

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 1227 An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC	OTP-AM	H-413

This bill amends the statutes regarding disposal of unclaimed, lost or stolen personal property by law enforcement by authorizing 2 new options: 1) property in a law enforcement agency's custody may be donated to a nonprofit organization or charity, or 2) it may be disposed of as waste. Currently, law enforcement agencies hold the property until there is a sufficient amount to auction. The bill also specifies that any property disposed of as waste by a law enforcement agency may not be owned or used by any member of a law enforcement agency or an immediate family member of a law enforcement agency member.

Committee Amendment "A" (H-413)

This amendment changes the process of notification of abandoned, lost or stolen property in the possession of a state law enforcement agency to require the notification to be posted in a newspaper of general circulation in the county in which the property was taken into custody, instead of in a newspaper having statewide circulation as the bill proposes.

Enacted Law Summary

Public Law 2011, chapter 267 amends the statutes regarding disposal of unclaimed, lost or stolen personal property by law enforcement by authorizing 2 new options: 1) property in a law enforcement agency's custody may be donated to a nonprofit organization or charity, or 2) it may be disposed of as waste. Public Law 2011, chapter 267 specifies that any property disposed of as waste by a law enforcement agency may not be owned or used by any member of a law enforcement agency or an immediate family member of a law enforcement agency member. Public Law 2011, chapter 267 also changes the process of notification of abandoned, lost or stolen property in the possession of a state law enforcement agency to require the notification to be posted in a newspaper of general circulation in the county in which the property was taken into custody, instead of in a newspaper having statewide circulation.

LD 1232 An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons

MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY SNOWE-MELLO	ONTP MAJ OTP MIN	

This bill removes the prohibition on having a loaded firearm or crossbow in a motor vehicle for a person other than a holder of a concealed weapons permit. The bill provides the exception that a person may shoot from a motor vehicle or motorboat in the defense of life and property. The bill removes the prohibition on concealing a dangerous weapon except by a holder of a concealed weapons permit, and it removes exceptions to the law prohibiting the carrying of a concealed dangerous weapon.

Committee Amendment "A" (H-584)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and adds an appropriations and allocations section.

This amendment was not adopted.

LD 1299 An Act To Allow Deferred Disposition in Juvenile Cases

PUBLIC 384

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-289

This bill allows the juvenile court to order a deferred disposition in the same manner as the adult court orders deferred dispositions. Deferred disposition is a sentencing alternative that is available to persons who plead guilty to a Class C, D or E crime. After accepting a guilty plea, the court may order the persons' sentencing be deferred to a date certain and impose requirements for the person to meet during the period of deferment. At the end of the deferment, if the person can prove to the court by a preponderance of the evidence that the person has met the requirements, the court dismisses the charges.

Committee Amendment "A" (S-289)

This amendment replaces the bill. The amendment creates the option of deferred disposition in juvenile cases but instead of providing the same option for juveniles that is provided in the Maine Criminal Code, it enacts this procedure in the Maine Juvenile Code with appropriate terminology and procedures for juveniles.

Enacted Law Summary

Public Law 2011, chapter 384 establishes the option of deferred disposition in juvenile cases by enacting this procedure in the Maine Juvenile Code.

LD 1302 An Act To Extend Fire Code Rules to Single-family Dwellings Used as Nursing Homes for 3 or Fewer Patients

PUBLIC 398

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

Current law provides that certain fire code rules adopted by the Commissioner of Public Safety do not apply to nursing homes having 3 or fewer patients. This bill removes that limitation, extending application of those rules to nursing homes with 3 or fewer patients.

Enacted Law Summary

Public Law 2011, chapter 398 extends the application of rules governing the safety to life from fire in or around all buildings and other structures and mass outdoor gatherings adopted by the Commissioner of Public Safety to nursing homes with 3 or fewer patients.