

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

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

May 2008

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STATE OF MAINE
123RD LEGISLATURE
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**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1999 An Act To Amend Criminal Laws against Domestic Violence To Ensure Appropriate Recognition of Prior Convictions **ONTP**

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

Public Law 2007, chapter 436 created the crimes of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking and domestic violence reckless conduct. A violation of one of these domestic violence crimes is a Class D crime, and a person who commits one of these domestic violence crimes more than once is guilty of a Class C crime.

This bill is an emergency bill that clarifies that the enhanced Class C penalty based on prior convictions also applies if the person commits a domestic violence crime after being convicted of any crime of assault, criminal threatening, terrorizing or reckless conduct that is committed against a family or household member, which would include those prior offenses that were committed in Maine.

LD 2011 An Act To Establish a Bracelet Monitoring Program for Persons Convicted of Minor Crimes **ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to create a state bracelet program similar to the one now in the counties. The state program would also be able to accept qualified inmates from county jails that do not live in the county where incarcerated. This bill would also require that a prisoner participate in the New Horizons Academy program.

LD 2029 An Act To Reduce Property Taxes, Eliminate Duplication and Streamline Government by Unifying the State Prisons and County Jails **ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to merge the administration of county jails and state prisons under one unified state agency.

See also LD 2080, now Public Law 2007, chapter 653.

LD 2030 An Act To Allow Nondangerous Drivers To Obtain a Work-restricted License **ONTP**

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

LD 2030 is a concept draft pursuant to Joint Rule 208. This bill proposes to expand the availability of a "work-restricted license," which currently allows a person whose driver's license has been revoked due to conviction as a habitual offender to obtain a limited license to operate a motor vehicle between the person's residence and place

Joint Standing Committee on Criminal Justice and Public Safety

of employment. This bill would make work-restricted licenses available to persons who have been convicted of driving to endanger or operating after suspension.

LD 2051 An Act To Prohibit the Sale of Firearms Other than Handguns to Persons 16 or 17 Years of Age without Parental Consent

PUBLIC 512

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	H-695

This bill creates the Class D crime of prohibiting a person from selling a long gun to a person 16 or 17 years of age. It is an affirmative defense that the sale was approved by a parent, foster parent or guardian or that the seller reasonably believed the person was 18 years of age. Current Maine law prohibits federally licensed firearms dealers from transferring long guns to persons under 18. (Federal law does not restrict unlicensed sellers from transferring long guns and sets no minimum age for buyers of long guns.) This bill addresses private sales by unlicensed persons.

The bill also directs the Department of Public Safety, in cooperation with the Department of Health and Human Services, to conduct a study to determine the ownership status of firearms used in firearms-related suicides in the State. The Commissioner of Public Safety shall report the study's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009. Upon receiving the report, the joint standing committee may submit legislation to the First Regular Session of the 124th Legislature.

Committee Amendment "A" (H-695)

This amendment prohibits the sale of a firearm to a person 16 years of age or older and under 18 years of age. For purposes of this prohibition, "firearm" means a firearm other than a handgun as defined in the Maine Revised Statutes, Title 17-A, section 554-B, subsection 1, paragraph A. The amendment provides an exception for a sale by a parent, foster parent or guardian or a sale approved by a parent, foster parent or guardian. The amendment makes the first offense of unlawfully selling a firearm other than a handgun to person 16 years of age or older and under 18 years of age a civil violation for which a fine of no more than \$500 may be imposed. A second or subsequent violation is a Class D crime.

Enacted Law Summary

Public Law 2007, chapter 512 prohibits the sale of a firearm to a person 16 years of age or older and under 18 years of age. For purposes of this prohibition, "firearm" means a firearm other than a handgun as defined in the Maine Revised Statutes, Title 17-A, section 554-B, subsection 1, paragraph A. Public Law 2007, chapter 512 provides an exception for a sale by a parent, foster parent or guardian or a sale approved by a parent, foster parent or guardian. Public Law 2007, chapter 512 makes the first offense of unlawfully selling a firearm other than a handgun to person 16 years of age or older and under 18 years of age a civil violation for which a fine of no more than \$500 may be imposed. A second or subsequent violation is a Class D crime.

LD 2079 An Act To Strengthen the Crime of Visual Sexual Aggression against a Child

PUBLIC 688

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP-AM	H-690

This bill amends the crime of visual sexual aggression against a child to clarify that the crime applies when the exposure occurs in either a public or private place.

Committee Amendment "A" (H-690)