

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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

**STAFF:**

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

**MEMBERS:**

SEN. BILL DIAMOND, CHAIR  
SEN. EARLE L. MCCORMICK  
SEN. ROGER L. SHERMAN

REP. STAN GERZOFSKY, CHAIR  
REP. PATRICIA A. BLANCHETTE  
REP. ANN E M. HASKELL  
REP. STEPHEN P. HANLEY  
REP. DAWN HILL  
REP. BRYAN T. KAENRATH  
REP. RICHARD M. SYKES  
REP. CHRISTIAN D. GREELEY  
REP. GARY E. PLUMMER  
REP. JOSEPH L. TIBBETTS

# 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*

9. It adds a reference to Title 29-A, section 2411 in 2 portions of the aggravated habitual offender laws enacted in Public Law 2005, chapter 606. A reference to prior OUI conviction was included in one sentencing provision of chapter 606 but inadvertently omitted from other provisions.

### **Committee Amendment "A" (S-83)**

This amendment adds an emergency preamble and emergency clause to the bill to ensure that omissions in changes to the operating after suspension and habitual offender laws enacted pursuant to Public Law 2005, chapter 606 are immediately corrected. The amendment also clarifies that the Secretary of State's authority to impose license revocation is not changed. If the court fails to revoke a license for criminal homicide or attempted criminal homicide, the Secretary of State shall impose a 5-year revocation, unless a longer revocation is imposed under the Maine Revised Statutes, Title 29-A, section 2454, subsection 2.

LD 1674 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 1706      Resolve, Establishing a Commission To Review State House and Capitol Complex Security Issues**

**ONTP**

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

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

This resolve proposes to establish a commission to review State House and Capitol complex security issues. In conducting the review, the commission shall explore:

1. Different means of screening visitors to the Capitol complex for weapons, including but not limited to knives, firearms and objects that may be used as weapons;
2. Creative methods of enhancing the security presence in the capitol complex, including but not limited to the recruitment of experienced retired law enforcement officers;
3. Methods of facilitating continuing education opportunities for capitol complex security personnel that are specifically targeted to enhancing the performance of the duties of security personnel; and
4. The availability of creative funding for enhanced security, including but not limited to federal funds and outside funding.

### **LD 1728      An Act To Strengthen the Authority of Concealed Weapons Permits**

**PUBLIC 194**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	H-188

Section 1 of the bill requires that a person who is issued a black powder permit by the Commissioner of the Department of Public Safety reapply for that permit after 4 years. These permits are issued to persons who are otherwise prohibited from possessing firearms. This change is consistent with current practice for other firearms permits, which expire and require background checks for renewal.

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

Section 2 of the bill provides a definition for "crossbow," which is not currently defined in Maine law for law enforcement purposes.

Section 3 of the bill addresses an inconsistency between State and federal law regarding qualifications to carry concealed firearms. Current law provides that only the last 5 years of a person's criminal history may be used when determining whether a person is qualified to carry a concealed firearm. This sets up a situation where a person who may be eligible for a permit in Maine may be prohibited from possessing a firearm under federal law. The bill specifies that a person may not be issued a Maine permit if the person is disqualified from possessing a firearm under state or federal law.

### **Committee Amendment "A" (H-188)**

This amendment replaces the bill. Whereas the bill creates the definition of "crossbow," the amendment strikes that definition and removes the current language in the Maine Revised Statutes, Title 15, section 393 that prohibits the possession of a crossbow by a convicted felon until 5 years after the person is discharged from the sentence imposed. Public Law 2005, chapter 419 added "crossbow" to Title 15, chapter 15 regarding possession of firearms by a prohibited person. By removing "crossbow" from that chapter, a person convicted of a felony may own, possess or have under that person's control a crossbow without having to first apply for and receive a permit from the Commissioner of Public Safety.

The amendment retains that portion of the bill that adds language in Title 15, section 393, subsection 2 about the permit issued pursuant to the subsection being valid 4 years from the date of issue unless sooner revoked for cause by the issuing authority. The amendment also clarifies that disqualification to possess a firearm based on federal law prohibiting possession under Title 25, section 2003, subsection 1, paragraph B that appears in the bill must be based on federal criminal conviction information.

### **Enacted Law Summary**

Public Law 2007, chapter 194 repeals the current language in the Maine Revised Statutes, Title 15, section 393 that prohibits the possession of a crossbow by a convicted felon until 5 years after the person is discharged from the sentence imposed. Public Law 2005, chapter 419 added "crossbow" to Title 15, chapter 15 regarding possession of firearms by a prohibited person. By removing "crossbow" from that chapter, a person convicted of a felony may own, possess or have under that person's control a crossbow without having to first apply for and receive a permit from the Commissioner of Public Safety.

Public Law 2007, chapter 194 adds language in Title 15, section 393, subsection 2 about the permit issued pursuant to the subsection being valid 4 years from the date of issue unless sooner revoked for cause by the issuing authority. Public Law 2007, chapter 194 also clarifies that disqualification to possess a firearm based on federal law prohibiting possession under Title 25, section 2003, subsection 1, paragraph B that appears in the bill must be based on federal criminal conviction information.

### **LD 1733    An Act To Provide Additional Funding for the Regional Emergency Medical Services Councils and To Establish a Study Group To Examine Funding for the Emergency Medical Services System in Maine**

**ONTP**

Sponsor(s)

TUTTLE

Committee Report

ONTP

Amendments Adopted

This bill allocates funds on a one-time basis from the Fund for a Healthy Maine to supplement existing funding for the 6 regional emergency medical services councils. The bill also establishes a study group to develop recommendations for the funding of Maine's emergency medical services system.