

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

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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

Program.

LD 703 An Act To Make Post-conviction Possession of Animals a Criminal Offense

**VETO
SUSTAINED**

Sponsor(s)

MAZUREK

Committee Report

ONTP
OTP-AM

Amendments Adopted

S-283

This bill sets the minimum amount of time for a person convicted of animal cruelty that the person cannot own, possess or have on the person's premises an animal as 5 years for a Class D crime and 15 years for a Class C crime and makes a violation of these time periods a Class D crime. This bill also provides for a person to petition the court to reduce the amount of time that the person may not own, possess or have on the person's premises an animal upon a showing that the person does not present a danger to animals, and other criteria.

Committee Amendment "A" (S-283)

This amendment is the minority report that was not adopted. It replaces the bill and provides that a person convicted of cruelty to animals may not own, possess, have on that person's premises or have under that person's control an animal for at least 5 years for a Class D conviction for cruelty to animals or for at least 15 years for a Class C conviction for cruelty to animals and makes a violation of this prohibition a Class D crime.

It provides that the Commissioner of Agriculture, Conservation and Forestry may reduce the period of time a person convicted of cruelty to animals is prohibited from having an animal upon application by the person subject to the prohibition. The commissioner may revoke the reduction in time granted if the commissioner finds that the person is a danger to animals or no longer has the ability to properly care for an animal. A person whose reduction of time has been revoked may not reapply for a reduction in time.

This amendment provides that a person subject to a prohibition for conviction of cruelty to animals may apply to the commissioner for final relief from the period of time the person is prohibited from having an animal no sooner than 5 years after entry of conviction for a Class D crime and no sooner than 15 years after entry of conviction for a Class C crime. A person may not reapply for final relief more frequently than every two years.

Finally, it authorizes the Commissioner of Agriculture, Conservation and Forestry to establish an application filing fee of not more than \$25 to cover the costs of processing applications.

LD 708 An Act To Reduce Emergency Rescue Costs

ONTP

Sponsor(s)

DUTREMBLE

Committee Report

ONTP

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Director of Maine Emergency Medical Services within the Department of Public Safety to establish a pilot project designed to increase response efficiency for emergency medical services personnel and reduce costs for both patients and insurers. The bill would direct the Medical Direction and Practices Board to establish a Maine Emergency Medical Services protocol that authorizes emergency medical services personnel to identify those patients that need follow-up medical care but do not have a condition serious enough to need an ambulance to the nearest hospital. Under the pilot project, emergency medical services personnel would offer to patients meeting this criterion a free voucher to cover the round trip to and from the medical provider of the patient's choice. At the conclusion of the pilot project, the Director of Maine Emergency Medical Services would be required to report to the Legislature regarding the results

Joint Standing Committee on Criminal Justice and Public Safety

of the pilot project and submit recommendations regarding continuation and expansion of the pilot project and the funding of the vouchers.

LD 724 An Act To Require Firearms Used in the Commission of Certain Acts PUBLIC 328
To Be Civilly Forfeited to the State and Destroyed

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

This bill requires the forfeiture and destruction of a firearm used in the commission of a crime that causes death or serious bodily injury by a person who then, either due to suicide or attempted suicide or the justifiable actions of a law enforcement officer, dies or becomes incompetent to stand trial.

Current law distinguishes between a firearm and a handgun for certain situations, including allowing a handgun used in a murder to be returned to the rightful owner, as long as the owner was not the person who committed the crime. This bill removes the distinction, applying the forfeiture laws equally to all firearms.

Enacted Law Summary

Public Law 2013, chapter 328 requires the forfeiture and destruction of a firearm used in the commission of a crime that causes death or serious bodily injury by a person who then, either due to suicide or attempted suicide or the justifiable actions of a law enforcement officer, dies or becomes incompetent to stand trial.

Current law distinguishes between a firearm and a handgun for certain situations, including allowing a handgun used in a murder to be returned to the rightful owner, as long as the owner was not the person who committed the crime. Public Law 2013, chapter 328 removes the distinction, applying the forfeiture laws equally to all firearms.

LD 771 An Act To Amend the Laws Governing Reciprocity for Concealed ONTP
Handguns Permits

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

This bill makes a concealed handguns permit issued to a nonresident invalid outside the borders of the State and prohibits a reciprocity agreement with another state to allow the issuance of a concealed handguns permit to a nonresident by the State to serve as a basis for the issuance of a concealed handguns permit in the other state.

LD 820 An Act Regarding Fire Escapes for Certain Buildings PUBLIC 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE DUTREMBLE	OTP	

This bill repeals the provision of law that provides that a person, firm or organization that violates the law pertaining to the installment and maintenance of fire escapes commits a civil violation to eliminate a conflict between the Maine Revised Statutes, Title 25, section 2453 and the National Fire Protection Association Life Safety Code 101. It also amends a section to correct a cross-reference to the repealed provision.

Enacted Law Summary