

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> 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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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 125<sup>th</sup> 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 125<sup>th</sup> 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*

guidelines describing safe and proper use of consumer fireworks. It also requires specific statements that the sale of consumer fireworks to persons under 21 years of age is prohibited be included in the guidelines.

13. It adds that it is an affirmative defense to prosecution for a violation of the prohibition against selling fireworks to a person under 21 years of age that the licensee sold consumer fireworks to a person under 21 years of age in reasonable reliance upon fraudulent proof of age presented by the purchaser. It adds that a person may not sell consumer fireworks in this State unless that person holds a valid license or is an employee or agent of a person that holds a valid license.

14. It provides that a person who sells consumer fireworks without a valid license or furnishes consumer fireworks to a person under 21 years of age or a licensee who sells consumer fireworks to a person under 21 years of age or an intoxicated person commits a Class D crime. A fine of \$500 or more is imposed if the violation involves furnishing fireworks to a minor. A fine of \$1,000 or more is imposed for a person who has been convicted of the same offense one or more times in the previous 6 years.

15. It provides that a fine of between \$200 and \$400 may be imposed on a person under 21 years of age who purchases, uses or possesses consumer fireworks within the State or presents to a consumer fireworks licensee false or fraudulent evidence of age for the purpose of purchasing consumer fireworks.

16. It provides that the Office of the State Fire Marshal shall submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the sale and use of consumer fireworks, including fireworks-related injuries and fires, by March 1st of each year beginning in 2013.

17. It provides that after December 31, 2013, the Commissioner of Public Safety may adopt major substantive rules regarding consumer fireworks-related injuries reporting by health care providers.

18. It requires the Office of the State Fire Marshal to work with statewide associations representing hospitals and physicians to develop a method for health care providers to collect and report voluntarily to the Office of the State Fire Marshal data regarding injuries related to consumer fireworks.

19. It includes a Public Safety Inspector II position and one clerical position.

20. The effective date of the legislation to January 1, 2012.

**LD 91**

**An Act Relating to Disorderly Conduct in the Vicinity of a Funeral**

**ONTP**

Sponsor(s)

CELLI

Committee Report

ONTP

Amendments Adopted

This bill amends the disorderly conduct statute, Title 17-A §501-A, sub-§1, D, by adding a distance requirement to the existing provision. Specifically, the bill prohibits disorderly conduct within 1,000 feet of a funeral, burial or memorial service or within 1,000 feet of the route between locations where such ceremonies are being held. The bill also increases the classification of the crime of disorderly conduct with regard to a funeral, burial or memorial service from a Class E to a Class D crime. Other forms of disorderly conduct remain Class E crimes.