

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 386

**An Act To Implement the Recommendations of the Working Group
Concerning Domestic Violence and Firearms**

**MAJORITY
(ONTP) REPORT**

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

This bill implements the recommendations of the working group concerning domestic violence and firearms established under Resolve 2009, chapter 86.

The bill authorizes a law enforcement officer to seize firearms from a person upon arrest for certain crimes of domestic violence, including: murder; assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members; domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct; violating a court-ordered consent agreement or protection from abuse order; or aggravated assault on a family or household member.

The bill provides that a person subject to firearm seizure is subject to a new mandatory bail condition that requires that all firearms in the possession of the person arrested be relinquished to a law enforcement officer and that the person refrain from possessing a firearm or other specified dangerous weapons until further order of a court. Upon request of the defendant, such a bail condition must be heard by the court as expeditiously as possible.

The bill also amends law enforcement agencies' minimum policy standards regarding domestic violence by requiring that all law enforcement agencies adopt a written policy for the seizure of firearms and safe storage of firearms seized by a law enforcement officer in a domestic violence arrest.

Committee Amendment "A" (H-330)

This amendment is the minority report and implements some of the recommendations, with changes, proposed by the working group concerning domestic violence and firearms established under Resolve 2009, chapter 86. Specifically, the amendment requires bail commissioners to impose a bail condition in all domestic violence cases that the person on bail refrain from possessing firearms or other specified dangerous weapons. The amendment deletes from the bill changes to the Maine Revised Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (8), leaving the current law in place that allows bail commissioners to continue to impose conditions banning the possession of all dangerous weapons. The amendment adds a new Title 15, section 1026, subsection 3, paragraph A, subparagraph (8-A) that states that if a condition is imposed under bail pursuant to Title 15, section 1023, subsection 4-A, the bail commissioner may impose the condition of refraining from possessing a firearm or other specified dangerous weapon until further order of the court.

The amendment also deletes from the bill provisions that mandate that a law enforcement officer seize all firearms in certain warrantless arrest situations and in arrest situations where the officer has probable cause to believe that there has been a criminal violation of a protection order and provisions that require law enforcement agencies to adopt and implement new minimum policy standards for seizure and storage of firearms.

This amendment was not adopted.