

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
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**

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

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

Committee Amendment "A" (S-277)

This amendment makes changes to account for recently enacted law.

LD 1902

An Act Requiring the State Bureau of Identification To Report Persons Found To Be a Danger to Themselves or to Others to the National Instant Criminal Background Check System

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH NUTTING J		H-480

This bill establishes a procedure to prevent a person who has been found to be a danger to self or others from possessing a firearm.

This bill requires a court that commits a person involuntarily to a state mental health facility or a licensed psychologist or psychiatrist who determines a person to be a danger to self or others to report this commitment or determination to the Department of Public Safety, State Bureau of Identification. The bureau is required to forward the information to the Federal Bureau of Investigation, which operates the National Instant Criminal Background Check System.

This bill requires a person purchasing a firearm from a firearms dealer to complete an application. The dealer is required to submit the application to the Federal Bureau of Investigation for a background check. Maine law currently only requires a federally licensed firearm dealer to provide a basic firearm safety brochure and other information to the purchaser of a firearm.

A person who has been involuntarily committed to a state mental health facility or determined to be a danger to self or others may obtain a firearm only upon application to the Commissioner of Public Safety and must include with the application a certified court order or notarized statement of a licensed psychologist or psychiatrist that the person is no longer a danger to self or others.

Committee Amendment "A" (H-480)

This amendment replaces the bill and proposes a procedure to prevent possession of a firearm by a person who has been committed involuntarily to a psychiatric hospital after a commitment hearing under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7 because the person was found to present a threat of substantial risk of physical harm to self, was found to present a threat of substantial risk of physical harm to others, was found not criminally responsible by reason of insanity with respect to a criminal charge or was found not competent to stand trial with respect to a criminal charge.

The amendment requires the court to report information about a person adjudicated as being a danger to self or to others to the Department of Public Safety, State Bureau of Identification, which is then required to pass the fact of disqualification on to the Federal Bureau of Investigation for use in the National Instant Criminal Background Check System. The amendment also authorizes a person who has been previously prohibited from possessing a firearm under these new prohibitions to apply to the Commissioner of Public Safety for the restoration of the right to possess a black powder rifle or any other firearm that does not fall within the definition of "firearm" under 18 United States Code, Section 921(3).

LD 1902 was carried over by joint order, H.P. 1369 after being recommitted to the Committee on Criminal Justice and Public Safety.