

# MAINE STATE LEGISLATURE

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**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

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# 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*

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**

*Joint Standing Committee on Criminal Justice and Public Safety*

Public Law 2013, chapter 76 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.

**LD 839      An Act To Amend the Laws Governing the Licensing of Technicians  
Involved in a Display of Fireworks or Special Effects      PUBLIC 56**

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

This bill provides for the licensing of a proximate audience technician and a flame effect technician in connection with a display of fireworks or special effects.

**Enacted Law Summary**

Public Law 2013, chapter 56 provides for the licensing of a proximate audience technician and a flame effect technician in connection with a display of fireworks or special effects.

**LD 840      An Act To Amend the Law Regulating the Use of Explosives      PUBLIC 57**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE PLUMMER	OTP-AM	H-27

This bill amends the regulatory authority of the Commissioner of Public Safety to exempt from oversight the possession of 50 pounds or less of premixed or five pounds or less of mixed binary explosive target material for the purpose of sport shooting.

**Committee Amendment "A" (H-27)**

This amendment removes from the bill the provision that allows the Commissioner of Public Safety to exempt from oversight the possession of 50 pounds or less of premixed binary target material for the purpose of sport shooting.

**Enacted Law Summary**

Public Law 2013, chapter 57 amends the regulatory authority of the Commissioner of Public Safety to exempt from oversight the possession of five pounds or less of mixed binary explosive target material for the purpose of sport shooting.

**LD 841      An Act To Prevent Offensive Touching of a Person Seeking Access to  
Public Facilities      ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill creates the new Class D crime of unlawful contact during a security screening, which prohibits a person conducting a security screening of an individual seeking access to certain public buildings from touching certain