

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND 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 Second Regular Session of the 127th 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. An appendix provides a summary of relevant session statistics.

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 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 127th Legislature is July 29, 2016. 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 1572

An Act To Ensure Nondiscrimination against Gun Owners in Certain Federally Subsidized Housing

PUBLIC 455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A FREDETTE K	OTP-AM ONTP	S-405

This bill prohibits a rental agreement for the provision of public housing from containing a provision requiring a tenant to agree to a prohibition on the lawful ownership, use, possession, bearing or transportation of a firearm, firearm component or ammunition on or within the premises by a tenant, tenant's household member or guest.

Committee Amendment "A" (S-405)

This amendment does the following.

1. It restricts the application of the bill to a rental unit for which the landlord receives federal rent subsidies under the multifamily housing rental assistance program, the housing choice voucher program, the new construction program, the substantial rehabilitation program or the moderate rehabilitation program. The ability of tenants in public housing owned and operated by the State to possess a firearm is addressed by a 1995 Maine Supreme Judicial Court decision: *John Doe, et al. v. Portland Housing Authority*, 656 A.2d 1200 (1995).
2. It limits the bill's prohibition on firearm restrictions to the tenant's specific rental unit and allows a landlord to impose reasonable restrictions related to the possession, use or transport of a firearm within common areas as long as those restrictions do not circumvent the use or possession of a firearm in the tenant's rental unit.
3. It modifies the landlord immunity provision to cover civil liability that may arise from any firearm, legally or illegally possessed, that the landlord is required to allow on the property under the bill. The bill limits the landlord's immunity to cases in which the firearm was lawfully owned by the tenant.
4. It provides that the landlord immunity provision does not cover willfully, recklessly or grossly negligent acts by the landlord. The bill exempts the landlord from immunity only when that landlord is grossly negligent.
5. It exempts an owner-occupied housing accommodation of four units or fewer from the bill's prohibition on firearm restrictions.

Enacted Law Summary

Public Law 2015, chapter 455 prohibits a rental agreement for the provision of certain public housing from containing a provision requiring a tenant to agree to a prohibition on the lawful ownership, use, or possession, of a firearm, firearm component or ammunition within the tenants specific rental unit by a tenant, tenant's household member or guest. It limits the scope of this provision to rental units for which the landlord receives federal rent subsidies under the multifamily housing rental assistance program, the housing choice voucher program, the new construction program, the substantial rehabilitation program or the moderate rehabilitation program. The ability of tenants in public housing owned and operated by the State to possess a firearm is not affected by Public Law 2015, chapter 455 but is addressed by a 1995 Maine Supreme Judicial Court decision: *John Doe, et al. v. Portland Housing Authority*, 656 A.2d 1200 (1995).

Public Law 2015, chapter 455 allows a landlord who receives federal rent subsidies to impose reasonable restrictions related to the possession, use or transport of a firearm within common areas as long as those restrictions do not circumvent the use or possession of a firearm in the tenant's rental unit.

Public Law 2015, chapter 455 provides a landlord with immunity from any civil liability that may arise from a

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firearm, legally or illegally possessed, that the landlord is required to allow on the property under the provisions of this law. It also provides that the landlord immunity provision does not cover willfully, recklessly or grossly negligent acts by the landlord.

Public Law 2015, chapter 455 exempts an owner-occupied housing accommodation of four units or fewer from the provisions of this law.

LD 1575 An Act To Make Technical Amendments to the Maine Juvenile Code

PUBLIC 409

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill implements the recommendations of the Criminal Law Advisory Commission to make technical amendments to the Maine Juvenile Code. Specifically, the bill makes changes to the Maine Revised Statutes, Title 15, Part 6 as follows.

1. It amends references in the Maine Juvenile Code to the Superior Court to more accurately identify that, following a bind-over hearing, a juvenile is prosecuted as an adult.
2. It corrects a cross-reference in the laws concerning hunting and operating under the influence.
3. It corrects a headnote and the term "conviction" in reference to the disposition of a juvenile crime.
4. It changes a reference to the Superior Court to the Supreme Judicial Court to reflect that juvenile appeals are to the Supreme Judicial Court.
5. It establishes that if a juvenile is bound over for prosecution as an adult the issue of the juvenile's competency may be revisited.

Enacted Law Summary

Public Law 2015, chapter 409 makes technical amendments to the Maine Juvenile Code, the Maine Revised Statutes, Title 15, Part 6, as follows:

1. It amends references in the Maine Juvenile Code to the Superior Court to more accurately identify that, following a bind-over hearing, a juvenile is prosecuted as an adult;
2. It corrects a cross-reference in the laws concerning hunting and operating under the influence;
3. It corrects a headnote and the term "conviction" in reference to the disposition of a juvenile crime;
4. It changes a reference to the Superior Court to the Supreme Judicial Court to reflect that juvenile appeals are to the Supreme Judicial Court; and
5. It establishes that if a juvenile is bound over for prosecution as an adult the issue of the juvenile's competency may be revisited.