

# 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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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
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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***

**LD 525      An Act To Establish a Minimum Mandatory Sentence for Convictions of Illegally Providing Liquor to a Minor      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	ONTP	

This bill requires a person who has been convicted 3 times or more within a 6-year period of procuring, or in any way aiding or assisting in procuring, furnishing, giving, selling or delivering liquor for or to a minor to serve a mandatory minimum sentence of imprisonment of at least 48 hours in addition to paying a fine of not less than \$1,500. Current law requires that a person who has a 3rd or subsequent offense within a 6-year period be subject to a mandatory fine of not less than \$1,500.

**LD 562      An Act Regarding Municipal Authority To Review Construction Permits for Public Buildings      DIED IN CONCURRENCE**

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

LD 562 clarifies the authority of municipalities that have been approved by the Commissioner of Public Safety to issue construction permits for public buildings. LD 562 died in concurrence.

The exact language from this bill is in LD 1, which was enacted as an emergency measure on June 13, 2011 and is located in Public Law 2011, chapter 304, Part J.

**Committee Amendment "A" (S-291)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

**LD 578      An Act To Allow Municipalities To Restrict the Possession of Firearms in Certain Circumstances      DIED BETWEEN HOUSES**

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

This bill provides a municipal legislative body with the authority to adopt an ordinance that restricts the carrying of firearms in the municipality's essential municipal offices and places of legislative assembly just as the State imposes those restrictions in its capitol area.

**Senate Amendment "A" (S-143)**

***Joint Standing Committee on Criminal Justice and Public Safety***

This amendment requires a municipality, if the legislative body of that municipality adopts an ordinance that restricts the carrying of firearms in that municipality's essential municipal offices or places of legislative assembly, to post in a prominent location outside the affected offices and places a notice of the existence of that restriction.

This amendment was not adopted.

**LD 580 An Act To Protect Children from Sexual Predators**

**PUBLIC 50  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-26

This bill adds accessing with the intent to view sexually explicit material involving a child under 16 years of age to the offense of possession of sexually explicit material.

**Committee Amendment "A" (S-26)**

This amendment adds an emergency preamble and clause and, to be consistent with changes in the bill, also amends the Title 17-A, section 284, subsection 5 to include the word "accessing" in the provision dealing with the interpretation of age of the person being depicted in a sexually explicit visual image or material.

**Enacted Law Summary**

Public Law 2011, chapter 50 adds accessing with the intent to view sexually explicit material involving a child under 16 years of age to the offense of possession of sexually explicit material.

Public Law 2011, chapter 50 was enacted as an emergency measure effective April 25, 2011.

**LD 592 An Act Regarding Forensic Examination Kits**

**PUBLIC 59**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER MASON	OTP	

This bill amends the law to reflect current practice by directing that forensic examination kits be retained by investigating law enforcement agencies rather than transported to the Maine State Police Crime Laboratory. The bill ensures that the text of the Maine Revised Statutes, Title 24, section 2986, subsection 3 is consistent with similar text located in Title 25, section 3821.

**Enacted Law Summary**

Public Law 2011, chapter 59 directs that forensic examination kits be retained by investigating law enforcement agencies rather than transported to the Maine State Police Crime Laboratory. Public Law 2011, chapter 59 also ensures that the text of the Maine Revised Statutes, Title 24, section 2986, subsection 3 is consistent with similar text located in Title 25, section 3821.