

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 827

An Act To Bring the State's Laws into Compliance with the National Instant Criminal Background Check System

**MAJORITY
(ONTP) REPORT**

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

This bill amends current law regarding the possession of firearms to create a comprehensive system for the restoration of the right to possess firearms by persons with mental illness who prove that they are no longer a danger to themselves or others. The change will qualify Maine for federal funding under the National Instant Criminal Background Check System pursuant to the federal NICS Improvement Amendments Act of 2007.

The bill expands the list of those who can apply to have the right to possess a firearm restored to include persons who have been admitted to a hospital pursuant to the Maine Revised Statutes, Title 34-B, section 3863 and persons found by a Probate Court to lack the capacity to contract or manage their own affairs. Existing law permits application for restoration by persons who are committed involuntarily to a hospital pursuant to Title 34-B, section 3864; persons who are found not criminally responsible by reason of insanity with respect to a criminal charge; and persons who are found not competent to stand trial with respect to a criminal charge.

The bill requires that the Commissioner of Public Safety, when reviewing applications for restoration, at a minimum consider mental health and criminal history records and the applicant's reputation developed through character witnesses and any other character evidence. The bill also removes the Commissioner of Public Safety's discretion to grant restoration if the applicant satisfies the statutory criteria that the person is not likely to act in a manner that is dangerous to public safety and that the restoration would not be contrary to public interest.

Committee Amendment "A" (H-612)

This amendment is the minority report of the committee. It shortens the waiting period for applying to have the right to own, possess or control a firearm from 5 years from the date of final discharge from commitment to 2 years from the date of adjudication or commitment. The amendment expands the restoration of rights to also include the provisions of 18 United States Code, Section 922(d)(4). The amendment also adds new sections regarding involuntary commitment pursuant to the Maine Revised Statutes, Title 34-B, section 3863 and regarding persons found to be incapacitated pursuant to Title 18-A, section 5-101 to inform a person subject to these provisions that the person is prohibited from owning, possessing or controlling firearms.

This amendment was not adopted.

LD 880

An Act To Protect Minors from Questioning by Private Investigators

PUBLIC 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORISSETTE WHITEMORE	OTP-AM	H-222

This bill amends the provision regarding unlawful acts of a private investigator by creating the Class D offense of questioning a minor. A private investigator is guilty of the new offense if the private investigator questions a person who is under 14 years of age and the private investigator does not have the consent of that person's parent or legal