

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

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.

Joint Standing Committee on Criminal Justice and Public Safety

10. The Commissioner of Public Safety may transfer up to \$100,000 from the Department of Public Safety, Office of the State Fire Marshal for the purpose of purchasing carbon monoxide detectors for distribution. This amends Public Law 2009, chapter 162, which required the transfer of \$100,000 for this purpose.

11. One-time funding of \$115,000 is provided in fiscal year 2010-11 for the purpose of purchasing carbon monoxide detectors and educational materials.

Committee Amendment "A" (S-377)

This amendment makes the following changes to the bill.

1. It removes the requirement for smoke detectors and carbon monoxide detectors to be installed in accordance with the National Electric Code and clarifies that they must be installed according to the manufacturer's requirements at the time of installation.

2. It clarifies that smoke detectors installed or replaced after the effective date of the bill within 20 feet of a kitchen or bathroom with a tub or shower must be of a photoelectric type, except that ionization detectors are permitted in bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom with a tub or shower.

3. It requires a buyer of a single-family dwelling or multiapartment building to certify at closing that the buyer will install smoke detectors and carbon monoxide detectors within 30 days of acquisition rather than on the day of closing.

4. It removes smoke detector installers and carbon monoxide detector installers from protection from liability from damages resulting from the operation of the detectors.

5. It includes closing agents and lenders in the list of people exempt from claims for relief resulting from the operation of smoke detectors or carbon monoxide detectors.

6. It clarifies that claims for relief are for damages from the operation, maintenance or effectiveness of smoke detectors and carbon monoxide detectors, not only the proper operation, maintenance or effectiveness.

7. It removes the exemption for hotels, motels, inns or bed and breakfasts from the requirement for rental units to have carbon monoxide detectors. This would allow the Department of Public Safety, Office of the State Fire Marshal the ability to require carbon monoxide detectors in these facilities through rulemaking.

House Amendment "A" To Committee Amendment "A" (H-701)

This amendment requires a buyer of a single-family dwelling or a multiapartment building to install smoke detectors and carbon monoxide detectors within 30 days of acquisition or occupancy of the dwelling, whichever is later, if smoke detectors and carbon monoxide detectors are not already present.

Enacted Law Summary

Public Law 2009, chapter 551 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.

Joint Standing Committee on Criminal Justice and Public Safety

2. Smoke detectors and carbon monoxide detectors are required in all rental units not only rental apartments and must be installed at the time of a new occupancy if they are not already 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. The buyer of any single-family dwelling or multiapartment building must certify at closing that the buyer will install smoke detectors and carbon monoxide detectors within 30 days of acquisition of occupancy of the dwelling, whichever is later, if smoke detectors and carbon monoxide detectors are not already present.
7. The requirement for smoke detectors and carbon monoxide detectors to be installed in accordance with the National Electric Code is removed. The detectors must be installed according to the manufacturer's requirements at the time of installation.
8. Smoke detectors installed or replaced after the effective date of the law within 20 feet of a kitchen or bathroom with a tub or shower must be of a photoelectric type, except that ionization detectors are permitted in bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom with a tub or shower.
9. Smoke detector installers and carbon monoxide detector installers are removed from protection from liability from damages resulting from the operation of the detectors.
10. Closing agents and lenders are included in the list of people exempt from claims for relief resulting from the operation of smoke detectors or carbon monoxide detectors.
11. Claims for relief for damages are from the operation, maintenance or effectiveness of smoke detectors and carbon monoxide detectors, not the proper operation, maintenance or effectiveness.
12. The Commissioner of Public Safety may transfer up to \$100,000 from the Department of Public Safety, Office of the State Fire Marshal for the purpose of purchasing carbon monoxide detectors for distribution. This amends Public Law 2009, chapter 162, which required the transfer of \$100,000 for this purpose.
13. One-time funding of \$115,000 is provided in fiscal year 2010-11 for the purpose of purchasing carbon monoxide detectors and educational materials.

Public Law 2009, chapter 551 was enacted as an emergency measure effective March 3, 2010.

**LD 1522 An Act To Streamline the Renewal Process for a Permit To Carry a
Firearm**

PUBLIC 503

Sponsor(s)

PRATT

Committee Report

OTP-AM

Amendments Adopted

H-633