

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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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

crime if the property is valued at more than \$10,000.

5. It defines "vulnerable person" to mean an incapacitated adult as defined in the Maine Revised Statutes, Title 22, section 3472, subsection 10 or a dependent adult as defined in Title 22, section 3472, subsection 6.

LD 576 Resolve, To Protect Concealed Handgun Permit and Other Public Records Information on a Temporary Basis

**RESOLVE 1
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| JACKSON T MCCABE | | S-2 JACKSON T |

This bill was acted upon without reference to committee.

Current law requires the issuing authority of a concealed handgun permit to make a permanent record of each permit that includes the information contained in the permit itself and provides that the permanent record must be available for public inspection. This resolve places a moratorium on public access to such permanent records for a period of approximately 4 months, pending the Legislature's consideration of a measure to amend that section of law.

House Amendment "A" (H-1)

This amendment expands the moratorium established in the resolve on access to permanent records created by issuing authorities of concealed handgun permits to apply to business licenses, hunting licenses and fishing licenses. This amendment was not adopted.

Senate Amendment "A" (S-2)

This amendment removes language that prohibits the redistribution or dissemination of information received regarding handgun permits, clarifies that the moratorium on access does not apply to law enforcement officers and issuing authorities for criminal justice and permitting purposes and clarifies that applications for permits filed or granted after the effective date of the resolve and on or before April 30, 2013 are governed by the law in effect on and after April 30, 2013.

Enacted Law Summary

Resolve 2013, chapter 1 provides that until April 30, 2013, a permanent record that is created by an issuing authority of a concealed handgun permit is confidential and may not be made available for public inspection or copying. Resolve 2013, chapter 1 also provides that the confidential handgun permit information may be disclosed to law enforcement officers and issuing authorities for criminal justice and permitting purposes. Finally, it provides that after April 30, 2013, an application for a concealed handgun permit filed or granted on or after February 19, 2013 and on or before April 30, 2013 will be governed by the law in effect on and after April 30, 2013.

Resolve 2013, chapter 1 was finally passed as an emergency measure effective February 19, 2013.

LD 593 An Act To Require That Carbon Monoxide Detectors Be Installed inside Educational Facilities

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill requires carbon monoxide detectors or carbon monoxide detection and warning equipment to be installed in educational facilities, defined as structures used for elementary or secondary education. The owner of an existing educational facility is required to install carbon monoxide detectors in specific areas of the facility. The owner of an educational facility constructed or substantially renovated or to which an addition in excess of 3,000 square feet is made after the effective date of this legislation is required to install carbon monoxide detection and warning equipment.

Committee Amendment "A" (H-145)

This amendment, which is the minority report of the committee, requires reimbursement to local school administrative units in order to avoid a mandate and adds an appropriations and allocations section for that purpose.

LD 594 An Act To Prohibit Possession of a Firearm by a Person Who Has Created a Police Standoff ONTP

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

This bill adds to the list of persons prohibited from possessing a firearm a person who has been adjudicated as creating a police standoff.

LD 626 An Act To Remove the Mandatory Minimum Jail Sentence in Certain Cases ACCEPTED MAJORITY (ONTP) REPORT

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

This bill removes the mandatory minimum sentence of one year of imprisonment for a conviction of the crime of reckless conduct with a firearm.

Committee Amendment "A" (S-30)

This amendment incorporates a fiscal note.

LD 647 An Act To Establish the Mobile Crime Laboratory Fund DIED BETWEEN HOUSES

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

This bill establishes the Mobile Crime Laboratory Fund to establish, operate and maintain a mobile crime laboratory.

Committee Amendment "A" (S-112)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.