

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

July 2011

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STAFF:

MARION HYLAN BARR, SENIOR ANALYST
ALYSON MAYO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Criminal Justice and Public Safety

**LD 8 An Act To Increase the Maximum Distance from a School within Which
a Sex Offender May Not Reside That May Be Set by Municipal
Ordinance**

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	ONTP MAJ OTP-AM MIN	

Current law allows a municipality to prohibit certain sex offenders from residing up to 750 feet from a school or a municipally owned property where children are the primary users. This bill increases that distance to 2,500 feet.

Committee Amendment "A" (S-13)

This amendment is the minority report of the Joint Standing Committee of Criminal Justice and Public Safety. The amendment authorizes a municipality that has no police chief or the county commissioners for an unorganized territory to adopt an ordinance to prohibit residence by certain sex offenders up to a maximum distance of 2,500 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 2,500 feet surrounding the real property comprising a municipally owned property or a publicly owned property in an unorganized territory where children are the primary users. For municipalities with a police chief, the existing distance requirement of 750 feet in current law remains applicable. The amendment also clarifies the current law that any restriction may not apply to a residence established prior to the effective date of the ordinance.

This amendment was not adopted.

LD 35 An Act Relating to Concealed Firearms Locked in Vehicles

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA	OTP-AM MAJ ONTP MIN	H-422

This bill provides that an employer may not prohibit an employee with a valid concealed firearms permit from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible.

Committee Amendment "A" (H-422)

This amendment, which is the majority report of the committee, replaces the bill and specifies that an employer or agent of an employer may not prohibit an employee who has a valid permit to carry a concealed firearm under the Maine Revised Statutes, Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. The amendment does not authorize an employee to carry a firearm in a place where carrying a firearm is prohibited by law.

The amendment also specifies that an employer or an agent of an employer may not be held liable in any civil action for damages, injury or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to this provision. Finally, the amendment provides that this provision does not affect any provisions in the Maine Workers' Compensation Act of 1992.

Senate Amendment "A" To Committee Amendment "A" (S-298)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment specifies that, in the absence of a policy prohibiting weapons at an employer's place of business, an employer may not prohibit an employee from keeping a firearm in that employee's locked vehicle.

This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 393 specifies that an employer or agent of an employer may not prohibit an employee who has a valid permit to carry a concealed firearm under the Maine Revised Statutes, Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. Public Law 2011, chapter 393 does not authorize an employee to carry a firearm in a place where carrying a firearm is prohibited by law.

Public Law 2011, chapter 393 also specifies that an employer or an agent of an employer may not be held liable in any civil action for damages, injury or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to this provision. Finally, the amendment provides that this provision does not affect any provisions in the Maine Workers' Compensation Act of 1992.

LD 37	An Act To Amend the Deferred Disposition Law As It Pertains to Sex Offenses	LTW
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL GERZOFISKY	LV/WD	

This bill eliminates the sentencing alternative of deferred disposition for persons who are guilty of committing the following Class C, Class D or Class E crimes: sexual assault; sexual exploitation of minors; incest; certain crimes of indecent conduct; and crimes against family members, including sexual assault, kidnapping and criminal restraint, violating a protective order, endangering the welfare of a child or a dependent person and obstructing the report of a crime or injury.

LD 44	An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base	DIED BETWEEN HOUSES
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER SHERMAN	OTP-AM MAJ OTP-AM MIN	

Under existing law, possession of 14 grams or less of cocaine is a Class D crime. This bill provides that possession of cocaine in any amount is at least a Class C crime. Additionally, under existing law, possession of 4 grams or less of cocaine in the form of cocaine base, also known as "crack" cocaine, is a Class D crime when the State has not proven that the offender has a prior drug conviction, but rises to a Class C crime when the State has proven that the offender does have a prior drug conviction. The bill provides that possession of crack cocaine is at least a Class C crime even when the State has not proven that the offender has had a previous drug conviction.

Committee Amendment "A" (H-418)

This amendment is the majority report of the committee. The amendment adds an appropriations and allocations section.