

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

to withdraw from the agreement if they choose to do so.

Committee Amendment "A" (H-157)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 175 provides that the Maine First Responders State-wide Mutual Aid Agreement, drafted by the Maine Emergency Management Agency and dated November 2008, applies to all political subdivisions in the State. The agreement authorizes first responder agencies to provide emergency services, even if a political subdivision has not entered into a mutual aid agreement with the political subdivision sending the requested emergency management, fire, law enforcement, emergency medical, public works or other emergency services. It eliminates the necessity for political subdivisions to adopt local ordinances to participate in the agreement but they retain the right to withdraw from the agreement if they choose to do so.

Public Law 2009, chapter 175 was enacted as an emergency measure effective May 19, 2009.

LD 915

An Act To Update and Clarify Statutes Related to or Administered by the Department of Public Safety

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-357

This bill makes changes to the statutes administered by the Department of Public Safety. The bill:

1. Updates the list of major policy-influencing positions of the Department of Public Safety;
2. Corrects the definition of "qualified person" in the Maine State Railroad Police Act;
3. Establishes the Bureau of Consolidated Emergency Communications;
4. Clarifies that the training standards and requirements of the Maine Revised Statutes, Title 25, section 2803-B do not apply to the Assistant State Fire Marshal;
5. Designates rules adopted by the Commissioner of Public Safety governing the security regarding use and occupancy of parks, grounds and buildings maintained by the State at the capitol area or other state-controlled locations in Augusta as routine technical rules;
6. Designates rules adopted by the Commissioner of Public Safety governing the use of public ways and parking areas maintained by the State at the capitol area or other state-controlled locations in Augusta as routine technical rules;
7. Authorizes the Commissioner of Public Safety to grant statewide power of enforcement of any law of this State to a capitol security officer if that officer has completed a basic training course at the Maine Criminal Justice Academy or equivalent training; and
8. Generally updates and corrects statutes relating to the organizational structure of the Department of Public Safety.

Committee Amendment "A" (H-357)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment changes the name of the Bureau of Capitol Security to the Bureau of Capitol Police and the name of those security officers to police officers.

Enacted Law Summary

Public Law 2009, chapter 317 makes changes to the statutes administered by the Department of Public Safety. The law:

1. Updates the list of major policy-influencing positions of the Department of Public Safety;
2. Corrects the definition of "qualified person" in the Maine State Railroad Police Act;
3. Establishes the Bureau of Consolidated Emergency Communications;
4. Clarifies that the training standards and requirements of the Maine Revised Statutes, Title 25, section 2803-B do not apply to the Assistant State Fire Marshal;
5. Designates rules adopted by the Commissioner of Public Safety governing the security regarding use and occupancy of parks, grounds and buildings maintained by the State at the capitol area or other state-controlled locations in Augusta as routine technical rules;
6. Designates rules adopted by the Commissioner of Public Safety governing the use of public ways and parking areas maintained by the State at the capitol area or other state-controlled locations in Augusta as routine technical rules;
7. Authorizes the Commissioner of Public Safety to grant statewide power of enforcement of any law of this State to a capitol security officer if that officer has completed a basic training course at the Maine Criminal Justice Academy or equivalent training;
8. Changes the name of the Bureau of Capitol Security to the Bureau of Capitol Police and the name of those security officers to police officers; and
9. Generally updates and corrects statutes relating to the organizational structure of the Department of Public Safety.

LD 985 An Act To Increase Public Safety by Requiring a Federally Licensed Firearms Dealer To Facilitate the Transfer of Firearms

ONTP

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

This bill requires private transfers, sales or loans of firearms to be facilitated by a federally licensed firearms dealer, who must request a criminal history record check. A seller, transferor or person loaning a firearm shall deliver a firearm to a dealer who shall retain possession of that firearm and then do the record check. If a record check reveals that the buyer is prohibited from purchasing the firearm, the dealer shall notify the seller of that fact. The dealer may charge not more than \$10 per check.

The requirements of the bill do not apply to transactions in which the seller and buyer are family members, to transfers pursuant to operation of law or court order or to transfers in which a law enforcement officer is the seller or buyer.