of propane and natural gas, which is regulated by the Department of Professional and Financial Regulation. These requirements are not retroactive, and the Criminal Justice and Public Safety Committee has asked that the Office of the Fire Marshal and the Maine Oil Dealers Association work cooperatively to identify where existing flammable liquid dispensing facilities are located.

LD 908 An Act To Ensure Safety at Motor Vehicle Events

ONTP

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill makes the laws applicable to motor racing events also applicable to motor vehicle events, which are activities in which a motor vehicle is operated or displayed for the entertainment of an audience.

LD 946 An Act To Prevent Smoke Detector Tampering

ONTP

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

This bill amends current law regarding smoke detectors by making tampering with a smoke detector a Class D crime with a fine of not more than \$1,500. Current law makes tampering with a smoke detector a civil violation subject to a fine of not more than \$500. The court may also waive that fine if the violation is corrected within 10 days of the issuance of the complaint.

LD 949 An Act To Amend the Laws Concerning Public Fighting

ONTP

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

Under current law, a person who engages in public fighting is guilty of disorderly conduct if such behavior causes annoyance to others. This bill removes the requirement that such behavior must cause annoyance to others and provides instead that a person is guilty of disorderly conduct if, in a public place, that person engages in fighting without being licensed or privileged to do so.

LD 950 An Act To Amend the Endangering the Welfare of a Child Laws

ONTP

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

This bill makes endangering the health, safety or welfare of a child who is under 6 years of age by violating a duty of care or protection a Class C crime. This bill makes the law on child endangerment consistent with other Maine criminal statutes by increasing the penalties for crimes against children who are under 6 years of age. (See "assault", Title 17-A, section 207 and "abandonment of a child", Title 17-A, section 553.)

LD 966 An Act To Make Part 1 of the Maine Criminal Code Gender-neutral

PUBLIC 173

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-187

This bill is submitted by the Criminal Law Advisory Committee. The bill amends Part 1 (General Principles) of the Maine Criminal Code to make it gender-neutral.

Committee Amendment "A" (H-187)