

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

This bill changes from Class C to Class B the crime of furnishing liquor to a minor if the consumption of the liquor causes the death of the minor or another individual.

LD 958 An Act To Establish a Database To Prevent Individuals Involuntarily Admitted or Committed to a Mental Health Institution from Being Issued Concealed Handgun Permits ONTP

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

This bill directs the Department of Public Safety, State Bureau of Identification to establish and maintain a database of individuals admitted or committed involuntarily to a mental health institution who present a substantial threat of physical harm to themselves or to others. The database may only be used for the purpose of issuing permits to carry concealed handguns.

LD 997 An Act To Establish Restrictions on Ammunition Feeding Devices ONTP

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

This bill makes the possession, transfer or importation of an ammunition feeding device for a firearm a Class D crime. An ammunition feeding device is a device such as a magazine, belt, drum or other device that has a capacity of more than 10 rounds of ammunition. This bill includes a number of exceptions to these prohibitions including but not limited to, a person in possession of an such a device prior to the effective date of this Act, a government agency or law enforcement officer or for research purposes.

LD 1022 An Act To Improve Training Requirements for Obtaining a Concealed Handgun Permit ACCEPTED MAJORITY (ONTP) REPORT

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

This bill amends the training requirements to obtain a permit to carry a concealed handgun by requiring an applicant to demonstrate possession of defensive handgun skills, including the safe operating of a handgun and demonstrating firing 50 rounds of ammunition with a handgun, and a knowledge of the applicable provisions of the criminal laws of the State.

LD 1044 An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances VETO SUSTAINED

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DORNEY | OTP-AM ONTP | H-205 |

Joint Standing Committee on Criminal Justice and Public Safety

This bill prohibits the admissibility of evidence derived as a result of a person's seeking medical assistance when experiencing a drug overdose or for another person who is experiencing a drug overdose in proving the crime of unlawful possession of a scheduled drug.

Committee Amendment "A" (H-205)

This amendment replaces the bill and creates an affirmative defense to prosecution. The amendment specifies that it is an affirmative defense to prosecution that the evidence of possession was obtained as a result of the person's seeking, in good faith, medical assistance for someone experiencing a drug-related overdose or the evidence of possession was obtained as a result of the person's seeking or obtaining medical assistance for a drug-related overdose the person is experiencing. The amendment also specifies that the affirmative defense is not grounds for suppression of evidence with respect to any crime.

LD 1045 An Act To Establish the Forensic Advisory Committee

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill creates the Forensic Advisory Committee, which reports to the Attorney General, to review and make recommendations about the operations of the Office of the Chief Medical Examiner, the Maine State Police Crime Laboratory and the forensic chemistry section of the Health and Environmental Testing Laboratory. The committee is also required to review the conduct of personnel, errors in testing and new programs of, protocols for and methods of forensic testing.

Committee Amendment "A" (H-355)

This amendment, which is the minority report, makes the following changes to the Forensic Advisory Committee in the bill.

1. It requires the Governor, rather than the chair of the committee, to appoint four of the members of the committee.
2. It requires the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters to review, and the Legislature to confirm, the appointments made by the Governor to the committee.
3. It requires an academic with a doctorate in biological sciences, rather than an academic research scientist, to be appointed to the committee.
4. It requires the committee to make recommendations for each laboratory in the bill to the entity that has specific oversight authority over the laboratory.
5. It allows the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters to report out legislation, rather than a bill.

The amendment also adds an appropriations and allocations section.