

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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 2013

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# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE  
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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<sup>th</sup> 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 126<sup>th</sup> Legislature is October 9, 2013. 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 40      An Act To Protect a Private Memorial Placed in a Public Right-of-way**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE CUSHING	ONTP OTP	

This bill prohibits the removal or destruction of a private memorial placed in a public right-of-way to mark the site of the death of a person. It establishes a Class D crime for tampering with a private memorial.

### **LD 76      An Act To Provide Funding to the State Board of Corrections for Certain County Jail Debt**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION	ONTP OTP-AM	

This bill provides a General Fund appropriation of \$4,573,190 in fiscal year 2013-14 and \$4,743,415 in fiscal year 2014-15 for the State Board of Corrections, which is for the difference between the fiscal year 2007-08 county jail debt costs and the amount of county jail debt costs projected for fiscal years 2013-14 and 2014-15.

#### **Committee Amendment "A" (H-28)**

This amendment, which is the minority report of the committee, requires that any funding appropriated for the difference between fiscal year 2007-08 county jail debt costs and the amount projected for fiscal years 2013-14 and 2014-15 be used only for capital improvement projects. The State Board of Corrections determines what constitutes a capital improvement project.

### **LD 85      An Act To Amend the Motor Vehicle Ignition Interlock Device Requirements in the Laws Regarding Operating Under the Influence**

**PUBLIC 187**

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

This bill increases the minimum mandatory driver's license suspension for a person convicted of operating under the influence who has three or more previous offenses within a 10-year period from six to eight years and removes the requirement that such a person install for a period of four years an ignition interlock device in the motor vehicle the person operates, but authorizes the Secretary of State to reinstate the license of such a person after four years of suspension if the person has installed for a period of four years an ignition interlock device in the motor vehicle the person operates.

#### **Enacted Law Summary**

Public Law 2013, chapter 187 increases the minimum mandatory driver's license suspension for a person convicted of operating under the influence who has three or more previous offenses within a 10-year period from six to eight years and removes the requirement that such a person install for a period of four years an ignition interlock device in the motor vehicle the person operates, but authorizes the Secretary of State to reinstate the license of such a person after 4 years of suspension if the person has installed for a period of four years an ignition interlock device in

## *Joint Standing Committee on Criminal Justice and Public Safety*

the motor vehicle the person operates.

**LD 111      An Act To Restrict the Sale, Purchase and Use of Fireworks in the State      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE CLEVELAND		

This bill repeals the provisions of law enacted in Public Law 2011, chapter 416 that permit the sale, purchase and use of consumer fireworks.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 122      An Act To Provide Assistance to Municipalities Recovering from a      ACCEPTED  
Municipally Significant Disaster      MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER THOMAS	ONTP OTP-AM	

This bill authorizes the Governor to declare a municipally significant disaster in cases where a disaster causes damages to locally maintained roads, bridges and other public facilities, the repair of which exceeds 20% of the affected municipality's total annual operating budget, excepting the education budget. The municipal officers in the affected municipality must work with the Department of Transportation and the Department of Administrative and Financial Services, Bureau of General Services to agree on an estimate of the total cost of the damages. The Governor may enter into a cost-sharing agreement with the municipal officers, subject to approval by the local legislative body, obligating the municipality to pay up to 50% of the cost of repairs. The bill further authorizes the Governor to enter into a cost-sharing agreement with a municipality that is affected by an event occurring in an abutting municipality. This negotiated share is also subject to approval by the local legislative body. In both cases, the State's share of the authorized expenditures is funded through the existing Disaster Relief Fund.

### **Committee Amendment "A" (H-61)**

This amendment, which is the minority report of the committee, clarifies that State resources pay for 50% of the cost of a municipally significant disaster, contingent upon future budgetary action by the Legislature. The amendment also requires the Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation to work with a municipality to determine the cost of uninsured damages rather than all damages. The departments determine the actual cost of damages for compensation rather than estimated damages. It also clarifies that the Governor may enter into agreements that obligate municipal financial resources up to 50% of the actual total cost of damages rather than estimated damages.

**LD 139      An Act To Amend the Laws Governing the Sale of Firearms Carried by      ONTP  
Maine State Police**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDOIN VALENTINO	ONTP	