

# 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 717**      **An Act To Increase the Penalties for Possessing and Displaying a Firearm on School Property**      **ONTP**

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

This bill increases the offense of possessing a firearm on public school property or the property of an approved private school from a Class E crime to a Class C crime and provides that the offense of displaying a firearm on public school property or the property of an approved private school is a Class B crime.

**LD 737**      **An Act To Grandfather Certain Existing Buildings and Structures with Respect to Fire Safety Codes and Standards**      **ONTP**

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

LD 737 amends laws regarding life safety and property protection. It subjects buildings and other structures built prior to January 1, 2008 to rules pertaining to fire safety codes and standards in effect as of January 1, 2007.

**LD 740**      **An Act To Amend the Sex Offender Registration Laws**      **ONTP**

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

This bill specifies that during any period in which a person subject to the 10-year registrant requirements under the Sex Offender Registration and Notification Act of 1999, as amended, fails to comply with verification requirements, the Department of Public Safety, State Bureau of Identification, pursuant to any rules the bureau may adopt, may toll the registration period for the duration of the time that the registrant is not in compliance. Once the registrant is in compliance, the 10-year period resumes at the point at which it was tolled. During this period, the bureau shall continue to maintain the registrant's information on the Internet.

The bill creates mandatory minimum periods of incarceration for failure to comply with any duty imposed or any rule adopted pursuant to the Sex Offender Registration and Notification Act of 1999, as amended. For a first offense, a registrant must serve a minimum of 30 days of incarceration; for a 2nd offense, a registrant must serve a minimum of 2 years of incarceration; and for a 3rd or subsequent offense, a registrant must serve a minimum of 4 years of incarceration. None of the minimum periods of incarceration may be suspended.

The bill also directs the Joint Standing Committee on Criminal Justice and Public Safety to review the existing 2-tiered offense-based sex offender registration system and determine how to allocate the categories of 10-year registrant and lifetime registrant into 3 categories that require 10-year, 25-year and lifetime registration periods. The committee shall use existing models from the Federal Government and other state governments, as well as

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

evidence-based research, to develop its new system. The committee may introduce legislation to the 125th Legislature to implement its recommendations for a 3-tiered registration system. LD 1514, An Act to Amend the Sex Offender Registration Laws, was carried over to any special and/or regular session on the 125th Legislature as a vehicle for this purpose.

**LD 750      An Act To Decriminalize Possession of 6 or Fewer Marijuana Plants      ONTP**

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

This bill amends the criminal possession statute and the civil possession statute to provide that a person may possess 6 or fewer marijuana plants. Possession of 6 or fewer plants is a civil violation subject to a fine of not more than \$250.

**LD 754      An Act To Remove Criminal Penalties for Possession of up to 5 Ounces of Marijuana      ONTP**

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

Current law provides that a person who possesses 2 ½ ounces or less of marijuana commits a civil violation for which a fine of not more than \$1,000 must be adjudged. Specifically, a person who possesses up to 1 ¼ ounces is subject to a mandatory fine of not less than \$350 and not more than \$600, and a person who possesses over 1 ¼ ounces up to 2 ½ ounces is subject to a mandatory fine of not less than \$700 and not more than \$1,000. A person who now possesses more than 2 ½ ounces is guilty of a Class E crime.

This bill increases the amount of marijuana a person may possess as a civil violation and decreases the amount of the fines. Specifically, the bill provides that a person who possesses 5 ounces or less of marijuana commits a civil violation for which a fine of not more than \$250 must be adjudged. To be consistent, the bill also amends the Maine Medical Use of Marijuana Act by increasing the amount of marijuana a person may possess and have dispensed from 2 ½ ounces to 5 ounces.

**LD 760      An Act To Establish an Animal Abuser Registry      MAJORITY (ONTP) REPORT**

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

This bill creates an animal abuser registry. This bill requires a person convicted of animal cruelty under Title 17, section 1031, or convicted of a comparable offense in another state, to register as an animal abuser with the county sheriff where the abuser "is located" for a period of 15 years. The bill requires the county sheriff to gather