

# 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**  
126<sup>TH</sup> 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

**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

**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

# STATE OF MAINE

126<sup>TH</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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*

also clarifies that members of the emergency management forces are deemed to be employees of the State when preparing for emergency management duty, in addition to being on or training for duty.

### **Enacted Law Summary**

Public Law 2013, chapter 146 does the following.

1. It amends the Maine Emergency Management Act to include in its purposes coordination of homeland security.
2. It enacts definitions of "homeland security" and "terrorism".
3. It adds to the duties of the Director of the Maine Emergency Management Agency certain planning and training and the maintenance of the State Emergency Operations Center. It also requires that public education programs include information about prevention of emergency situations.
4. It designates the Commissioner of Defense, Veterans and Emergency Management as the Governor's homeland security advisor.
5. It changes the name of the Disaster Relief Fund to the Disaster Recovery Fund to more accurately reflect the fund's purpose to support long-term community disaster recovery.
6. It clarifies local and state emergency planning requirements and ensures current national standards are followed.
7. It provides that emergency management forces deployed under either the Emergency Management Assistance Compact and the International Emergency Management Assistance Compact are considered state employees for the purposes of immunity from liability and workers' compensation coverage. It specifies that a person holding a valid professional license in the State may be designated a member of the emergency management forces in that profession after verification of current license.
8. It consolidates in one subchapter language governing situation-specific operational plans and adds general language governing any agency-specific emergency plans.
9. It changes the general dam hazard evaluation requirement from at least once every six years to at least once every 12 years and changes the time frame for hazard evaluations from within 30 days of a request to within 60 days of a request.
10. It changes the dam condition inspection frequency of high and significant hazard dams from at least once every four years to at least once every six years.
11. It adds to the list of agencies that must be consulted by the Director of the Maine Emergency Management Agency regarding a mass fatality plan, the Department of Health and Human Services and the Maine Center for Disease Control and Prevention within that department and allows for other agencies to be consulted.
12. It clarifies that members of the emergency management forces are deemed to be employees of the State when preparing for emergency management duty, in addition to being on or training for duty.

### **LD 335      An Act To Review Firearm Laws in the State**

**ONTP**

Sponsor(s)  
DICKERSON

Committee Report  
ONTP

Amendments Adopted

## ***Joint Standing Committee on Criminal Justice and Public Safety***

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to review all firearm laws through creation of a study group, directing a department to study or other means to determine if more could be done to protect citizens, particularly educators and children in school, from gun violence.

### **LD 353      An Act To Allow Young Adult Offenders To Be Confined in Juvenile Correctional Facilities and To Comply with Federal Law Requirements**

**PUBLIC 28**

Sponsor(s)

PLUMMER  
DION

Committee Report

OTP

Amendments Adopted

This bill permits the Department of Corrections to incarcerate young adult offenders who are at least 18 years of age and under 26 years of age and who are subjects of the adult criminal justice system at the Long Creek Youth Development Center and the Mountain View Youth Development Center. The Commissioner of Corrections is required to maintain full sight and sound separation of the young adult population from the juvenile population.

This bill also ensures compliance with federal law requirements for the housing of juveniles bound over for adult criminal proceedings.

#### **Enacted Law Summary**

Public Law 2013, chapter 28 authorizes the Department of Corrections to incarcerate young adult offenders who are at least 18 years of age and under 26 years of age and who are subjects of the adult criminal justice system at the Long Creek Youth Development Center and the Mountain View Youth Development Center. The Commissioner of Corrections is required to maintain full sight and sound separation of the young adult population from the juvenile population.

Public Law 2013, chapter 28 also ensures compliance with federal law requirements for the housing of juveniles bound over for adult criminal proceedings.

### **LD 354      An Act To Amend the County Jail Inspection Requirement for Nationally Accredited Facilities**

**PUBLIC 27**

Sponsor(s)

GERZOFSKY  
LONG

Committee Report

OTP

Amendments Adopted

This bill allows the Commissioner of Corrections to dispense with a comprehensive inspection of a county jail or other detention facility to determine whether it complies with Department of Corrections standards if it is nationally accredited.

#### **Enacted Law Summary**

Public Law 2013, chapter 27 allows the Commissioner of Corrections to dispense with a comprehensive inspection of a county jail or other detention facility to determine whether it complies with Department of Corrections standards if it is nationally accredited.