

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

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

July 2009

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STATE OF MAINE

124TH 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 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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

LD 14 An Act To Prohibit Air Bag Fraud

ONTP

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

This bill creates the Class C crime of air bag fraud, which is knowingly making an air bag inoperable for fraudulent purposes. Specifically, the bill states that a person may not, with intent to defraud another person, obtain property from that other person or a 3rd person by knowingly installing or reinstalling in a motor vehicle an object in lieu of an air bag. Penalties for the crime include a \$5,000 fine and imprisonment not to exceed one year.

LD 53 An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment

PUBLIC 250

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM MAJ OTP-AM MIN	H-173 H-317 MARTIN J L

This bill prohibits the Commissioner of Public Safety and the Oil and Solid Fuel Board from adopting rules that prohibit the use of a common chimney flue for 2 appliances using different fuels.

Committee Amendment "A" (H-173)

This amendment, which is the majority report of the committee, allows the use of a single chimney flue to vent 2 appliances that use different fuels as long as a carbon monoxide detector is installed in the building near a bedroom.

Committee Amendment "B" (H-174)

This amendment, which is the minority report of the committee, replaces the bill. It requires the Commissioner of Public Safety and the Oil and Solid Fuel Board to adopt rules that allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance and the chimney is lined and structurally intact. This amendment would require the Commissioner of Public Safety and the Oil and Solid Fuel Board to include language from the rule that went into effect February 2, 1998 and repeal language from the new rule that went into effect February 3, 2008. This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-317)

This amendment requires the Commissioner of Public Safety and the Oil and Solid Fuel Board to adopt rules that allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

Enacted Law Summary

Public Law 2009, chapter 250 requires the Commissioner of Public Safety and the Oil and Solid Fuel Board to adopt

Joint Standing Committee on Criminal Justice and Public Safety

rules that allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

LD 59 An Act To Amend the Laws Governing the Confidentiality of Correctional Facility Plans

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P SIMPSON	OTP-AM	H-362 H-449 HASKELL

This bill adds security plans for correctional facilities to the list of documents that are confidential under the freedom of access laws.

Committee Amendment "A" (H-362)

This amendment clarifies that records containing or describing plans prepared for or by or kept in the custody of the Department of Corrections or a county jail are not public documents, rather than only those prepared specifically for state or county correctional facilities, as in the bill. It also clarifies that, in order for such a record to be confidential, its public release poses a threat to the physical safety of any individual, rather than only to government personnel, correctional unit residents or the public. It also adds that the information may be released to the Department of Corrections in addition to the Legislature, county officials or members of the State Board of Corrections.

This amendment was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

House Amendment "A" To Committee Amendment "A" (H-449)

This amendment clarifies that the security plans, staffing plans, security procedures and other plans prepared for emergency events are not public records, but that the existence of such plans remains a public record. It also expands the list of individuals to whom that information can be disclosed to encompass Legislators and judges.

This amendment incorporates the recommendations by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2009, chapter 339 adds security plans, staffing plans, security procedures and other plans prepared for emergency events to the list of confidential documents under the freedom of access laws. Although the plans are confidential, the existence of such plans remains a public record. In order for such a record to be confidential, its public release must pose a threat to the physical safety of an individual. Information may be released to state officials, county officials, the Department of Corrections or members of the State Board of Corrections.