

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



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 Second 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.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

LD 1708

An Act To Prevent the Theft and Illegal Sale of Copper and Other Metals

**PUBLIC 545
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF RECTOR	OTP-AM	H-791

This bill makes the following changes to the laws regulating the sale and purchase of scrap metal.

1. Current law regulates transactions involving more than 100 pounds or \$50 of scrap metal. This bill removes that limitation so that the law applies to all scrap metal transactions.
2. Current law requires the seller to be paid with a check. This bill strengthens that limitation by requiring the check to be mailed to the seller's physical address.
3. Current law requires a scrap metal processor to record certain information regarding the seller of scrap metal, such as name, address and gender. This bill requires the scrap metal processor to also photocopy the form of photo identification presented and record the distinct identifying number of that photo identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the scrap metal processor is required to photograph the seller. The bill also requires the scrap metal processor to record the make, model and number and state of issue of the license plate of the vehicle being used to deliver the scrap metal.
4. This bill requires a scrap metal processor to retain any scrap metal received for 72 hours, not including weekends and holidays, and to make the scrap metal available for inspection by law enforcement. If a law enforcement officer has a reasonable suspicion that the scrap metal is stolen, the officer may, in writing, require the scrap metal processor to retain the scrap metal for 15 days; this holding period may be extended by no more than 15 additional days.
5. Current law provides that a violation of the laws regulating scrap metal purchases and sales is a civil violation. This bill makes a first violation of providing false information a Class D crime and a first violation of receiving stolen scrap metal a Class E crime; a 2nd or subsequent violation of those prohibitions is a Class C crime. A scrap metal processor is also subject to mandatory fines ranging from \$1,000 to \$5,000 and a 6-month suspension from scrap metal processing, depending on the number of violations.

Committee Amendment "A" (H-791)

This amendment broadens the definition for "scrap metal processor" to include any scrap metal processors that purchase scrap metal, whether from a fixed location or not. It adds the requirement that the signed statement made by the seller that the seller is the owner or is otherwise authorized to sell the scrap metal be made on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under the Maine Revised Statutes, Title 17-A, section 453.

The amendment removes the 72-hour minimum hold for all scrap metal purchased by the scrap metal processor. It also amends the holding period and the additional holding period that apply if a law enforcement officer has a reasonable suspicion that scrap metal being held by a scrap metal processor is stolen from 15 days to 7 days. It also clarifies that if a law enforcement officer has a reasonable suspicion that the scrap metal may be related to criminal activity, the officer may impose a hold.

It also removes the section of the bill that proposes to establish new crimes, which are already addressed under current provisions of the Maine Criminal Code. It provides for mandatory fines to be adjudged for civil violations of

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the scrap metal processors laws.

It requires the Commissioner of Public Safety to review the concept of using a statewide integrated criminal alert network to track scrap metal thefts across the State, as well as the costs associated with requiring scrap metal processors and local law enforcement agencies to access a database designed for the purpose of alerting participating members to scrap metal thefts. It requires the commissioner to report back to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters as to the merits and costs of using such a network by January 15, 2013. It authorizes the joint standing committee to report out a bill implementing the recommendations in the report to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 545 makes the following changes to the laws regulating the sale and purchase of scrap metal.

1. It provides that the law applies to all scrap metal transactions, regardless of the cost of the transaction and it broadens the definition for "scrap metal processor" to include any scrap metal processors that purchase scrap metal, whether from a fixed location or not.
2. It requires the scrap metal processor to photocopy the form of photo identification presented and record the distinct identifying number of that photo identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the scrap metal processor is required to photograph the seller. The law also requires the scrap metal processor to record the make, model and number and state of issue of the license plate of the vehicle being used to deliver the scrap metal.
3. It adds the requirement that the signed statement made by the seller that the seller is the owner or is otherwise authorized to sell the scrap metal be made on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under the Maine Revised Statutes, Title 17-A, section 453.
4. If a law enforcement officer has a reasonable suspicion that the scrap metal is stolen or related to criminal activity, it allows the officer to require the scrap metal processor to retain the scrap metal for a period of time that may not exceed 7 days. Prior to the expiration of the hold, the officer may impose an additional hold for a period not to exceed 7 days.
5. It requires that the signed statement made by the seller that the seller is the owner or is otherwise authorized to sell the scrap metal be made on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under the Maine Revised Statutes, Title 17-A, section 453.
6. It provides for mandatory fines to be adjudged for civil violations of the scrap metal processors laws.
7. It requires the Commissioner of Public Safety to review the concept of using a statewide integrated criminal alert network to track scrap metal thefts across the State, as well as the costs associated with requiring scrap metal processors and local law enforcement agencies to access a database designed for the purpose of alerting participating members to scrap metal thefts. It requires the commissioner to report back to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters as to the merits and costs of using such a network by January 15, 2013. It authorizes the joint standing committee to report out a bill implementing the recommendations in the report to the First Regular Session of the 126th Legislature.

Public Law 2011, chapter 545 was enacted as an emergency measure effective March 29, 2012.