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 CRIMINAL JUSTICE AND PUBLIC SAFETY

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.

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 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.

officers are admissible in court only if related to the administration of criminal justice or the administration of juvenile criminal justice or the statutory functions of a state agency.

Enacted Law Summary

Public Law 2011, chapter 507 makes a number of changes to the law regarding the interception of oral and wire communications of residents of state correctional facilities and county and regional jails. Public Law 2011, chapter 507 does the following.

1. It resolves a possible conflict regarding the authority of Department of Corrections investigative officers and jail investigative officers by adding to the definitions of those terms language referring to the administration of criminal justice. It also removes the word "county" in referring to jail investigative officers in recognition of the recent establishment of a regional jail, which is not operated by any one county.

2. It defines "administration of juvenile criminal justice" to reconcile current law with changes made by Public Law 2009, chapter 93, which allowed the Department of Corrections to intercept phone calls of residents of its juvenile correctional facilities.

3. It strikes the term "necessary incident" and replaces it with "related" to avoid an overly strict interpretation of the circumstances under which phone calls may be intercepted, disclosed or used or the contents thereof admitted into court.

4. It provides that the contents of oral and wire communications intercepted by these investigative officers are admissible in court only if related to the administration of criminal justice or the administration of juvenile criminal justice or the statutory functions of a state agency.

LD 1744   **An Act To Require Carbon Monoxide Detectors in Additional Residential Occupancies**   **PUBLIC 553**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	OTP-AM	H-761

This bill requires that the owner of a hotel, motel, inn or bed and breakfast licensed after the effective date of this legislation or a fraternity or sorority house or dormitory established after the effective date of this legislation install carbon monoxide detectors.

Committee Amendment "A" (H-761)

This amendment strikes and replaces the title and bill. It requires the owner of a hotel, motel, inn or bed and breakfast that receives its initial licensure on or after August 1, 2012, to install carbon monoxide detectors if it is new construction or a conversion from an existing building. The amendment requires a carbon monoxide detector be installed in any new construction of, addition to, or restoration of a fraternity or sorority house or dormitory affiliated with a private school, public school or private or public postsecondary institution incorporated or chartered under the laws of this State. It also requires a carbon monoxide detector in any conversion of an existing building to a fraternity or sorority house or dormitory.

Enacted Law Summary

Public Law 2011, chapter 553 requires the owner of a hotel, motel, inn or bed and breakfast that receives its initial licensure on or after August 1, 2012, to install carbon monoxide detectors if it is new construction or a conversion from an existing building. It requires a carbon monoxide detector be installed in any new construction of, addition to, or restoration of a fraternity or sorority house or dormitory affiliated with a private school, public school or

private or public postsecondary institution incorporated or chartered under the laws of this State. It also requires a carbon monoxide detector in any conversion of an existing building to a fraternity or sorority house or dormitory.

LD 1745	**An Act Regarding the Fee for Amusement Ride Inspections and the Development of Options To Move the Responsibility of the Inspections from the Office of the State Fire Marshal**	**VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	OTP-AM MAJ OTP-AM MIN	H-874

This bill allows qualified private sector organizations or individuals to inspect amusement rides to ensure they are safe for the public. Under this bill, the Office of the State Fire Marshal has oversight over the certification of qualified amusement ride inspectors. The bill also repeals laws governing licensure of circuses in the Maine Revised Statutes, Title 8.

Committee Amendment "A" (H-874)

This amendment replaces the bill and is the majority report of the committee. The amendment changes the fee for a license for an amusement show, carnival, thrill show, ice show, rodeo or similar type of performance that has amusement devices from $300 to $50. It also changes the cost of an amusement device inspection to a $75 per hour per inspector inspection fee for each device with a minimum $75 charge. The amendment also directs the Department of Public Safety, Office of the State Fire Marshal to develop alternative options to move the oversight or responsibility of amusement ride inspections from that office to private inspectors, the Department of Professional and Financial Regulation and any other plausible inspection alternatives. The amendment requires the Office of the State Fire Marshal to include the cost to the State and the regulated industry of a change in the oversight and to report and make recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013, along with draft legislation. It gives the committee authority to report out legislation to the First Regular Session of the 126th Legislature regarding an alternative to the amusement ride inspection program.

Committee Amendment "B" (H-875)

This amendment replaces the bill with a resolve and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. It requires the Department of Public Safety, Office of the State Fire Marshal to develop a detailed plan to privatize the inspection of amusement rides in Maine and to report back to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013, along with any draft legislation. It authorizes the committee to submit legislation to the First Regular Session of the 126th Legislature to privatize amusement ride inspections and to alter the fee structure used by the Office of the State Fire Marshal for amusement ride inspections. This amendment was not enacted.

LD 1754	**An Act To Amend Certain Provisions of Law Governing the Department of Corrections**	**PUBLIC 515**

Sponsor(s)	Committee Report	Amendments Adopted
MASON	OTP	