

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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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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 126th 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 126th 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 189 An Act To Establish a Central Concealed Handgun Permit Database ONTP

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

This bill directs the Commissioner of Public Safety to establish an online concealed handgun permit database that is accessible by law enforcement, courts and bail commissioners for the purpose of tracking concealed handgun permits.

LD 190 An Act To Provide a Ten Percent Discount to Persons Charged with a Traffic Infraction Who Pay Fines by Waiver ONTP

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

This bill provides that if a person files a written answer to the judicial branch's violations bureau that does not contest a traffic infraction, the fine is reduced by 10%.

LD 191 An Act To Authorize the Suspension of a Concealed Handgun Permit ACCEPTED MAJORITY (ONTP) REPORT

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

This bill allows the issuing authority of a concealed handgun permit to suspend that permit if the issuing authority has reasonable cause to believe the permit holder's permit may be subject to revocation. It also provides the permit holder an opportunity for a hearing on the issuing authority's decision to suspend the permit.

Committee Amendment "A" (H-187)

This amendment is the minority report. It removes language from the bill that prohibits a person from appealing a final agency action regarding the suspension of a concealed handgun permit.

LD 192 An Act To Allow Consideration of Fetal Alcohol Spectrum Disorder at Sentencing in a Criminal Case ACCEPTED MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS JACKSON T	ONTP OTP	

This bill allows a court to consider as a mitigating factor in sentencing a person convicted of a crime that the person suffers from the condition of fetal alcohol spectrum disorder. Fetal alcohol spectrum disorder is defined as a condition of impaired brain function constituting a permanent birth defect in a person caused by that person's

Joint Standing Committee on Criminal Justice and Public Safety

mother's consumption of alcohol while pregnant with that person.

LD 222 An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun CARRIED OVER

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

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.

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 223 An Act To Amend the Laws Regarding a Concealed Handgun Permit ACCEPTED MINORITY (ONTP) REPORT

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

This bill changes the minimum age to obtain a permit to carry a concealed handgun from 18 years of age to 21 years of age.

Committee Amendment "A" (H-242)

This amendment is the majority report and provides that a member of the United States Armed Forces who is at least 18 years of age is eligible to apply for a concealed handgun permit. This is an exception to the proposal in the bill that requires a person to be at least 21 years of age to be eligible to apply for a concealed handgun permit.

LD 238 An Act To Designate the Jail in Franklin County as a Jail Rather than a Holding Facility ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO BLACK	ONTP	

The State Board of Corrections has statutory authority to determine correctional facility and county jail use. Currently, the jail in Franklin County, the Franklin County Detention Center, is designated by the board as a holding facility that may hold detainees for up to 72 hours. This bill specifies that the board must designate the jail in Franklin County as a jail for prisoners and not as a holding facility.

LD 251 An Act Criminalizing Trafficking in Contraband in State Hospitals Serving Adults PUBLIC 191

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN SIROCKI	OTP-AM	S-124