

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 446 An Act To Allow Law Enforcement Officers from Out of State To Carry
Concealed Firearms**

PUBLIC 396

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SNOWE-MELLO	OTP-AM MAJ ONTP MIN	H-331

This bill allows a law enforcement officer or retired law enforcement officer who is a resident of another state to carry a firearm in this State without a permit to carry a concealed firearm.

Committee Amendment "A" (H-331)

This amendment is the majority report of the committee. The amendment amends the bill's title to clarify that the bill refers to the carrying of concealed firearms, not weapons. The amendment also specifically references 18 United States Code, Sections 926-B and 926-C and their requirements, which also authorize qualified law enforcement officers or qualified retired law enforcement officers to carry concealed firearms.

Enacted Law Summary

Public Law 2011, chapter 396 allows a law enforcement officer or retired law enforcement officer who is a resident of another state to carry a firearm in this State without a permit to carry a concealed firearm. An officer must meet the same qualifications to carry a concealed firearm as required under 18 United States Code, Sections 926-B and 926-C.

**LD 461 An Act To Impose a Penalty for Making False Claims Regarding
Military Service**

**MAJORITY
(ONTP) REPORT**

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

The bill creates the new crime of "fraudulent claim of military service." A person is guilty of this crime if the person knowingly claims falsely to have been awarded a military decoration from the United States Congress, by making that false claim the person intends to obtain something of value to which the person is not entitled and the person obtains that thing of value based on the false claim. The crime is a Class E crime; however, the penalty includes a fine of up to \$5,000. If the falsely claimed military honor or award is the Medal of Honor, the Distinguished Service Cross, the Navy Cross, the Air Force Cross, the Silver Star or Purple Heart, the crime is enhanced to a Class D crime. Notwithstanding the current penalties for Class D crimes, the penalties for this crime include a mandatory term of imprisonment of not less than 9 months. A fine of up to \$10,000 may also be imposed.

Committee Amendment "A" (H-423)

This amendment is the minority report of the committee and replaces the bill. It specifies that theft by deception includes a person claiming falsely that the person has been awarded military decorations, medals or awards.

This amendment was not adopted.