

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
126TH LEGISLATURE
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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

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.

Joint Standing Committee on Criminal Justice and Public Safety

5. It authorizes the Attorney General to modify or reword the statutory application questions for a concealed handgun permit to improve readability and clarity as long as the subject matter of those questions is retained. It also requires the Attorney General to provide the proposed changes to the wording of the questions to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters for review.
6. It increases the application and renewal fee for a concealed handgun permit for a resident from \$35 to \$52.50, and from \$20 to \$52.50, respectively, and for a nonresident from \$60 to \$120. It also extends the period a permit is valid from four years to six years.
7. It allows applicants to provide signatures on concealed handgun permit applications by an electronic means approved by the State Police.
8. It allows the holder of a valid resident concealed handgun permit issued before January 1, 2016 to replace that permit with the new standard concealed handgun permit developed by the State Police on or before January 1, 2016 for a fee of \$15.
9. It provides that, by January 1, 2016, the State Police must develop and make available a uniform concealed handgun permit form, which must be used by all issuing authorities.
10. It provides that concealed handgun permit fees paid to the Treasurer of State must be deposited in a special revenue account for the sole purpose of reimbursing the issuing authority for expenditures related to the development and the issuance of concealed handgun permits.
11. It provides that the legislation does not apply to a valid concealed handgun permit issued before the effective date of the legislation. An application for a concealed handgun permit or for renewal of a valid existing concealed handgun permit submitted on or after the effective date of the legislation is subject to the provisions of the legislation.
12. It makes the changes to the current types of concealed handgun model forms the Attorney General must develop, effective January 1, 2016, to coincide with the date the State Police must produce a uniform concealed handgun permit.
13. It expands the issuing authority's access to records pertaining to patient committals to include all state mental health institutes and nonstate mental health institutions.

Committee Amendment "B" (H-731)

This amendment is the minority report and allows a person who is not otherwise prohibited from possessing a handgun to carry a concealed handgun without a permit. It also allows the Chief of the State Police to enter into reciprocity agreements with another state to permit a person holding a Maine concealed handgun permit to carry a concealed handgun in the other state. This amendment requires a nonresident to 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.

House Amendment "A" To Committee Amendment "A" (H-739)

This amendment removes the requirement that a course that includes handgun safety taken by an applicant for a permit to carry a concealed handgun must have been taken by the applicant within five years prior to the date of application.

Senate Amendment "B" To Committee Amendment "A" (S-547)

This amendment requires the State Controller to transfer \$157,175 no later than August 1, 2014 from the Gambling Control Board, Other Special Revenue Funds account to the unappropriated surplus of the General Fund, and provides an allocation of concealed handgun permit fees for positions in the Department of Public Safety for a

Joint Standing Committee on Criminal Justice and Public Safety

concealed handgun permit database and to perform record checks.

**LD 297 An Act To Require Forest Rangers To Be Trained in Order To Allow
Them To Carry Firearms**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY LACHOWICZ	OTP-AM ONTP	H-608 S-546 HILL

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

This bill repeals two requirements: that the Commissioner of Conservation sell all bulletproof vests, firearms and related equipment and that the commissioner is prohibited from purchasing bulletproof vests, firearms or related equipment without specific authorization by the Legislature.

This bill requires the Director of the Division of Forestry within the Department of Agriculture, Conservation and Forestry to develop a policy that requires all forest rangers to attend and complete a law enforcement training course at the Maine Criminal Justice Academy as a condition of continued employment. Forest rangers employed as such on the day this bill takes effect are required to attend the 4-week preservice training course and forest rangers hired after the effective date are required to take the basic law enforcement training course. A forest ranger who has already attended a law enforcement training course at the Maine Criminal Justice Academy is exempt.

The bill also requires the State Supervisor of the forest protection unit in the Division of Forestry and the director of the Maine Criminal Justice Academy to develop a plan to provide training to forest rangers in the use of firearms, bulletproof vests and other related equipment. The State Supervisor is directed to develop a plan to furnish such firearms and equipment to those forest rangers for the performance of their law enforcement duties. The plans must be submitted to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Criminal Justice and Public Safety for review no later than November 1, 2013 and implemented, including furnishing firearms and related equipment, no later than January 1, 2014.

Committee Amendment "A" (H-608)

This amendment is the majority report. It removes the requirement that forest rangers complete firearms training by a date certain and instead requires forest rangers with limited enforcement powers under the Maine Revised Statutes, Title 12, section 8901 to take at least seven hours of firearms classroom work and at least forty hours of firearms training on a firing range taught by an instructor certified by the Maine Criminal Justice Academy. In addition, it requires forest rangers to take at least eight hours of training regarding the use of force taught by the Office of the Attorney General and at least another eight hours of training on weapon retention and use-of-force scenarios taught by a Maine Criminal Justice Academy instructor.

The bill requires the State Supervisor of the forest protection unit in the Bureau of Forestry and the director of the Maine Criminal Justice Academy to develop a plan to provide training to forest rangers in the use of firearms, bulletproof vests and other related equipment. The State Supervisor is directed to develop a plan to furnish such firearms and equipment to those forest rangers for the performance of their law enforcement duties. This amendment changes the date by which these plans must be reported and implemented from November 1, 2013 to November 1, 2014 and from January 1, 2014 to January 1, 2016, respectively.

Senate Amendment "B" To Committee Amendment "A" (S-546)

This amendment deappropriates from Personal Services in the Division of Forest Protection account within the Department of Agriculture, Conservation and Forestry to recognize salary savings from managing vacancies. This offsets the General Fund appropriations still in the bill.