

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

STAFF:

CURTIS BENTLEY, LEGISLATIVE ANALYST
ANNA BROOME, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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STATE OF MAINE

126TH LEGISLATURE

FIRST REGULAR SESSION



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

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill makes it a Class C crime to traffic in contraband in a state hospital and a Class E crime to traffic in alcoholic beverages in a state hospital. "State hospital" means the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center.

Committee Amendment "A" (S-124)

This amendment replaces the bill and provides that a person who intentionally conveys or attempts to convey a dangerous weapon to a patient at a state hospital commits a Class C crime and makes any other violation of trafficking contraband in a state hospital a Class D crime.

This amendment adds to the definition of "contraband" provided in the bill a tool or other item that may be used to facilitate an escape.

Enacted Law Summary

Public Law 2013, chapter 191 provides that a person who intentionally conveys or attempts to convey a dangerous weapon to a patient at a state hospital commits a Class C crime and makes any other violation of trafficking contraband in a state hospital a Class D crime.

Public Law 2013, chapter 191 defines "contraband" to mean a dangerous weapon, a scheduled drug unless it is prescribed and approved for use by the state hospital or a tool that may be used to facilitate an escape.

LD 265 An Act To Repeal the Restriction on Employers Regarding Firearms Kept in an Employee's Vehicle

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill repeals the law that prohibits an employer from prohibiting an employee who holds a permit to carry a concealed firearm from keeping a firearm in the employee's locked vehicle.

LD 266 An Act To Improve the Law Regarding Bail Commissioners

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill amends the Maine Bail Code regarding bail commissioners by:

1. Requiring law enforcement agencies to maintain a list of available bail commissioners and to provide each bail commissioner on the list equal opportunities to set bail;
2. Amending the law regarding the sources and content of personal information a bail commissioner is required to obtain prior to setting bail in domestic violence cases; and
3. Giving a bail commissioner discretion to waive the bail commissioner fee, requiring a sheriff to set up a fund to help pay bail fees for indigent defendants in county facilities administered by that sheriff and requiring the Chief