

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. GARRETT PAUL MASON, CHAIR
SEN. RODNEY L. WHITTEMORE
SEN. STAN GERZOFKY

REP. GARY E. PLUMMER, CHAIR
REP. DAVID C. BURNS
REP. RICKY D. LONG
REP. SUSAN E. MORISSETTE
REP. DEBORAH J. SANDERSON
REP. ANNE M. HASKELL
REP. STEPHEN P. HANLEY
REP. MICHAEL A. LAJOIE
REP. ANNA D. BLODGETT
REP. MICHAEL H. CLARKE

STAFF:

MARION HYLAN BARR, SENIOR ANALYST
ALYSON MAYO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

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.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (H-569)

This amendment changes the title and replaces the bill. The amendment allows the establishment of a gravel mining program at any Department of Corrections facility with sufficient gravel. The gravel mining program's primary purpose is to generate revenue to support correctional facility farm programs. Gravel not sold by correctional facilities to support farm programs may be sold, distributed or exchanged in the same manner as farm products may be. The amendment also gives the Commissioner of Corrections authority to use some of the revenue to support correctional facility gravel mining programs.

The amendment also amends the industries program provision to permit additional ways to generate revenue from the sale of industries program services and products. Specifically, the amendment authorizes the industries program to make services and goods available for use by county or local governmental entities, private Maine businesses or community agencies.

Enacted Law Summary

Public Law 2011, chapter 340 allows the establishment of a gravel mining program at any Department of Corrections facility with sufficient gravel. The gravel mining program's primary purpose is to generate revenue to support correctional facility farm programs. Gravel not sold by correctional facilities to support farm programs may be sold, distributed or exchanged in the same manner as farm products may be. Public Law 2011, chapter 340 also gives the Commissioner of Corrections authority to use some of the revenue to support correctional facility gravel mining programs. Public Law 2011, chapter 340 also amends the industries program provision to permit additional ways to generate revenue from the sale of industries program services and products. Specifically, Public Law 2011, chapter 340 authorizes the industries program to make services and goods available for use by county or local governmental entities, private Maine businesses or community agencies.

**LD 690 An Act To Amend the Laws Governing the Transfer of Prisoners to ONTP
Other States**

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

This bill modifies the Interstate Corrections Compact with respect to transferring prisoners to and from other states to provide that:

1. Inmates convicted in this State may not be transferred out of the State to another state prison system without their written consent or a court order. An inmate has the right to legal advice before consenting;
2. Inmates may elect to return to this State after one year of being transferred. Inmates requesting return must be returned within 30 days of the request, unless a court rules in favor of keeping the prisoner away from this State. Inmates have the right to legal representation if a continuation of the transfer is being sought through the court; and
3. Inmates who were transferred without their consent prior to the effective date of the bill may elect to return to this State unless a continuation of the transfer is approved by a court in this State.

Although this bill did not pass, another bill regarding transferring of prisoners, LD 1095, An Act to Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.