

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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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
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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.

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governed by Title 16, section 620.

Public Law 2011, chapter 299 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.

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;

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5. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:

A. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

B. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm;

6. A private investigator licensed under Title 32, chapter 89 who is actually performing as a private investigator; and

7. A security guard to the extent that federal laws or rules required the security guard to be armed with a dangerous weapon at a labor dispute site or a security guard who is employed by an employer involved in a labor dispute, strike or lockout at the location where applications for employment with the employer will be accepted, interviews of those applicants conducted or medical examinations of those applicants performed.

This bill does not eliminate or amend provisions governing the possession of firearms in or on school property or courthouses.

Committee Amendment "A" (H-530)

This amendment is the majority report of the committee. The amendment eliminates the prohibition on certain persons possessing firearms in state parks and historic sites. The amendment retains provisions in the bill that allow certain persons to possess firearms pursuant to the Title 25, section 2001-A, but removes from that list licensed private investigators performing as private investigators because current law requires them to have a concealed firearms permit. It also removes from the bill provisions allowing certain persons to have a loaded pistol or revolver in a motor vehicle or trailer hauled by a motor vehicle, allowing the possession of concealed firearms on premises serving alcohol and allowing certain persons to carry concealed firearms at the capitol area and other state-controlled areas. The amendment also removes provisions in the bill that amend the laws concerning the carrying of a firearm at the site of a labor dispute.

Enacted Law Summary

Public Law 2011, chapter 394 eliminates any prohibitions on possessing concealed firearms in state parks and historic sites.

Public Law 2011, Chapter 394 also adds to the list of exceptions to the provision concerning the carrying of concealed firearms in Title 25, section 2001-A the following persons:

1. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;
2. 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; or
3. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law

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enforcement officer must have in the retired law enforcement officer's possession:

A. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

B. Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

LD 1363 An Act Regarding the Publication of Information Related to Persons Convicted of Operating under the Influence of Alcohol or Drugs ONTP

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

This bill requires the Department of Public Safety, State Bureau of Identification to publish on a State website information regarding persons who are convicted or plead no contest to an OUI. The information that must be posted on the website includes:

1. The name of the defendant;
2. The municipality of residence of the defendant;
3. The offense;
4. The date of the offense;
5. The location of the offense;
6. The blood-alcohol level of the defendant or the drug used by the defendant; and
7. A photograph of the defendant.

SBI shall provide a link to this information on the home page of the publicly accessible website of the State and shall update this information at least once per month. The bureau shall publish the information described in subsection 1 for 6 months for a first offense, 2 years for a 2nd offense and 10 years for a 3rd offense. An additional \$25 surcharge must be imposed in each OUI conviction to pay for the cost of the registry.