

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

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

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<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 HOUSES</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 of the 124th Legislature is Monday, July 12, 2010. 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

the Sex Offender Registration and Notification Act of 1999. LD 1822 was reported out of committee as a unanimous ought to pass report and went straight to the floor. LD 1822, now Public Law 2009, chapter 570, was enacted as an emergency measure effective March 30, 2010.

LD 791 An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-364

This bill prohibits the furnishing of a place for minors to use illegal drugs. A person is guilty of furnishing a minor a place to use scheduled drugs, imitation scheduled drugs or counterfeit drugs if that person knowingly furnishes a minor a place to use scheduled drugs, imitation scheduled drugs or counterfeit drugs. Violation of the offense would be a Class B crime if the violation involves a counterfeit drug or a schedule W drug, a Class C crime if the violation involves a schedule X, Y or Z drug and a Class D crime if the violation involves an imitation scheduled drug.

Committee Amendment "A" (S-193)

This amendment was adopted during the First Regular Session of the 124th Legislature. The amendment replaces the bill and mirrors the penalties for furnishing a place for a minor to consume alcohol in the Maine Revised Statutes, Title 28-A, section 2081. For purposes of this new crime, a minor is a person under 21 years of age. The amendment also adds an appropriations and allocations section.

LD 791 was recommitted to the Committee on Criminal Justice and Public Safety after being removed from the Special Appropriations Table and was subsequently carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053.

Committee Amendment "B" (S-364)

This amendment was adopted by the Second Regular Session of the 124th Legislature. This intent of this amendment is the same as Committee Amendment "A." Committee Amendment "B" replaces the bill and mirrors the penalties for furnishing a place for a minor to consume alcohol in the Maine Revised Statutes, Title 28-A, section 2081. For purposes of this new crime, a minor is a person under 21 years of age. The amendment is drafted to comply with Maine Criminal Code drafting standards for prior convictions, including violations for conduct that is substantially similar and committed in another jurisdiction. The amendment also adds an appropriations and allocations section.

This bill and its accompanying amendment were referred to the Special Appropriations Table and died on adjournment.

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

ONTP

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

Joint Standing Committee on Criminal Justice and Public Safety

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. The committee voted this bill ought not to pass at this time, with the understanding that the Department of Public Safety and Internet service providers will continue to work together on the issue of retention of records, and Congress is also currently considering similar legislation to comprehensively regulate record retention.

LD 1497 *An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors*

**PUBLIC 551
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	H-701 MCKANE S-377

This bill makes the following clarifications to the law governing smoke detectors and carbon monoxide detectors.

1. Smoke detectors are required in each unit in a multifamily building and in any single-family dwelling built after January 1, 1982. Smoke detectors are also required in any single-family dwelling in which an addition adding a new bedroom is constructed, or in any dwelling that is converted to a single-family dwelling, after September 19, 1985. These dates reflect the original effective dates of legislation requiring smoke detectors.
2. Smoke detectors are required in all rental units rather than only rental apartments. At the time of new occupancy, the landlord must ensure that smoke detectors are present.
3. Landlords may install 10-year sealed tamper-resistant battery-powered smoke detectors in rented single-family dwellings.
4. Smoke detectors required upon transfer of a dwelling to a new owner may be powered by the electrical service, by battery or by both.
5. The definition of "electrical service" for carbon monoxide detectors is clarified as either plugging the device into an outlet or hard-wiring it.
6. Carbon monoxide detectors in rental units, new construction and dwellings that are transferred to new owners are required to be powered by both electrical service and by battery.
7. The buyer of any single-family dwelling or multifamily apartment building must install carbon monoxide detectors and certify that the buyer has done so.
8. Carbon monoxide detectors are required in all rental units. At the time of new occupancy, the landlord must ensure that carbon monoxide detectors are present.
9. Rental units requiring carbon monoxide detectors do not include hotels, motels, inns or bed and breakfast establishments licensed as eating and lodging places under the Maine Revised Statutes, Title 22, chapter 562.