

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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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 123 An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS THOMAS	OTP MAJ ONTP MIN	S-163 MASON

LD 123 prohibits the requirement of sprinkler systems in commercial places of assembly that open for no more than 50 days per calendar year. Commercial places of assembly include bars with live entertainment, dance halls, nightclubs, assembly halls with festival seating and restaurants.

House Amendment "A" (H-7)

This amendment clarifies that the automatic sprinkler system exemption in the bill applies to those commercial places of assembly in existence as of March 1, 2011 and specifies that the exemption expires upon the transfer of ownership of the commercial place of assembly.

This amendment was not adopted.

House Amendment "B" (H-273)

This amendment provides that, in order to be eligible for the exemption from the requirement of an automatic sprinkler system, an existing commercial place of assembly must have double the number of fire extinguishers that otherwise would be required or at least one for every 50 people, whichever is greater, and those fire extinguishers must be placed throughout the place of assembly; double the number of smoke detectors that otherwise would be required and those smoke detectors must be hard-wired with a battery backup; and another exit door in addition to the number of exit doors that otherwise would be required.

This amendment was not adopted.

Senate Amendment "A" (S-163)

The amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2011, chapter 349 prohibits the requirement of sprinkler systems in commercial places of assembly that open for no more than 50 days per calendar year. Commercial places of assembly include bars with live entertainment, dance halls, nightclubs, assembly halls with festival seating and restaurants.

LD 124 An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment

PUBLIC 225

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL SAVIELLO	OTP-AM	H-253

Current law allows the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a

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carbon monoxide detector is installed in the building near a bedroom.

LD 123 allows any such connection regardless of whether the chimney was existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

Committee Amendment "A" (H-253)

The amendment replaces the bill.

1. It retains provisions in the Maine Revised Statutes, Title 32, section 18107 governing the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. It adds 2 additional requirements for chimneys existing and in use on or after February 2, 1998. The 2 additional requirements are that the appliance has been listed by Underwriters Laboratories or other testing laboratory and that the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications.

2. It includes changes to Title 25, section 2465, which is affected by any changes made to Title 32, section 18107, as it deals with rules pertaining to maintenance and inspections, including specific allowances. These changes allow for the adoption of rules that do not prohibit the connection of a solid fuel burning appliance to a chimney flue to which another appliance is connected for any chimney existing and in use on or after February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact, a carbon monoxide detector is installed in the building near a bedroom, the appliance has been listed by Underwriters Laboratories or other testing laboratory and the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. It continues to allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

3. It includes changes to Title 32, section 18123, which is affected by the changes made to Title 32, section 18107, giving the Maine Fuel Board certain powers and duties, including adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. This amendment allows installers to install appliances in accordance with changes made in Title 32, section 18107.

Enacted Law Summary

Public Law 2011, chapter 225 does the following.

1. It retains provisions in the Maine Revised Statutes, Title 32, section 18107 governing the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. It adds 2 additional requirements for chimneys existing and in use on or after February 2, 1998. The 2 additional requirements are that the appliance has been listed by Underwriters Laboratories or other testing laboratory and that the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications.

2. It includes changes to Title 25, section 2465, which is affected by any changes made to Title 32, section 18107, as it deals with rules pertaining to maintenance and inspections, including specific allowances. These changes allow for the adoption of rules that do not prohibit the connection of a solid fuel burning appliance to a chimney flue to which another appliance is connected for any chimney existing and in use on or after February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact, a carbon monoxide

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detector is installed in the building near a bedroom, the appliance has been listed by Underwriters Laboratories or other testing laboratory and the solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. It continues to allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

3. It includes changes to Title 32, section 18123, which is affected by the changes made to Title 32, section 18107, giving the Maine Fuel Board certain powers and duties, including adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. This amendment allows installers to install appliances in accordance with changes made in Title 32, section 18107.

LD 126 An Act To Allow a Person with One Arm To Possess Certain Kinds of PUBLIC 31
Prohibited Knives

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS GERZOFISKY	OTP-AM	H-40

Current law provides that a person is guilty of a Class D crime of trafficking in dangerous knives, if the person knowingly manufactures or causes to be manufactured, or knowingly possesses, displays, offers, sells, lends, gives away or purchases any knife that has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement. This bill provides an exception to this prohibition against possession of such a knife for an individual who has only one arm. The exception is modeled in part on federal law.

Committee Amendment "A" (H-40)

This amendment mirrors the exception in 15 United States Code, Section 1244, which authorizes a person with one arm to possess and transport a dangerous knife that has a blade 3 inches or less in length.

Enacted Law Summary

Public Law 2011, chapter 31 mirrors the exception in 15 United States Code, Section 1244 and authorizes a person who has only one arm to possess and transport a knife that has a blade 3 inches or less in length and opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement.

LD 168 An Act To Require a Medical Examiner To Determine whether an PUBLIC 60
Autopsy Is Needed in the Case of the Death of a Prisoner in a
Correctional Facility

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-86