

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

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

Joint Standing Committee on Criminal Justice and Public Safety

state correctional facility or county jail should be assigned a new service responsibility, downsized or closed.

Enacted Law Summary

Resolve 2009, chapter 165 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 state correctional facility or county jail should be assigned a new service responsibility, downsized or closed.

Resolve 2009, chapter 165 was finally passed as an emergency measure effective March 22, 2010.

LD 1745 An Act To Amend the Laws Governing County Jail Budgeting for York County

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-461

This bill provides that the county commissioners of York County may use revenue generated from boarding prisoners in the county jail in York County for any county expense. It requires the county commissioners to use money from the budget of the county jail in York County to pay the cost of payroll expenses for administrative services that are properly allocated to the county jail in York County. It requires the county commissioners of York County to pay the cost of debt service for the county jail in York County from the budget of the county jail in York County.

Committee Amendment "A" (S-461)

This amendment replaces the bill. It amends the tax assessment that can be collected annually by counties for the provision of correctional services, excluding debt service, so that York County's cap is reduced by \$280,433. The lease-purchase arrangement for the heating, ventilating and air conditioning system that amounts to \$280,433 a year is determined as debt rather than correctional expenditures and moved outside of the cap. The changes take effect on July 1, 2010 to coincide with the fiscal year. The amendment adds an emergency preamble and emergency clause.

This amendment was never removed from the Special Appropriations Table and died on adjournment.

Senate Amendment "A" To Committee Amendment "A" (S-548)

This amendment removes the emergency preamble and emergency clause. This amendment was never introduced.

LD 1766 Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections

**RESOLVE 170
EMERGENCY**

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