

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**

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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

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 Prohibited Knives PUBLIC 31

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| BRIGGS GERZOFSKY | 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 Autopsy Is Needed in the Case of the Death of a Prisoner in a Correctional Facility PUBLIC 60

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill requires that an examination and inquest be held whenever a prisoner in a state correctional or detention facility dies. It also requires a medical examiner to determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed unless the prisoner had expressed a preference when admitted to the facility or at any other time that an autopsy not be performed or the next of kin of the prisoner expresses a preference that an autopsy not be performed. The next of kin of the client may also request that an autopsy be performed, in which case an autopsy must be performed.

Committee Amendment "A" (H-86)

This amendment replaces the bill and amends the statute regarding medical examiner cases to specify that a medical examiner case may exist and must be reported when a person dies in custody pursuant to an arrest or confinement in a state correctional facility, county jail, other correctional facility or local lockup or while in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The amendment removes the current exception covering a prisoner's death that is due to specific natural causes that are clearly certifiable by an attending physician. This means that whenever a death occurs in these circumstances, the death must be reported to the Chief Medical Examiner, and the Chief Medical Examiner must then determine whether the case is a medical examiner case. The amendment also amends the provision in Title 34-A regarding the unnatural death of a client to be consistent with the Chief Medical Examiner's responsibilities described under Title 22, chapter 711.

Enacted Law Summary

Public Law 2011, chapter 60 amends the statute regarding medical examiner cases to specify that a medical examiner case may exist and must be reported when a person dies in custody pursuant to an arrest or confinement in a state correctional facility, county jail, other correctional facility or local lockup or while in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. Public Law 2011, chapter 60 removes the current exception covering a prisoner's death that is due to specific natural causes that are clearly certifiable by an attending physician. This means that whenever a death occurs in these circumstances, the death must be reported to the Chief Medical Examiner, and the Chief Medical Examiner must then determine whether the case is a medical examiner case. Public law 2011, chapter 60 also amends the provision in the Maine Revised Statutes, Title 34-A regarding the unnatural death of a client to be consistent with the Chief Medical Examiner's responsibilities described under Title 22, chapter 711.

See also Part D, Sections D-3 through D-5 of Committee Amendment "A" to LD 1480, An Act to Make Correct Errors and Inconsistencies in the Laws of Maine, which was enacted as Public Law 2011, chapter 420. These sections correct technical issues in language adopted pursuant to Public Law 2011, chapter 60 and ensure proper implementation of this public law.

See the bill summary for LD 1480 under the bill summaries for the Joint Standing Committee on Judiciary.

LD 257 An Act To Protect Children in Public Schools by Changing Notification Requirements Regarding Sex Offenders ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CEBRA | ONTP | |

The bill adds language to the Juvenile Code to specifically notwithstanding Title 20-A's existing process for notification teams and provisions regarding confidentiality of juvenile records and requires superintendents of schools who receive information about a juvenile who is adjudicated of gross sexual assault as an adult to notify all school personnel and all parents and guardians of students who attend the school.