

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:

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 HOUSES..... 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 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

by September 1, 2010. The plan must include funding options for emergency shelter placements, foster home placements and residential placements.

Resolve 2009, chapter 204 directs that by January 15, 2011 the Departments of Corrections, Health and Human Services and Education develop a plan that identifies an ongoing mechanism for providing flexible funding for youth who are served by multiple state agencies. The plan must include resources from public, private and nonprofit sectors.

Resolve 2009, chapter 204 also requires that the Department of Corrections report progress on these cooperative initiatives to the joint standing committee of the Legislature having jurisdiction over juvenile justice matters by January 15, 2011.

Resolve 2009, chapter 204 was finally passed as an emergency measure effective April 7, 2010.

LD 1737

An Act To Clarify Safety Requirements in Acadia National Park

PUBLIC 607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP-AM MIN	S-424 S-459 RAYE

The federal Credit Card Accountability Responsibility and Disclosure Act of 2009, Public Law 111-24, Section 512 repealed a federal ban on firearms in national parks, effective February 22, 2010. The federal law prohibits the Department of Interior from adopting or enforcing rules that prohibit people from possessing firearms in national parks and wildlife refuges, as long as the person is in compliance with state law. Unless the State prohibits possession in the national parks and wildlife refuges, people can carry firearms in those places.

This bill proposes to maintain the prohibition of possession of firearms in national parks by prohibiting possession of a firearm in any unit of the United States National Park System in Maine, except: within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by State or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties.

This bill's intent is to promote public safety and the preservation of wildlife by maintaining consistency with the prior prohibition against possession of firearms in national parks, with exceptions noted above, which are like the exceptions in some of Maine's state parks. In some of Maine's state parks hunting is permitted at certain times; at some firearms are prohibited at all times.

Committee Amendment "B" (S-425)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and amends the bill to apply only to Acadia National Park. The amendment prohibits possession of firearms in Acadia National Park except within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by state or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties. Under this amendment, violation of this prohibition is a Class E crime.

This amendment was not adopted.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (S-424)

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and amends the bill to apply only to Acadia National Park. In addition to the exceptions to the prohibition for possession of a firearm provided in the bill, the amendment authorizes possession of a firearm when the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B who possesses photographic identification; when the firearm is a concealed firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C who possesses photographic identification; or when the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in the Maine Revised Statutes, Title 25, chapter 252. This amendment also establishes penalties for violations, including a Class D crime for illegal possession of a concealed firearm, a Class E crime for illegal possession of a firearm, and a civil violation for failure to have proper identification or permit while carrying a concealed firearm.

Senate Amendment "A" To Committee Amendment "A" (S-459)

This amendment clarifies the violation provisions in Committee Amendment "A" as they pertain to concealed weapons and weapons that are not concealed.

Enacted Law Summary

The federal Credit Card Accountability Responsibility and Disclosure Act of 2009, Public Law 111-24, Section 512 repealed a federal ban on firearms in national parks, effective February 22, 2010. The federal law prohibits the Department of Interior from adopting or enforcing rules that prohibit people from possessing firearms in national parks and wildlife refuges, as long as the person is in compliance with state law. Public Law 2009, chapter 607 maintains the prohibitions of possession of firearms in national parks by prohibiting possession of a firearm in any unit of the United States National Park System in Maine, except: within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by State or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties.

Public Law 2009, chapter 607 also adds additional exceptions to the prohibition for possession of a firearm in Acadia National Park. Specifically, it authorizes possession of a firearm when the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B who possesses photographic identification; when the firearm is a concealed firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C who possesses photographic identification; or when the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in the Maine Revised Statutes, Title 25, chapter 252.

LD 1740 Resolve, Regarding Legislative Review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a Major Substantive Rule of the State Board of Corrections

**RESOLVE 165
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a major substantive rule of the State Board of Corrections. The rule establishes the process and standards used by the Board of Corrections to determine the use of state correctional facilities and county jails including if a