

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 639 An Act To Protect Medical Care Providers and Hospital Staff

ONTP

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

This bill broadens the Class C offense of assault on an emergency medical care provider to include all medical care providers who are assaulted while providing medical care or after providing medical care by the person who was provided the medical care or by another person connected to such a person. This bill also broadens the offense to include an assault on medical care support staff, such as maintenance and janitorial personnel.

Although this bill did not pass, the committee introduced and the House and Senate adopted S.P. 517, Joint Resolution Recognizing the Dedication and Resolve of Medical Care Professionals in Hospitals.

LD 648 An Act To Prohibit Organized Retail Theft

Carried Over

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

This bill creates a new crime, "organized retail theft." Organized retail theft includes all the elements of the current crime of theft as described in the Maine Revised Statutes, Title 17-A §354 but also adds the element of using an "organized retail scheme." For purposes of this new crime, an organized retail scheme is used when the property over which the person obtains or exercises unauthorized control is merchandise offered for sale by a retail store and the person acts in concert with a store employee or other person; leaves the store with the property through an emergency exit; removes or disables an antishoplifting or inventory control device; alters a product code; alters a sales receipt; or intends to sell the property.

LD 648 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 658 An Act To Modify the Requirement of a Permit To Carry a Concealed Weapon

**MAJORITY
(ONTP) REPORT**

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

This bill modifies the concealed weapons laws of the State in the following ways.

1. It permits Maine or out-of-state persons to carry any dangerous weapon concealed without a permit, including a firearm, brass knuckles and stilettos, except in the following locations where a person would have to have a permit to carry a dangerous weapon: on the grounds or in the buildings of a school; at a polling place on election day; at a

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nuclear power plant or hydroelectric facility; structure, vehicle or craft owned by the State or a political subdivision of the State; at a public event or a private event permitted or licensed by a public entity; or at an establishment licensed for the sale of spirits, wine or malt liquor to be consumed on the premises.

2. It specifies that if a person has a concealed firearms permit, the person can carry concealed in the above-mentioned places; however, there is no concealed permit for "other dangerous weapons", so a person could also carry other weapons into those places, which is not authorized currently.
3. It changes the concealed firearms permit application fee for residents of the State from \$35 to \$10 and the renewal fee from \$20 to \$5, as well as the amount of those fees that are disbursed to the Chief of the State Police and the Treasurer of State.
4. It changes the requirement that a handgun safety course must be completed from within 5 years of obtaining a concealed firearms permit to having been completed any time; it also keeps the option of demonstrating handgun knowledge to an issuing authority, instead of taking course for qualification to carry concealed.
5. It changes the grandfather clause to apply to any person in any state.
6. It changes the term of a concealed firearms permit from 4 years to 7 years.

Committee Amendment "A" (H-329)

This amendment is the minority report of the committee. It adds an appropriations and allocations section to the bill.

This amendment was not adopted.

LD 667 An Act To Establish a Municipal and County Reimbursement Fee for Those Guilty of Crimes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE M THOMAS	ONTP	

In addition to the surcharges of 14% and 5% collected pursuant to current law, this bill creates a new 10% surcharge to be collected in criminal cases. The 10% surcharge must be added to every fine imposed in a criminal case by any court in this State, which for purposes of collection and collection procedures is considered part of the fine. The 10% surcharge must be deposited monthly in the Government Operations Surcharge Fund and must be paid to municipal and county law enforcement agencies in an amount equal to \$100 per criminal case on which a law enforcement officer works.

LD 685 An Act To Support Farm Programs at Department of Corrections Facilities PUBLIC 340

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCFADDEN	OTP-AM	H-569

This bill requires each correctional and detention facility operated by the Department of Corrections to establish a vegetable garden on its grounds to feed and be maintained by the prisoners.