

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2009

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# STATE OF MAINE

124<sup>TH</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 124<sup>th</sup> 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 124<sup>th</sup> 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 1130 An Act To Clarify the Crime of Obstructing Government Administration**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| HOBBINS           | ONTP                    |                           |

This bill provides that a person is guilty of obstructing government administration if the person intentionally or recklessly obstructs, resists, hinders or endangers any public servant performing or purporting to perform an official function. Current law provides that a person is guilty of obstructing government administration if the person intentionally interferes by force, violence or intimidation or by any physical act with a public servant performing or purporting to perform an official function.

**LD 1138 Resolve, To Provide Assistance to Private Sellers of Firearms**

**RESOLVE 53**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| HASKELL<br>BRYANT B | OTP-AM                  | H-180                     |

This resolve directs the Department of Public Safety to assist private sellers of firearms by providing information about how to collect appropriate information about the purchasers of firearms and how to obtain criminal history record checks on those purchasers. In this effort, the Department of Public Safety shall invite the United States Attorney for the District of Maine to collaborate in order to educate and encourage access to the Project Safe Neighborhoods website where private sellers can obtain a gun seller's tool kit. The department shall also invite the United States Attorney to assist it in contacting Maine's federally licensed firearms dealers and compiling a list of those dealers who are willing to perform criminal history record checks of buyers purchasing firearms from private sellers. The department shall post that list on its website and shall publicize the information to educate the public. The department shall report its progress to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2010.

**Committee Amendment "A" (H-180)**

This amendment directs the Department of Public Safety to assist private sellers of firearms by providing information about how to collect appropriate information about the purchasers of firearms and how to obtain criminal history record checks on those purchasers. In this effort, the Department of Public Safety shall invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to collaborate in order to educate the public and private sellers and encourage access to the United States Department of Justice's Project Safe Neighborhoods website where private sellers can obtain a gun seller's tool kit. The department shall also invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to assist it in contacting Maine's federally licensed firearms dealers and compiling a list of those dealers who are willing to perform criminal history record checks of buyers purchasing firearms from private sellers. The department shall post that list on its website and shall invite both the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to include the list on their existing websites and shall publicize the information to educate the public. The department shall report its progress to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2010.

**Enacted Law Summary**

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

Resolve 2009, chapter 53 directs the Department of Public Safety to assist private sellers of firearms by providing information about how to collect appropriate information about the purchasers of firearms and how to obtain criminal history record checks on those purchasers. In this effort, the Department of Public Safety shall invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to collaborate in order to educate the public and private sellers and encourage access to the United States Department of Justice's Project Safe Neighborhoods website where private sellers can obtain a gun seller's tool kit. The department shall also invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to assist it in contacting Maine's federally licensed firearms dealers and compiling a list of those dealers who are willing to perform criminal history record checks of buyers purchasing firearms from private sellers. The department shall post that list on its website and shall invite both the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to include the list on their existing websites and shall publicize the information to educate the public. The department shall report its progress to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2010.

**LD 1139      An Act To Require Internet Service Providers To Retain Records**

**Carried Over**

| <u>Sponsor(s)</u>  | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| HASKELL<br>DIAMOND |                         |                           |

This bill requires that Internet service providers retain customer records for at least 180 days and directs the Attorney General to adopt routine technical rules governing the retention of those records. Failure to comply with the retention requirements is a civil violation for which a fine of up to \$10,000 per violation may be adjudged.

LD 1139 was carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053.

**LD 1157      An Act To Improve the Use of Information Regarding Sex Offenders**

**PUBLIC 365**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| GERZOFSKY         | OTP-AM                  | S-264                     |

Part A of the bill makes the following changes to the Maine Criminal Code.

1. It amends the crime of prohibited contact with a minor by repealing the element that the person has a duty to register under the Sex Offender Registration and Notification Act of 1999 and by making the law applicable only to those persons convicted on or after June 30, 1992.
  
2. It repeals from the sentencing provisions the directive that a court order a person convicted of a sex offense or a sexually violent offense to satisfy all requirements of the Sex Offender Registration and Notification Act of 1999. This change clarifies that the Legislature determines that a duty to register exists based on the conviction and that the court's duty is only to notify the person of that duty.
  
3. It repeals from the probation provisions the directive that a court attach as a condition of probation that a person convicted of a sex offense or a sexually violent offense satisfy all requirements of the Sex Offender Registration and