

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 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	

Joint Standing Committee on Criminal Justice and Public Safety

This bill removes the provision permitting a prospective hazardous chemical and substance inventory report and fee based on projected inventory levels to be submitted to the Maine Emergency Management Agency at the time of registration and leaves the requirement that the inventory report and fee for the previous year be submitted annually on March 1st.

Enacted Law Summary

Public Law 2009, chapter 479 removes the provision permitting a prospective hazardous chemical and substance inventory report and fee based on projected inventory levels to be submitted to the Maine Emergency Management Agency at the time of registration and leaves the requirement that the inventory report and fee for the previous year be submitted annually on March 1st.

LD 1576 An Act To Improve the Ability of the Commissioner of Corrections To Respond in Special Situations

PUBLIC 498

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-615

This bill authorizes the Commissioner of the Department of Corrections to establish ongoing emergency response teams consisting of personnel from more than one facility to assist in emergency situations throughout the department. Current law provides that when emergency situations are certified by the chief administrative officer to exist at a facility, the Commissioner, with approval of the Governor, may assign personnel, from other facilities temporarily and as necessary, to assist in the emergency.

Committee Amendment "A" (H-615)

This amendment clarifies that the Commissioner of Corrections has authority to create interfacility teams to respond to special situations throughout the department. The amendment ensures that the commissioner may pull staff with expertise from one facility to assist in a special situation in another facility. The amendment does not change the current procedure for emergencies, in which the commissioner must seek approval from the Governor to assign personnel as necessary to assist in emergency situations.

Enacted Law Summary

Public Law 2009, chapter 498 clarifies that the Commissioner of Corrections has authority to create interfacility teams to respond to special situations throughout the department. Public Law 2009, chapter 498 ensures that the commissioner may pull staff with expertise from one facility to assist in a special situation in another facility. This does not change the current procedure for emergencies, in which the commissioner must seek approval from the Governor to assign personnel as necessary to assist in emergency situations.

LD 1583 An Act To Improve the Delivery of Community Corrections Services

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-679