

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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 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)**

## *Joint Standing Committee on Criminal Justice and Public Safety*

The amendment strikes sections from the bill that pertain to defenses to maintain the current statutory language, "defendant."

### **Enacted Law Summary**

Public Law 2007, chapter 173 was submitted by the Criminal Law Advisory Committee. It amends Part 1 (General Principles) of the Maine Criminal Code to make it gender-neutral.

### **LD 992      *Resolve, To Increase Highway Safety by Establishing a Dangerous Driver Hotline*      **ONTP****

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

This resolve directs the Department of Public Safety to establish, maintain and advertise a toll-free telephone number, of preferably 3 digits, that a person may call to report a dangerous driver.

### **LD 997      *An Act Imposing Increased Responsibility for Registered Owners of Motor Vehicles*      **ONTP****

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

This bill establishes a presumption that a person who is a registered owner of a vehicle at the time the vehicle is involved in a violation of the laws requiring a person to stop a vehicle at the request of a law enforcement officer (Title 29-A, section 2414) commits a traffic infraction. This bill mirrors the law for passing a stopped school bus, including the same owner defenses.

### **LD 1000      *An Act To Increase Firearm Safety on College Campuses*      **ACCEPTED ONTP REPORT****

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

This bill authorizes all public colleges and universities to regulate the possession of firearms on their campuses. Current law, Title 25, section 2001 specifies that only the State has authority to regulate firearms, with the exception of municipal discharge ordinances.

### **LD 1031      *An Act To Amend the Fingerprinting Law*      **ONTP****

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

This bill changes the law requiring that the Maine State Police take the fingerprints of applicants to a school system by allowing the applicant's municipal law enforcement agency or county sheriff to take the fingerprints and send