

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

May 2014

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 126th Legislature is August 1, 2014. 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 111 An Act To Restrict the Sale, Purchase and Use of Fireworks in the State

**Accepted Majority
(ONTP) Report**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

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

Committee Amendment "A" (H-593)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

LD 168 An Act To Establish Reasonable Restrictions on the Use of Fireworks

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C LAJOIE	OTP-AM ONTP	S-380

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish reasonable restrictions on the sale and use of fireworks in the State. This bill would establish a mechanism for reviewing and determining whether restrictions should be placed on the use of fireworks depending on factors, including, but not limited to:

1. The level of fire danger within the area at the time of intended use;
2. The presence of farm animals in the area, and the propensity of such animals to suffer adverse health effects from exposure to the noise accompanying fireworks or, as a result of fear resulting from exposure to such noise, to endanger others;
3. The interests of summer residents and tourists, and the interests of local businesses that provide services to such residents and tourists;
4. The interests of year-round residents in living without unreasonable disturbances to their peace and tranquility; and
5. The effects on veterans who suffer from post-traumatic stress disorder, for whom exposure to fireworks carries the potential to trigger debilitating symptoms that have severe and long-lasting effects on their health and ability to function.

The mechanism for reviewing and determining the establishment of fireworks restrictions must evaluate the impact of the use of fireworks on tourism in the State, and balance the interests of the private individuals who choose to use fireworks and the members of the public who are then necessarily exposed to those fireworks. Restrictions imposed on the use of fireworks may include, among other things, a requirement to obtain a permit from the State Fire Marshal, a requirement to obtain local fire permits, limitations on the times during the day, week or month that

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fireworks may be used and the establishment of firework-free zones throughout the State.

Committee Amendment "A" (S-380)

This amendment, which is the majority report of the committee, replaces the concept draft and makes the following changes to the consumer fireworks law.

1. It changes the hours that consumer fireworks can be used to specify that they may not be used before noon.
2. It prohibits the use of consumer fireworks whenever the Governor issues a proclamation prohibiting out-of-door fires.
3. It clarifies that the use of consumer fireworks may constitute loud and unreasonable noise under the disorderly conduct law pursuant to the Maine Revised Statutes, Title 17-A, section 501-A.

LD 222 An Act Regarding the Issuance of a Permit To Carry a Concealed Handgun

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARKS	OTP-AM OTP-AM	H-730 H-739 SHAW S-547 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill makes the Chief of the State Police in the Department of Public Safety the sole issuing authority in the State for concealed weapons permits.

Committee Amendment "A" (H-730)

This amendment is the majority report and replaces the bill and does the following.

1. It amends the definition of "issuing authority" to remove the authority of municipal officers and councilors and assessors of plantations to issue concealed handgun permits, and makes the municipality's full-time chief of police the sole issuing authority for that municipality. If the municipality does not have a full-time chief of police, the Chief of the State Police is the issuing authority unless the municipality has an agreement with the county sheriff in the county in which the municipality is located to serve as that municipality's issuing authority.
2. It provides that a nonresident must have a valid concealed handgun permit in that person's state of residence before that person is eligible for a Maine concealed handgun permit unless that person's state of residence does not require a permit to carry a concealed handgun.
3. It provides that the State Police must conduct record checks on an applicant for a concealed handgun permit and provide that information to the issuing authority for consideration when processing the application. It expressly provides that unless the State Police is the issuing authority, the State Police does not have the power to issue or prevent the issuance of a concealed handgun permit. Only the issuing authority can make that determination.
4. It requires the State Police to establish a confidential database containing information about concealed handgun permit holders and applicants for concealed handgun permits. It provides that the database must be accessible by law enforcement agencies or law enforcement officers at any time, and that information about a permit holder or an applicant must be purged from the database within five years after the permit expires or after the period for an appeal on a denial or a revocation of a permit has run.