

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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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 1317

An Act Concerning Sex Offender Registry Information

PUBLIC 299

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-466 H-497 PLUMMER

This bill provides that, except to the extent required to permit access to information identified in current law as publicly accessible, information administered, maintained or contributed to by the Department of Public Safety, Bureau of State Police, State Bureau of Identification in connection with the sex offender registry may not be publicly accessed or disseminated.

Committee Amendment "A" (H-466)

This amendment replaces the bill. The amendment provides that sex offender registry information created, collected or maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification, except for the basic information about registrants that is posted on the Internet or provided to requestors by the bureau pursuant to law, is confidential. Registry information that is designated as confidential includes, but is not limited to, information relating to the identity of persons accessing the registry. Information listed in the Title 34-A, section 11221, subsection 9 remains public.

This amendment revises the law concerning a registrant's ability to access the registrant's own information. Information listed in Title 34-A, section 11221, subsection 1, paragraphs A to F about the registrant must be provided to the registrant upon request. The process for accessing and reviewing the information is governed by Title 16, section 620.

This amendment also prohibits the dissemination in electronic form of information about a registrant that is created, collected or maintained by or for the State Bureau of Identification or a law enforcement agency, with the exception of information made available to the public through an Internet website maintained by the bureau or by the law enforcement agency.

House Amendment "A" To Committee Amendment "A" (H-497)

This amendment specifies that any information maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification relating to applications and decisions that are related to the process to seek relief from the duty to register are public records.

Enacted Law Summary

Public Law 2011, chapter 299 provides that sex offender registry information created, collected or maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification, except for the basic information about registrants that is posted on the Internet or provided to requestors by the bureau pursuant to law or any information maintained relating to applications and decisions that are related to the process to seek relief from the duty to register, is confidential. Registry information that is designated as confidential includes, but is not limited to, information relating to the identity of persons accessing the registry. Information listed in the Title 34-A, section 11221, subsection 9 remains public.

Public Law 2011, chapter 299 revises the law concerning a registrant's ability to access the registrant's own information. Information listed in Title 34-A, section 11221, subsection 1, paragraphs A to F about the registrant must be provided to the registrant upon request. The process for accessing and reviewing the information is

Joint Standing Committee on Criminal Justice and Public Safety

governed by Title 16, section 620.

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LD 1318 An Act To Repeal the Law Regarding DNA Collection

PUBLIC 221

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

Current law requires the collection of DNA from an individual convicted of a Class D or E crime who, prior to January 1, 1996, committed a crime that, if committed on or after that date, would require that the person submit to having a DNA sample taken. This bill repeals that requirement.

Enacted Law Summary

Public Law 2011, chapter 221 repeals that requirement that DNA be collected from individual convicted of a Class D or E crime who, prior to January 1, 1996, committed a crime that, if committed on or after that date, would require that the person submit to having a DNA sample taken.

LD 1347 An Act Relating to Locations where Concealed Weapons May Be Carried

PUBLIC 394

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA TRAHAN	OTP-AM MAJ ONTP MIN	H-530

This bill eliminates the prohibition on certain persons possessing firearms in certain locations, including state parks and historic sites, premises licensed for the consumption of alcohol, state property under the jurisdiction of the Department of Public Safety and the Legislative Council and locations of labor disputes. Specifically, notwithstanding any statutory provisions or rules prohibiting the possession of a firearm, the bill permits the following persons to possess firearms:

1. A person to whom a valid permit to carry a concealed firearm has been issued under the Maine Revised Statutes, Title 25, chapter 252. The person must have in that person's possession the valid permit;
2. A person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;
3. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;
4. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer;