

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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126TH LEGISLATURE

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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

LD 1053 An Act Regarding a Retired Law Enforcement Officer Carrying a Concealed Handgun without a Permit ONTP

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

This bill amends the requirements for a retired law enforcement officer to carry a concealed handgun without a permit by adding that the retired law enforcement officer must have completed the firearms basic training course at the Maine Criminal Justice Academy or equivalent training requirements and removes the requirement for training within a year of possessing the handgun.

LD 1054 An Act To Prohibit Enforcement by a Federal or State Official or Others of the National Defense Authorization Act For Fiscal Year 2012 ACCEPTED MAJORITY (ONTP) REPORT

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

This bill expresses the findings of the Legislature that the National Defense Authorization Act For Fiscal Year 2012, authorizing the President of the United States to arrest, detain without charge, detain indefinitely, try under the laws of war or transfer to a foreign jurisdiction a noncitizen, violates the Constitution of the United States. This bill:

1. Prohibits within the State the activities authorized by the Act that the Legislature finds unconstitutional;
2. Prohibits the State from providing material support to or participating in the implementation of provisions of the Act that the Legislature finds unconstitutional;
3. Requires the Department of Public Safety to report to the Governor and Legislature any attempt by an agency or agent of the Federal Government to implement the Act through the operation of any state department or agency;
4. Makes a federal official or employee of a corporation doing business with the Federal Government who enforces or attempts to enforce the unconstitutional provisions of the Act guilty of a Class E crime; and
5. Makes a state official or employee of a corporation doing business with the State who enforces or attempts to enforce the unconstitutional provisions of the Act guilty of a Class D crime.

Committee Amendment "A" (H-161)

This amendment is the minority report of the committee and incorporates a fiscal note.

LD 1079 An Act To Provide for Alternatives for the Courts To Address Settlement of Fines in Certain Cases ONTP

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

Joint Standing Committee on Criminal Justice and Public Safety

Current law allows a court, when an offender defaults in payment of a fine imposed for a conviction of a Class D or Class E crime, to order the offender to perform community service work. The order may be issued only following a default hearing at which the offender is entitled to legal counsel.

This bill allows the court, prior to the default hearing, to offer the offender the option of performing community service work under the same terms and conditions as community service work ordered after the default hearing.

LD 1112 An Act To Amend the Maine Juvenile Code and Related Statutes

PUBLIC 234

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-262

This bill makes the following changes to the Juvenile Code.

1. It provides that a person or entity performing a court-ordered mental health examination or evaluation of a juvenile may make a written demand for that juvenile's records or copies of those records held by another individual or entity.
2. It corrects an oversight to clarify that the juvenile crimes involving a useable amount of marijuana, drug paraphernalia, illegal transportation and certain types of intoxicating liquor need only be supported by a preponderance of the evidence rather than by evidence beyond a reasonable doubt as required for other juvenile crimes.
3. It adds a definition of "mental disease or defect" to the Maine Juvenile Code that is the same as the definition in the Maine Criminal Code for purposes of establishing lack of criminal responsibility by reason of insanity except it excludes the fact that a juvenile has not attained the level of mental or emotional development normally associated with an adult individual.
4. It removes duplicative or obsolete definitions for "he," "law enforcement officer," "organization" and "person."
5. It clarifies that the general principles contained in the Maine Revised Statutes, Title 17-A, Part 1, except specific provisions that are inconsistent with or inapplicable to the Maine Juvenile Code, are applicable to juvenile crimes.
6. It requires that a juvenile respond by way of an answer to a petition of allegation of a juvenile crime. A juvenile response may be through counsel.
7. It provides that, in addition to admitting the allegations of a petition, a juvenile or a juvenile's counsel may answer a petition by denying allegations, by asserting the absence of criminal responsibility by reason of insanity or by not contesting the allegations.
8. It allows a juvenile or a juvenile's counsel to answer by a denial and by an assertion of the absence of criminal responsibility by reason of insanity.
9. It allows a court to accept a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, when the case has been continued for investigation and for a bind-over hearing.
10. It provides that a court must enter an answer of denial if a juvenile or a juvenile's counsel declines to enter an answer.
11. It provides that a dispositional hearing will be set for a juvenile if the court accepts an answer admitting or not