

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

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill requires the Commissioner of Public Safety to renew, upon payment of the filing fee, a permit authorizing a person to carry a firearm who would otherwise be prohibited from doing so, unless the Commissioner of Public Safety has revoked that permit for cause. This provision deals only with the issuance of permits to carry black powder rifles.

Prior to the four-year limit on these permits, no further tracking or checking of permit holders was done; once a permit was issued, it lasted forever even if the holder committed new crimes or other bad acts. The adoption of the four-year permit renewal process requires a person to apply to the Commissioner of Public Safety; the Commissioner then does a background check on the applicant. The background check is the same kind of procedure conducted before certain professional licenses are issued.

The Commissioner then sends letters to the sentencing judge, the Attorney General, the District Attorney where applicant resides and the District Attorney where the conviction making the person ineligible to possess a firearm occurred, the law enforcement agency that investigated that crime, and the Chief of Police and Sheriff where the crime occurred, as well as the Chief and Sheriff where the applicant resides at time of filing the permit application. Any objection results in a denial of issuance of the permit. Objections may be based on such factors as the existence of protection from abuse orders, past crimes and history of violence and repeated criminal conduct that shows a history of disrespect for the law. An applicant who has been denied may challenge the decision by filing an 80-C appeal, which is defended by the Attorney General.

Committee Amendment "A" (H-633)

This amendment replaces the bill. The amendment specifies that, if there is an objection to the issuance of an initial permit to carry a firearm to a person who would otherwise be prohibited from doing so, the objection must be provided to the Commissioner of Public Safety in writing and, as is currently provided, the Commissioner may not issue the permit. The reason for the objection must be communicated in writing to the Commissioner in order for it to be the sole basis for denial. If a person notified objects in writing, including the reason for the objection, to the commissioner regarding a second or subsequent issuance of a permit, the commissioner shall consider the objection when determining whether a second or subsequent permit may be issued to the applicant, but need not deny the issuance of a permit based on an objection alone. Again, as current law provides, the Commissioner may deny any application for a permit, even if no objection is filed.

Enacted Law Summary

Public Law 2009, chapter 503 specifies that, if there is an objection to the issuance of an initial permit to carry a firearm to a person who would otherwise be prohibited from doing so, the objection must be provided to the Commissioner of Public Safety in writing and, as is currently provided, the Commissioner may not issue the permit. The reason for the objection must be communicated in writing to the Commissioner in order for it to be the sole basis for denial. If a person notified objects in writing, including the reason for the objection, to the Commissioner regarding a second or subsequent issuance of a permit, the commissioner shall consider the objection when determining whether a second or subsequent permit may be issued to the applicant, but need not deny the issuance of a permit based on an objection alone. As has always been the case, the Commissioner may deny any application for a permit, even if no objection is filed.

LD 1531 An Act To Update Laws Regulating the Maine Emergency Management Agency

PUBLIC 479

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP	