

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. STAN J. GERZOFSKY, CHAIR
SEN. DAVID E. DUTREMBLE
SEN. GARY E. PLUMMER

REP. MARK N. DION, CHAIR
REP. MICHAEL A. LAJOIE
REP. BRYAN T. KAENRATH
REP. ALAN M. CASAVANT
REP. TIMOTHY I. MARKS
REP. JOSHUA R. PLANTE
REP. RICKY D. LONG
REP. THOMAS M. TYLER
REP. JETHRO D. PEASE
REP. COREY S. WILSON

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

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

Joint Standing Committee on Criminal Justice and Public Safety

Judge of the District Court to adopt rules to collect the bail fee as a surcharge for those defendants who cannot pay the bail fee at the time bail is set.

Committee Amendment "A" (S-29)

This amendment adds an appropriations and allocations section to the bill.

LD 267 An Act Regarding the Sale of Firearms at Gun Shows

**ACCEPTED
MINORITY
(ONTP) REPORT**

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

This bill requires that a national instant criminal background check be performed prior to the sale or transfer of a firearm at a gun show. The bill makes a gun show operator responsible for any failure to perform a required background check and subject to a fine of up to \$10,000 for each such failure. The bill also requires gun show operators to post signs at gun shows to notify exhibitors of the background check requirement and requires gun show operators to provide unlicensed sellers and transferors with access to licensed sellers and transferors who will undertake the required background checks.

LD 277 An Act To Clarify the Laws Regarding the Calculation of the Period of Imprisonment

ONTP

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

This bill requires that, for purposes of credit for time served for a criminal defendant, all time served by the defendant for conduct under a particular case docket number is credited regardless of what the defendant may be charged with initially or of what charges the defendant is ultimately convicted.

LD 296 An Act To Equalize the Fire Investigation and Prevention Tax Paid by Insurers

PUBLIC 95

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| LAJOIE TUTTLE | OTP | H-32 DION |

The purpose of this bill is to ensure that all fire insurance companies and associations doing business in Maine collect and pay the fire investigation and prevention tax at the same rate. This bill requires the Department of Professional and Financial Regulation, Bureau of Insurance to determine every five years the basis percentage of fire risk allocated to each line of insurance and requires that fire insurance companies and associations pay the established percentage based on the basis allocation.

House Amendment "A" (H-32)

This amendment incorporates a fiscal note.

Enacted Law Summary