

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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Joint Standing Committee on Criminal Justice and Public Safety

LD 195 An Act Regarding County Jails

ONTP

Sponsor(s)

DAVIS P
BLACK R

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows the county jails to apply savings from the county's correctional budget to jail debt service without a reduction in payments from the State Board of Corrections.

LD 440 An Act To Create a Secure, Therapeutic Mental Health Unit

**Accepted Majority
(ONTP) Report**

Sponsor(s)

GERZOFSKY S
DION M

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows the county jails to apply savings from the county's correctional budget to jail debt service without a reduction in payments from the State Board of Corrections.

Committee Amendment "A" (S-458)

This amendment is the minority report of the committee. The amendment does the following.

1. It retains the provisions of the bill that establish a secure, therapeutic mental health unit for defendants undergoing court-ordered assessments to determine their competency to stand trial or their criminal culpability, to provide therapeutic care for forensic patients and to provide care for jail inmates who meet the criteria for involuntary civil commitment under the Maine Revised Statutes, Title 34-B, chapter 3. The amendment directs the Department of Health and Human Services to establish one or more units.

2. It adds to the laws governing the placement process a requirement for a determination by a court that a secure, therapeutic mental health unit is appropriate for the defendant.

3. It assigns responsibility for operation of a secure, therapeutic mental health unit to the Commissioner of Health and Human Services and allows contracts with multiple jails for multiple secure, therapeutic mental health units. It specifies that staffing must be dedicated to the units, that staff must be trained, who may provide the training, that a unit must be separated from the general jail population at all times and that the Department of Health and Human Services and the county sheriff for the county in which a unit is located must work to obtain and maintain any federal certification that is required or available and through which funding may be secured for the unit.

4. It directs the Department of Health and Human Services, by January 15, 2017, after consultation with the county sheriff of a county in which a secure, therapeutic mental health unit is located, to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the operations of the units. The report must include data on population, length of stay, staffing and services. The

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report must also include recommendations regarding the reallocation of resources for the units, the designs of the units, the provisions of forensic services at the Riverview Psychiatric Center and the units and the transfer provisions of Title 34-A, sections 3069, 3069-A and 3069-B.

LD 655 *Resolve, To Provide the Engineering Study and Planning Needed for a Statewide, Centrally Located Emergency Services Training Facility and Several Regional Training Facilities* **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE M DUTREMBLE D	OTP-AM ONTP	H-528 S-502 HAMPER J

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve directs the Department of Public Safety to hire an independent consultant to study the feasibility of establishing a statewide, centrally located firefighter training facility and several regional firefighter training facilities. The resolve includes a General Fund appropriation and requires the department to submit a report based on the results of the study to the Joint Standing Committee on Criminal Justice and Public Safety by January 6, 2016.

Committee Amendment "A" (H-528)

This amendment is the majority report of the committee. This amendment replaces the resolve and changes the title.

This amendment directs the Maine Fire Protection Services Commission, after consultation with the State Fire Marshal, to contract with an independent consultant to conduct an engineering study and complete the planning needed for a statewide, centrally located emergency services training facility, to be designated as the Maine Emergency Services Institute, and several regional emergency services training facilities, to be designated as branches of the Maine Emergency Services Institute.

This amendment includes a General Fund appropriation and requires the Maine Fire Protection Services Commission to submit a report based on the results of the engineering study and planning to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 6, 2017.

Senate Amendment "A" To Committee Amendment "A" (S-502)

This amendment removes the funding provided in Committee Amendment "A" for a contract with an independent consultant to conduct an engineering study and complete the planning for the emergency services training facility.

LD 823 *An Act To Upgrade the Concealed Handgun Permit Law* **Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

It amends the laws concerning permits to carry concealed handguns by:

1. Making the Chief of the State Police the sole issuing authority for a permit to carry concealed handguns;

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- 2. Extending the term of a permit to carry concealed handguns from four years to 10 years; and
- 3. Removing the requirement that a course that includes handgun safety taken by an applicant for a permit to carry concealed handguns must have been taken by the applicant within five years prior to the date of application.

Committee Amendment "B" (H-595)

This amendment is minority report of the committee. It provides funding to the Department of Public Safety for the costs of issuing concealed handgun permits and makes a technical correction. This amendment was not adopted.

LD 944 An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M WALLACE R	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill makes a person who operates a motor vehicle while intoxicated and proximately causes an incident requiring an emergency response liable for the costs of that response up to an amount of \$2,500.

Committee Amendment "A" (S-390)

This amendment is the minority report of the committee and replaces the bill. The amendment makes a person who is convicted of operating a motor vehicle while under the influence of alcohol or drugs strictly liable for the costs of specified emergency response services, up to \$1,000, under a court-ordered payment plan.

This amendment was not adopted.

LD 1002 An Act Regarding the Electronic Monitoring Program Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K	OTP-AM	H-220

This bill was reported out from committee in the prior session and then carried over on the Special Appropriations Table.

This bill includes a General Fund appropriation of \$500,000 in fiscal year 2015-16 and fiscal year 2016-17 for the State Board of Corrections to fund the increased use of electronic monitoring.

LD 1114 An Act Regarding Sexual Exploitation of Children PUBLIC 394

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND G LONG R	OTP-AM	S-369

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This bill was carried over from the First Regular Session of the 127th Legislature.

This bill amends the law regarding solicitation of a child to commit a prohibited act and creates the crimes of exploitive travel and unlawful electronic transmission of an image or video depicting sexually explicit conduct. The bill also amends the criminal forfeiture provisions of the sexual exploitation of minors laws to include conveyances and money instruments as items in addition to computer equipment that may be subject to forfeiture proceedings.

Committee Amendment "A" (S-369)

This amendment replaces the bill and changes the title.

This amendment does the following.

1. It amends the law on sexual exploitation of a minor by changing the applicable age of protected minors from under 18 years of age to under 16 years of age, except in cases of compulsion. It also provides that the law does not apply with respect to a minor who is 14 or 15 years old who is employed, solicited, enticed, persuaded or used to engage in sexually explicit conduct by a person who is less than 5 years older than the minor, unless the person is the minor's parent or legal guardian or has care or custody of the minor.
2. It amends the law on dissemination of sexually explicit material by changing the applicable age of protected persons from under 18 years of age to under 16 years of age. It also provides that the law does not apply with respect to a person depicted in such material if the person is 14 or 15 years old and the person disseminating the material is less than 5 years older than the depicted person.
3. It amends the law on possession of sexually explicit material to exempt from the law possession of material in which the depicted person is 14 or 15 years of age and the actor is less than five years older than the depicted person.
4. It amends the law on unauthorized dissemination of certain private images to remove the requirement that the depicted person be 18 years of age or older for the law to apply.

Enacted Law Summary

Public Law 2015, chapter 394 does the following.

1. It amends the law on sexual exploitation of a minor by changing the applicable age of protected minors from under 18 years of age to under 16 years of age, except in cases of compulsion. It also provides that the law does not apply with respect to a minor who is 14 or 15 years old who is employed, solicited, enticed, persuaded or used to engage in sexually explicit conduct by a person who is less than 5 years older than the minor, unless the person is the minor's parent or legal guardian or has care or custody of the minor.
2. It amends the law on dissemination of sexually explicit material by changing the applicable age of protected persons from under 18 years of age to under 16 years of age. It also provides that the law does not apply with respect to a person depicted in such material if the person is 14 or 15 years old and the person disseminating the material is less than 5 years older than the depicted person.
3. It amends the law on possession of sexually explicit material to exempt from the law possession of material in which the depicted person is 14 or 15 years of age and the actor is less than 5 years older than the depicted person.
4. It amends the law on unauthorized dissemination of certain private images to remove the requirement that the depicted person be 18 years of age or older for the law to apply.

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LD 1387 An Act Regarding the State Board of Corrections

ONTP

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the laws regarding the State Board of Corrections.

LD 1447 An Act To Authorize the Maine Governmental Facilities Authority To Issue Securities To Pay for Capital Repairs and Improvements to the Maine Correctional Center in South Windham and a Facility Owned by the Department of Corrections in Washington County

PUBLIC 472

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM OTP-AM	S-415

This bill amends current law regarding the authority of the Maine Governmental Facilities Authority to issue securities to increase the ceiling on the securities outstanding for correctional facilities to \$165,000,000 and specifies that the securities must be used for the Maine Correctional Center in South Windham.

Committee Amendment "A" (S-415)

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. It changes the title and strikes the bill. It authorizes the Maine Governmental Facilities Authority to issue securities to pay for capital repairs and improvements to the Maine Correctional Center in South Windham and a facility owned by the Department of Corrections in Washington County up to an amount not to exceed \$149,700,000 outstanding at any one time.

Committee Amendment "B" (S-416)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment changes the title and replaces the bill with legislation authorizing a General Fund bond issue. The bonds, in the amount of \$149,700,000, will be used for capital construction, repairs and improvements to the Maine Correctional Center in South Windham and a facility owned by the Department of Corrections in Washington County.

This amendment was not adopted.

Enacted Law Summary

Public Law 2013, chapter 472 authorizes the Maine Governmental Facilities Authority to issue securities to pay for capital repairs and improvements to the Maine Correctional Center in South Windham and a facility owned by the Department of Corrections in Washington County up to an amount not to exceed \$149,700,000 outstanding at any one time.

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LD 1476 An Act To Improve the Law Concerning Carbon Monoxide Detectors

**PUBLIC 396
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND G MAREAN D	OTP-AM	S-370

Under current law, carbon monoxide detectors required to be installed in educational facilities and units of multifamily dwellings; fraternity houses, sorority houses and dormitories affiliated with educational facilities; children's homes, shelters and residential care facilities licensed by the Department of Health and Human Services; and eating and lodging places must be powered either by the electrical service in the building and a battery or by a nonreplaceable 10-year battery. This bill allows a carbon monoxide detector installed in such a building to be powered by a battery other than a nonreplaceable 10-year battery if the detector uses a low-power radio frequency wireless communication signal or multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

Committee Amendment "A" (S-370)

This amendment replaces the bill. The amendment allows the use in certain buildings of a carbon monoxide detector that is powered by replaceable batteries if the detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

Enacted Law Summary

Public Law 2015, chapter 396 allows a carbon monoxide detector installed in certain buildings to be powered by a battery other than a nonreplaceable 10-year battery if the detector uses low-power radio frequency wireless communication, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel. The law clarifies that a carbon monoxide detector that is powered by replaceable batteries is allowed if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

Public Law 2015, chapter 396 was enacted as an emergency measure effective March 16, 2016.

LD 1487 An Act To Amend the Laws on Protection from Abuse, Protection from Harassment and Unauthorized Dissemination of Certain Private Images

**PUBLIC 410
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE L DIAMOND G	OTP-AM	H-545

This bill amends the protection from abuse laws and the laws concerning unauthorized dissemination of certain private images. The bill provides a process for sealing certain private images and any written information describing and directly pertaining to the images that are contained in court records. The bill adds unauthorized dissemination of certain private images to the definition of "abuse" for the purposes of the protection from abuse laws. The bill adds to the protection from abuse laws remedies pertinent to the unauthorized dissemination of certain private images.

Committee Amendment "A" (H-545)

This amendment replaces the bill.

This amendment replaces the title and does the following.

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1. In Part A it amends the laws concerning unauthorized dissemination of certain private images by providing that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

2. In Part B it amends the laws on protection from abuse by including in the definition of abuse the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

3. In Part C it amends the laws on protection from harassment by including in the definition of harassment the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

Enacted Law Summary

Public Law 2015, chapter 410 does the following.

1. In Part A it amends the laws concerning unauthorized dissemination of certain private images by providing that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

2. In Part B it amends the laws on protection from abuse by including in the definition of abuse the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

3. In Part C it amends the laws on protection from harassment by including in the definition of harassment the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It

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also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

Public Law 2015, chapter 410 was enacted as an emergency measure effective March 29, 2016.

LD 1516 An Act To Clarify the Authority of County Sheriffs To Grant Law Enforcement Powers

**PUBLIC 419
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M CUSHING A	OTP-AM ONTP	H-529

This bill allows a school resource officer to enforce laws relating to crimes committed on school premises and at other locations where that school's activities are occurring.

Committee Amendment "A" (H-529)

This amendment replaces the bill and changes the title. The amendment provides a process by which a trained municipal law enforcement officer may be appointed as a deputy sheriff, have the duties of a deputy sheriff to enforce the criminal laws and have the same privileges and immunities as when acting within the officer's own jurisdiction. The amendment requires an agreement between the municipality and the county that specifies the time period and purpose for which authorization is granted and liability between the sheriff's office and the municipal law enforcement agency.

Enacted Law Summary

Public Law 2016, chapter 419 provides a process by which a trained municipal law enforcement officer may be appointed as a deputy sheriff, have the duties of a deputy sheriff to enforce the criminal laws and have the same privileges and immunities as when acting within the officer's own jurisdiction. The law requires an agreement between the municipality and the county that specifies the time period and purpose for which authorization is granted and liability between the sheriff's office and the municipal law enforcement agency.

Public Law 2015, chapter 419 was enacted as an emergency measure effective March 31, 2016.

LD 1523 Resolve, To Provide Wage Parity for Supervisors of Law Enforcement Personnel and Other Law Enforcement Personnel

RESOLVE 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P NADEAU C	OTP-AM	S-383 H-663 DAVITT J

This resolve provides appropriations and allocations to increase by 5% the base salary of law enforcement supervisors in the Department of Agriculture, Conservation and Forestry, the Baxter State Park Authority, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Public Safety. This resolve also requires the Department of Administrative and Financial Services, Bureau of Human Resources to make a corresponding change to the bureau's rules governing compensation.

Committee Amendment "A" (S-383)

This amendment adds senior motor vehicle detectives and the Capitol Police sergeants to those law enforcement supervisors who will receive a 5% salary increase under the resolve.

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House Amendment "A" To Committee Amendment "A" (H-663)

This amendment replaces the resolve. It makes salary schedule adjustments for law enforcement positions as proposed in LD 1653 and incorporates the salary increases for law enforcement supervisors as proposed in the resolve, except that it adds senior motor vehicle detective positions and delays the proposed increases to August 1, 2016, effective for the first pay period commencing on or after July 1, 2016.

Enacted Law Summary

Resolve 2015, chapter 80 adjusts upward the salary schedules for certain law enforcement personnel beginning July 1, 2016 as follows:

1. A 12% increase for positions classified as Game Warden Sergeant, Game Warden Lieutenant, Marine Patrol Pilot Supervisor, Marine Patrol Sergeant or Marine Patrol Lieutenant;
2. A 13% increase for positions classified as State Police Trooper, Game Warden Investigator, Game Warden Specialist, Capitol Police Officer or Fire Investigator;
3. A 14% increase for positions classified as Game Warden Pilot Supervisor;
4. A 15% increase for positions classified as State Police Specialist, State Police Corporal, State Police Detective, State Police Polygraph Examiner, State Police Forensic Specialist, State Police Pilot, State Police Pilot Supervisor, State Police Polygraph Examiner Supervisor, State Police Sergeant-E, Game Warden, Marine Patrol Officer, Capitol Police Sergeant, Senior Fire Investigator, Fire Investigations Sergeant or Forensic Specialist, Dual Discipline;
5. A 17% increase for positions classified as Game Warden Pilot;
6. A 18% increase for positions classified as State Police Lieutenant, Capitol Police Lieutenant or Marine Patrol Specialist;
7. A 5% increase for senior motor vehicle detectives within the Department of the Secretary of State; and
8. A 5% increase for law enforcement supervisors in the Department of Agriculture, Conservation and Forestry, the Baxter State Park Authority, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Public Safety.

Resove 2015, chapter 80 also provides that the funds in the Salary Plan program, General Fund account within the Department of Administrative and Financial Services may be used for economic items contained in this resolve and in Public Law 2015, chapter 376 in fiscal year 2016-17 but limits the total amount that may be transfered from the Salary Plan program pursuant to this resolve to no more than \$6,347,655 in fiscal year 2016-17.

LD 1526 An Act Regarding the Disclosure of Intelligence and Investigative Record Information

PUBLIC 411

Sponsor(s)
BURNS D
HOBBINS B

Committee Report
OTP-AM

Amendments Adopted
S-379

This bill allows a state criminal justice agency, subject to reasonable limitations, to disclose intelligence and investigative record information to an employee or volunteer of a nongovernmental advocacy program for persons with mental illness as long as the employee or volunteer has a specific agreement with the agency that complies with the Maine Revised Statutes, Title 16, section 806, subsection 3.

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Committee Amendment "A" (S-379)

This amendment replaces the bill and changes the title. Current law allows a criminal justice agency to disclose intelligence and investigative record information to a sexual assault counselor or an advocate for victims of domestic or family violence if a specific agreement exists between the counselor or advocate and the agency and the agreement contains terms provided in the statute. The amendment repeals these provisions and instead places into law a list of requirements that must be met by a sexual assault counselor or an advocate that receives intelligence and investigative record information from a criminal justice agency.

Enacted Law Summary

Public Law 2015, chapter 411 amends the law on disclosure of intelligence and investigative record information to a sexual assault counselor or an advocate for victims of domestic or family violence. Current law requires for disclosure that a specific agreement exist between the counselor or advocate and the agency and that the agreement contains terms provided in the statute. Public Law 2015, chapter 411 repeals these provisions and instead places into law a list of requirements that must be met by a sexual assault counselor or an advocate in order to receive intelligence and investigative record information from a criminal justice agency.

LD 1529 An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides

**PUBLIC 421
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-382

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to review and change, if necessary, the application fees and inspection fees charged by the Department of Public Safety for amusement rides set forth in the Maine Revised Statutes, Title 8, chapter 18.

Committee Amendment "A" (S-382)

This amendment replaces the bill, adds an emergency preamble and emergency clause and makes the following changes to the law regarding the inspection of amusement rides and amusement devices.

1. It removes the \$100 application fee for the inspection of amusement rides.
2. It changes the inspection fee for amusement rides and amusement devices from \$75 per hour per ride or device to a \$100 flat fee per amusement ride or amusement device.
3. It provides that if an amusement ride or amusement device is not available for inspection at the time the Office of the State Fire Marshal conducts its inspections, the owner or operator must still pay the \$100 inspection fee and an additional \$100 per amusement ride or amusement device each time an inspector must return to inspect a ride or device that was not available for inspection during the prior inspection.
4. It exempts a bounce house or other similar inflatable structures from the inspection requirement imposed on amusement rides and amusement devices.

Enacted Law Summary

Public Law 2015, chapter 421 makes the following changes to the law regarding the inspection of amusement rides and amusement devices.

1. It removes the \$100 application fee for the inspection of amusement rides.

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2. It changes the inspection fee for amusement rides and amusement devices from \$75 per hour per ride or device to a \$100 flat fee per amusement ride or amusement device.

3. It provides that if an amusement ride or amusement device is not available for inspection at the time the Office of the State Fire Marshal conducts its inspections, the owner or operator must still pay the \$100 inspection fee and an additional \$100 per amusement ride or amusement device each time an inspector must return to inspect a ride or device that was not available for inspection during the prior inspection.

4. It exempts a bounce house or other similar inflatable structures from the inspection requirement imposed on amusement rides and amusement devices.

Public Law 2015, chapter 421 was enacted as an emergency measure effective March 31, 2016.

LD 1534 An Act To Reduce the Trafficking of Illegal Drugs in the State

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D	OTP-AM OTP-AM	S-371

This bill establishes the Maine State Police Drug Interdiction Unit in the Department of Public Safety, Bureau of State Police to conduct drug trafficking patrols on state roads and ways and at access points to the State to prevent the trafficking of illegal drugs in the State. The drug interdiction unit consists of at least three state police officers and a supervising state police officer, all of whom must have training and experience in illegal drug interdiction techniques.

Committee Amendment "A" (S-371)

This amendment is the majority report of the committee. This amendment provides funding for three State Police Trooper positions, one State Police Sergeant position and related costs for the Maine State Police Drug Interdiction Unit in the Department of Public Safety, Bureau of State Police.

Committee Amendment "B" (S-372)

This amendment is the minority report of the committee. This amendment specifies that the Maine State Police Drug Interdiction Unit in the Department of Public Safety, Bureau of State Police must be established using existing resources and vacant positions within the Maine State Police.

This amendment was not adopted.

**LD 1536 An Act To Provide Ballistic Vests to State Law Enforcement Officers
and Certain Other State Agents**

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D EVES M	OTP-AM OTP-AM	S-428

This bill requires that all active law enforcement officers employed by the State, including game wardens, forest rangers, marine patrol officers and investigative officers and detectives in the Office of the Attorney General, the Department of the Secretary of State and the Department of Corrections, be equipped with well-fitting,

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contemporary ballistic vests. This bill also requires such vests to be provided for dogs used in law enforcement by the State. The cost of each vest must be paid by the political subdivision of the State employing the law enforcement officer or using the dog. The State is permitted to accept private or public funds to offset the cost of the vests.

Committee Amendment "A" (S-428)

This amendment is the majority report of the committee. It removes juvenile community corrections officers from the list of positions in which individuals must be issued ballistic vests. It also limits the application of the bill to individuals employed by the State.

Committee Amendment "B" (S-429)

This amendment is the minority report of the committee. It adds security screeners in the State Capitol Building to the list of positions in which individuals must be issued ballistic vests. It also limits the application of the bill to individuals employed by the State. This amendment was not adopted.

LD 1540 An Act To Protect All Students in Elementary or Secondary Schools from Sexual Assault by School Officials

PUBLIC 509

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S NADEAU C	OTP-AM	S-365

This bill removes the age limit on the victim of the crime of unlawful sexual contact, unlawful sexual touching or gross sexual assault when the victim is a student at an elementary, secondary or special education school and the actor is a person at the school who has authority over the student.

Additionally, this bill specifies that a parent convicted of the crime of unlawful sexual contact, unlawful sexual touching or gross sexual assault is subject to stricter scrutiny by the court when it determines residence for and contact with a child of the parent when the victim was a student at an elementary, secondary or special education school and the parent was a person at the school who had authority over the student.

Committee Amendment "A" (S-365)

This amendment removes those sections of the bill that remove the age limit on the victim of the crime of unlawful sexual contact and unlawful sexual touching when the victim is a student at an elementary, secondary or special education school and the actor is a person at the school who does not have authority over the student.

Enacted Law Summary

Public Law 2015, chapter 509 removes the age limit on the victim of the crime of unlawful sexual contact, unlawful sexual touching or gross sexual assault when the victim is a student at an elementary, secondary or special education school and the actor is a person at the school who has authority over the student.

Public Law 2015, chapter 509 also specifies that a parent convicted of the crime of unlawful sexual contact, unlawful sexual touching or gross sexual assault is subject to stricter scrutiny by the court when it determines residence for and contact with a child of the parent when the victim was a student at an elementary, secondary or special education school and the parent was a person at the school who had authority over the student.

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LD 1541 An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs

PUBLIC 485

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S NADEAU C	OTP-AM OTP-AM	S-403

This bill raises the class of crime for the illegal importation of scheduled drugs from a Class C crime to a Class B crime if the drug is a schedule W drug and from a Class D crime to a Class C crime if the drug is a schedule X, Y or Z drug.

The bill also creates the crime of aggravated illegal importation of scheduled drugs. Under the new crime, which is based on the crime of aggravated trafficking of scheduled drugs, certain aggravating factors, such as a prior conviction, using a child under 18 years of age to assist with the illegal importation or the quantity of drugs being imported, raise the class of crime by one class.

This bill specifies that the minimum sentence of imprisonment is four years for a Class A violation of illegal importation of drugs or aggravated illegal importation of drugs and two years for a Class B violation of those crimes.

Committee Amendment "A" (S-403)

This amendment is the majority report of the committee. This amendment removes from the bill the provision that specifies a minimum sentence of imprisonment of four years for a Class A violation or two years for a Class B violation of the law prohibiting illegal importation of scheduled drugs. The amendment adds aggravated illegal importation of a scheduled drug to the crimes that may result, under certain circumstances, in the forfeiture of firearms. The amendment retains the provisions of the bill that establish a new crime of aggravated illegal importation of a scheduled drug and specify for that crime a minimum sentence of imprisonment of four years for a Class A violation and two years for a Class B violation.

Committee Amendment "B" (S-404)

This amendment is the minority report of the committee. The amendment raises the class of crime for the illegal importation of scheduled drugs for a schedule W drug from a Class C crime to a Class B crime if the drug is fentanyl powder or the drug is heroin and at the time of the offense the person illegally imports six grams or more of heroin or 270 or more individual bags, folds, packages, envelopes or containers of any kind containing heroin.

Like the bill, this amendment creates the crime of aggravated illegal importation of a scheduled drug; however, the amendment limits the scheduled drugs that may give rise to the crime to fentanyl powder and certain amounts of heroin. The aggravating factors include a prior drug conviction, using a firearm while committing the offense, having a child under 18 years of age assist with the illegal importation and when death is in fact caused by the use of the scheduled drug.

The amendment adds aggravated illegal importation of a scheduled drug to the crimes that may result, under certain circumstances, in the forfeiture of firearms.

The amendment specifies that the minimum sentence of imprisonment is four years for a violation of the law prohibiting aggravated illegal importation of a scheduled drug.

This amendment was not adopted.

Enacted Law Summary

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Public Law 2015, chapter 485 raises the class of crime for the illegal importation of scheduled drugs from a Class C crime to a Class B crime if the drug is a schedule W drug and from a Class D crime to a Class C crime if the drug is a schedule X, Y or Z drug.

The law also creates the crime of aggravated illegal importation of scheduled drugs. Under the law, which is based on the crime of aggravated trafficking of scheduled drugs, certain aggravating factors, such as a prior conviction, using a child under 18 years of age to assist with the illegal importation or the quantity of drugs being imported, raise the class of crime by one class. A Class A violation of aggravated illegal importation of drugs carries a minimum sentence of four years and a Class B carries a minimum sentence of two years.

LD 1554 An Act To Resolve Inconsistencies in the Drug Laws

PUBLIC 496

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K DAVITT J	OTP-AM OTP-AM	S-418 H-664 DION M

This bill corrects a conflict created by Public Law 2015, chapters 308 and 346, which affected the same provision of law. It repeals the provision and replaces it with a new version that provides that a person is guilty of unlawful possession of a scheduled drug and commits a Class C crime if the person intentionally or knowingly possesses what that person knows or believes to be a scheduled drug, which is in fact a scheduled drug, and the drug is a schedule W drug that contains:

1. Heroin;
2. Cocaine in the form of cocaine base, oxycodone, hydrocodone or hydromorphone and at the time of the offense the person had one or more convictions for violating the State's drug laws or for engaging in substantially similar conduct to that of offenses under the State's drug laws in another jurisdiction;
3. Methamphetamine;
4. Oxycodone and the aggregate quantity of pills, capsules, tablets, mixtures or substances is equal to or more than 30 milligrams;
5. Fentanyl powder;
6. Cocaine and the quantity possessed is seven grams or more; or
7. Cocaine in the form of cocaine base and the quantity possessed is two grams or more.

Committee Amendment "A" (S-417)

This amendment is the majority report of the committee. This amendment repeals two conflicting versions of the Maine Revised Statutes, Title 17-A, section 1107-A, subsection 1, paragraph B, which was amended by Public Law 2015, chapter 308, section 2 and chapter 346, section 6. The amendment resolves the conflicts and enacts a new version of Title 17-A, section 1107-A, subsection 1, paragraph B. Under this amendment, and subject to other provisions of law that address the quantities of drugs possessed:

1. The first offense of possession of oxycodone, hydrocodone or hydromorphone is a Class D crime, and a second or subsequent offense is a Class C crime;
2. Possession of heroin, methamphetamine and fentanyl powder is a Class C crime;

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3. Possession of cocaine in a quantity of 14 grams or more is a Class C crime and possession of less than 14 grams is a Class D crime; and
4. Possession of cocaine in the form of cocaine base if the quantity is four grams or more or if the offense is a second or subsequent offense is a Class C crime.

This amendment also amends the law on affirmative defenses to charges of possession of schedule W prescription drugs to take into account reordering in Title 17-A, section 1107-A, subsection 1, paragraph B the list of prescription drugs and amends the law on deferred disposition under Title 17-A, section 1348-A to affirmatively state that deferred disposition is a preferred disposition in a prosecution for possession of schedule W drugs under Title 17-A, section 1107-A, subsection 1, paragraph B.

This amendment was not adopted.

Committee Amendment "B" (S-418)

This amendment is the minority report of the committee. The amendment repeals two conflicting versions of the Maine Revised Statutes, Title 17-A, section 1107-A, subsection 1, paragraph B, which was amended by Public Law 2015, chapter 308, section 2 and chapter 346, section 6. The amendment resolves the conflict and enacts a new version of Title 17-A, section 1107-A, subsection 1, paragraph B. Under this amendment, and subject to other provisions of law that address the quantities of drugs possessed:

1. The first offense of possession of heroin, methamphetamine, oxycodone, hydrocodone, hydromorphone or fentanyl powder, or cocaine in the form of cocaine base if the quantity possessed is two grams or more, is a Class D crime;
2. The second and subsequent offenses of possession of heroin, methamphetamine, oxycodone, hydrocodone, hydromorphone or fentanyl powder, or cocaine in the form of cocaine base if the quantity possessed is 2 grams or more, is a Class C crime;
3. The first offense and the second and subsequent offenses of possession of cocaine in the form of cocaine base if the quantity possessed is less than two grams is a Class D crime; and
4. By the interaction of Title 17-A, section 1107-A, subsection 1, paragraphs A, B and C, the possession of cocaine in any quantity of 14 grams or less regardless of whether the offense is a first or subsequent offense is a Class D crime.

House Amendment "A" To Committee Amendment "B" (H-664)

This amendment repeals two conflicting versions of the Maine Revised Statutes, Title 17-A, section 1107-A, subsection 1, paragraph B, which was amended by Public Law 2015, chapter 308, section 2 and chapter 346, section 6. The amendment resolves the conflicts. Under this amendment, as long as a person does not have one or more prior convictions for furnishing or trafficking scheduled drugs or operation of a methamphetamine laboratory, possession of the following is a Class D crime:

1. Heroin in the amount of 200 milligrams or less;
2. Cocaine in the amount of two grams or less;
3. Cocaine in the form of cocaine base in the amount two grams or less;
4. Oxycodone in the amount of 200 milligrams or less;
5. Hydrocodone in the amount of 200 milligrams or less;

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6. Hydromorphone in the amount of 200 milligrams or less;
7. Methamphetamine in the amount of 200 milligrams or less; or
8. Fentanyl powder in the amount of 200 milligrams or less.

For a person who has one or more convictions for violating the laws governing furnishing or trafficking scheduled drugs or operating a methamphetamine laboratory, possession of the above-listed scheduled drugs is a Class C crime.

This amendment also amends the law on affirmative defenses to charges of possession of schedule W prescription drugs and amends the law on deferred disposition under Title 17-A, section 1348-A to affirmatively state that deferred disposition is a preferred disposition in a prosecution for possession of schedule W drugs under Title 17-A, section 1107-A, subsection 1, paragraphs B and B-1.

Enacted Law Summary

Public Law 2015, chapter 496 repeals two conflicting versions of the Maine Revised Statutes, Title 17-A, section 1107-A, subsection 1, paragraph B and enacts a new version. Public Law 2015, chapter 496 amends the laws on possession of schedule W drugs so that:

1. As long as a person does not have one or more prior convictions for furnishing or trafficking scheduled drugs or operation of a methamphetamine laboratory, possession of the following is a Class D crime:
 - A. Heroin in the amount of 200 milligrams or less;
 - B. Cocaine in the amount of two grams or less;
 - C. Cocaine in the form of cocaine base in the amount two grams or less;
 - D. Oxycodone in the amount of 200 milligrams or less;
 - E. Hydrocodone in the amount of 200 milligrams or less;
 - F. Hydromorphone in the amount of 200 milligrams or less;
 - G. Methamphetamine in the amount of 200 milligrams or less; or
 - H. Fentanyl powder in the amount of 200 milligrams or less;
2. For a person who has one or more convictions for violating the laws governing furnishing or trafficking scheduled drugs or operating a methamphetamine laboratory, possession of the above-listed scheduled drugs is a Class C crime;
3. For a person charged with possession, deferred disposition is a preferred disposition in a prosecution for possession of schedule W drugs under Title 17-A, section 1107-A, subsection 1, paragraphs B and B-1; and
4. For a person who is charged with possession of schedule W drugs the affirmative defense of possession of a valid prescription applies to each subsection of Title 17-A, section 1107-A under which that person could be charged.

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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.

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**LD 1603 An Act To Implement the Recommendations of the Criminal Law
Advisory Commission Relative to the Maine Criminal Code and Related
Statutes**

PUBLIC 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-566

This bill implements the recommendations of the Criminal Law Advisory Commission to make amendments to the Maine Criminal Code and related statutes. Specifically, the bill:

1. Amends the law on prohibited possession of firearms to remove a redundant reference in the case of a deferred disposition;
2. Amends the law on prohibited possession of firearms as a result of a domestic violence offense to add termination of the five-year prohibition period if at the conclusion of a deferred disposition period the court grants the State's motion to allow a person to withdraw the plea and the State dismisses the pending charging instrument with prejudice;
3. Adds penalties for possession of a firearm by a person designated as prohibited pursuant to the Maine Revised Statutes, Title 15, section 393, subsection 1, paragraphs F to J and subsection 1-B. These prohibition provisions were added by Public Law 2015, chapter 287, sections 3 and 5, but penalties for violations of them were not enacted. This bill makes a violation of paragraphs F to J a Class D crime. It makes a violation of subsection 1-B by a person at least 18 years of age a Class C crime;
4. Enacts a definition of "administration of juvenile justice" in Title 15, chapter 102 regarding the interception of wire and oral communications that is consistent with the Maine Juvenile Code;
5. Amends the definition of "administration of criminal justice" as used in certain laws regarding the interception of wire and oral communications by including under administration of criminal justice activities under the Intelligence and Investigative Record Information Act;
6. Amends the Class C sentencing provision for a person convicted of stalking who has one or more prior convictions to clarify that although the court continues to have discretion to impose any other authorized sentencing alternative, the court is required to impose a sentencing alternative that includes a term of imprisonment of at least one year;
7. Amends the Class B sentencing provision for a person convicted of stalking who has one or more prior convictions, at least one of which was for stalking two or more specific persons that are members of an identifiable group, to require the court in determining the basic term of imprisonment as the first step in the sentencing process to select a term of at least two years; and
8. Strikes redundant provisions requiring the court, in imposing a sentencing alternative for the crime of stalking, to consider whether the victim was being stalked by the person being sentenced.

Current law provides that for the purpose of imposing a sentence for certain crimes, if the defendant has two or more convictions for those crimes, the sentencing class for the crime is one class higher. This bill provides that an attempt to commit such crimes also results in a higher sentencing class.

Committee Amendment "A" (H-566)

This amendment strikes the bill and does the following.

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1. The amendment designates the classes of crime in the subsections or paragraphs of the Maine Revised Statutes, Title 15, section 393 on prohibited possession of firearms to conform to the Maine Criminal Code drafting standards. The amendment repeals the subsection that does not conform to current drafting standards.
2. Like the bill, the amendment terminates the five-year period of prohibited possession of firearms when charges of violating the prohibition for domestic violence offenses are dismissed at the end of a period of deferred disposition.
3. Like the bill, the amendment defines or standardizes the use of certain terms and references to those terms in the laws governing interception of wire and oral communications to reference actions taken under the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act; the amendment also makes these changes in the laws governing the Department of Corrections.
4. Like the bill, the amendment amends the Class C sentencing provision for a person convicted of stalking who has one or more prior convictions to clarify that although the court continues to have discretion to impose any other authorized sentencing alternative, the court is required to impose a sentencing alternative that includes a term of imprisonment of at least one year.
5. Like the bill, the amendment amends the Class B sentencing provision for a person convicted of stalking who has one or more prior convictions, at least one of which was for stalking two or more specific persons that are members of an identifiable group, to require the court in determining the basic term of imprisonment as the first step in the sentencing process to select a term of at least two years.
6. Like the bill, the amendment strikes redundant provisions requiring the court, in imposing a sentencing alternative for the crime of stalking, to consider whether the victim was being stalked by the person being sentenced.

Current law provides that for the purpose of imposing a sentence for certain crimes, if the defendant has two or more convictions for those crimes, the sentencing class for the crime is one class higher. Like the bill, the amendment provides that an attempt to commit such crimes also results in a higher sentencing class.

Enacted Law Summary

Public Law 2015, chapter 470 amends the Maine Criminal Code as follows.

1. The law designates the classes of crime in the subsections or paragraphs of the Maine Revised Statutes, Title 15, section 393 on prohibited possession of firearms to conform to the Maine Criminal Code drafting standards.
2. The law terminates the five-year period of prohibited possession of firearms when charges of violating the prohibition for domestic violence offenses are dismissed at the end of a period of deferred disposition.
3. The law defines or standardizes the use of certain terms and references to those terms in the laws governing interception of wire and oral communications to reference actions taken under the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act.
4. The law makes these changes in the laws governing the Department of Corrections.
5. The law amends the Class C sentencing provision for a person convicted of stalking who has one or more prior convictions to clarify that although the court continues to have discretion to impose any other authorized sentencing alternative, the court is required to impose a sentencing alternative that includes a term of imprisonment of at least one year.

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6. The law amends the Class B sentencing provision for a person convicted of stalking who has one or more prior convictions, at least one of which was for stalking two or more specific persons that are members of an identifiable group, to require the court in determining the basic term of imprisonment as the first step in the sentencing process to select a term of at least two years.

7. The law strikes redundant provisions requiring the court, in imposing a sentencing alternative for the crime of stalking, to consider whether the victim was being stalked by the person being sentenced.

8. The law raises the class of certain "attempt" crimes to a higher class in a manner that is consistent with the increase in class for second and subsequent convictions of those crimes.

LD 1614 Resolve, To Provide Funding for the County Jail Operations Fund

**RESOLVE 90
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-400
	ONTP	S-508 HAMPER J

This resolve was reported by a majority of the Joint Standing Committee on Criminal Justice and Public Safety pursuant to the Maine Revised Statutes, Title 34-A, section 1402, subsection 13 and was then referred back to committee for processing in the normal course.

This resolve provides funding for the operation of the State's county jails and regional jail in the amount of \$2,465,896 in fiscal years 2015-16 and 2016-17.

Committee Amendment "A" (S-400)

This amendment is the majority report of the committee. The amendment specifies that the funding is provided on a one-time basis. The amendment requires the Department of Corrections to make the distributions pursuant to the resolve prior to June 30, 2016 and prior to June 30, 2017 on the basis of the financial needs of each county jail and the regional jail. The amendment requires the department to determine the financial needs of the jails in cooperation with the Maine County Commissioners Association and the Maine Sheriffs' Association, taking into consideration the revenues and verified expenditures of each jail and the use of tax assessments by each county as a source of funding for the jail as allowed by current law.

Senate Amendment "B" To Committee Amendment "A" (S-508)

This amendment eliminates the proposed General Fund appropriation in fiscal year 2016-17 for the County Jail Operations Fund and reduces the General Fund appropriation to Medical Care - Payments to Providers by \$2,465,896 in fiscal year 2016-17 as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

Enacted Law Summary

Resolve 2015, chapter 90 provides General Fund funding for the operation of the State's county jails and regional jail in the amount of \$2,465,896 in fiscal years 2015-16 and reduces the General Fund appropriation to Medical Care - Payments to Providers by \$2,465,896 in fiscal year 2016-17 as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

Resolve 2015, chapter 90 was passed as an emergency measure effective April 29, 2016.

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**LD 1626 Resolve, Regarding Legislative Review of Portions of Chapter 4:
Water-based Fire Protection Systems, a Late-filed Major Substantive
Rule of the Department of Public Safety, Office of the State Fire
Marshal**

**RESOLVE 70
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 4: Water-based Fire Protection Systems, a major substantive rule of the Department of Public Safety, Office of the State Fire Marshal that was filed outside the legislative rule acceptance period.

Enacted Law Summary

Resolve 2015, chapter 70 authorizes final adoption of portions of Chapter 4: Water-based Fire Protection Systems, a major substantive rule of the Department of Public Safety, Office of the State Fire Marshal.

Resolve 2015, chapter 70 was passed as an emergency measure effective March 29, 2016.

**LD 1628 An Act To Strengthen the Laws on Operating a Motor Vehicle under the
Influence of Intoxicants**

**Died Between
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP
OTP-AM

This bill was reported by the committee pursuant to joint order, S.P. 631 and then referred back to the committee for processing in the normal course.

This bill contains the recommendations of the majority of the Working Group on Marijuana and Driving that was convened in 2015 by the Secretary of State. The bill does the following.

1. It establishes a permissible inference of operating under the influence of intoxicants when a person operates a motor vehicle and has a level of delta-nine-tetrahydrocannabinol, or THC, of five nanograms or more per milliliter of blood.
2. It establishes a permissible inference of operating under the influence of intoxicants when a person operates a motor vehicle and has a level of THC of two nanograms or more per milliliter of blood and an alcohol level of 0.05 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.
3. It establishes a 0.00 nanogram level for THC for a person under 21 years of age and provides an affirmative defense for marijuana use in compliance with the Maine Medical Use of Marijuana Act.
4. It permits a qualified law enforcement officer, without making an arrest, to request that a person who the officer reasonably believes has been operating under the influence take a preliminary breath test for alcohol level and allows the results to be used to determine whether there is probable cause to believe the person was operating under the influence.

Committee Amendment "A" (S-420)

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This amendment is the minority report of the committee. This amendment clarifies that THC level is determined based on a milliliter of whole blood. This amendment provides funds to allow the Department of Public Safety to conduct drug testing.

This amendment was not adopted.

LD 1632 An Act To Make Certain Statutory Changes in Light of the New Maine Rules of Unified Criminal Procedure

PUBLIC 431

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-565

This bill implements the recommendations of the Criminal Law Advisory Commission and makes the following changes to the Maine Revised Statutes.

1. It replaces all references and citations to the former Maine Rules of Criminal Procedure with references and citations to the new Maine Rules of Unified Criminal Procedure.
2. It repeals, amends or enacts provisions to provide that the Superior Court will no longer be called upon to exercise its jurisdiction to hear appeals and petitions from the District Court.
3. It removes the reference to Rule 42 of the Maine Rules of Criminal Procedure in the Maine Revised Statutes, Title 14, section 3142, subsection 3.
4. It replaces the word "judge" with the word "court" in certain provisions in Title 15 and Title 17-A because modern usage does not employ the word "judge" to refer simultaneously to both a justice and a judge. Instead, the word "court" is employed.
5. It removes references to Rule 16 of the Maine Rules of Criminal Procedure in certain provisions in Title 15 and Title 17-A.
6. It amends certain provisions in Title 15 to enhance clarity and consistency.

Committee Amendment "A" (H-565)

This amendment provides technical corrections to the bill and rewrites the proposed changes to the law regarding filing copies of the proceedings in murder and felony murder cases.

The amendment changes the requirements applicable to the assembling of records in cases in which a person is convicted of murder or felony murder. With respect to the records that must be assembled, the amendment repeals the requirement that a copy of the Maine Rules of Criminal Procedure, Rule 11 be included, requires inclusion of a transcript of the plea hearing and jury instructions and repeals the requirement that the charge of the presiding justice be included. The amendment makes the same changes in the law requiring the clerk of court to provide certain records to the Secretary of State for use by the Governor in a pardon hearing.

Enacted Law Summary

Public Law 2015, chapter 431 enacts the recommendations of the Criminal Law Advisory Commission. The law does the following.

1. It replaces all references and citations to the former Maine Rules of Criminal Procedure with references and citations to the new Maine Rules of Unified Criminal Procedure.

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2. It repeals, amends or enacts provisions to provide that the Superior Court will no longer be called upon to exercise its jurisdiction to hear appeals and petitions from the District Court.
3. It removes the reference to Rule 42 of the Maine Rules of Criminal Procedure in the Maine Revised Statutes, Title 14, section 3142, subsection 3.
4. It replaces the word "judge" with the word "court" in certain provisions in Title 15 and Title 17-A because modern usage does not employ the word "judge" to refer simultaneously to both a justice and a judge. Instead, the word "court" is employed.
5. It removes references to Rule 16 of the Maine Rules of Criminal Procedure in certain provisions in Title 15 and Title 17-A.
6. It amends certain provisions in Title 15 to enhance clarity and consistency.
7. It rewrites the law regarding filing copies of the proceedings in murder and felony murder cases. With respect to the records that must be assembled, the law repeals the requirement that a copy of the Maine Rules of Criminal Procedure, Rule 11 be included, requires inclusion of a transcript of the plea hearing and jury instructions and repeals the requirement that the charge of the presiding justice be included. The law makes the same changes in the law requiring the clerk of court to provide certain records to the Secretary of State for use by the Governor in a pardon hearing.

LD 1647 An Act Relating to Penalties for Drug Offenses

**Died Between
Houses**

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

The purpose of this bill is to ensure that Maine is in compliance with 23 United States Code, Section 159(a)(3)(A), a federal law that requires the withholding of federal funds unless a state provides for a mandatory six month revocation or suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act or a drug offense.

This bill does the following.

1. It requires a court to suspend for a minimum of 6 months the driver's license of a person convicted of a crime specified in the Maine Revised Statutes, Title 17-A, chapter 45, except for section 1116, which prohibits trafficking or furnishing imitation scheduled drugs.
2. If a person who is convicted of a crime specified in Title 17-A, chapter 45, except for section 1116, does not have a driver's license, or the person's driver's license is already suspended, it requires the court to delay the issuance or reinstatement of the license of that person for at least six months after the person applies for issuance or reinstatement of a driver's license.
3. It requires the Secretary of State, on receipt of an attested copy of a court record of a suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act or of a crime specified in Title 17-A, chapter 45, except for section 1116, to immediately record the suspension and send written notice of the suspension to the person whose license has been suspended. If that person does not have a driver's license or that person's driver's license is already suspended, the Secretary of State is required to delay the issuance or

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reinstatement of that person's license for the period specified by the court.

4. It increases the minimum period of suspension for a person convicted of operating under the influence of intoxicants, including scheduled drugs, who has no prior convictions for operating under the influence within a 10-year period, from 150 days to 180 days.

Committee Amendment "A" (S-425)

This amendment is one of two minority reports of the committee. The bill increases the driver's license suspension period from 150 days to 180 days for a person who is convicted of operating under the influence and who has no previous operating under the influence convictions within the prior 10 years. The amendment makes the change from 150 to 180 days in two other provisions of operating under the influence law.

This amendment also adds an allocation for the cost of computer programming necessitated by the changes made to the bill.

This amendment was not adopted.

Committee Amendment "B" (S-426)

This amendment is one of two minority reports of the committee. The bill increases the driver's license suspension period from 150 days to 180 days for a person who is convicted of operating under the influence and who has no previous operating under the influence convictions within the prior 10 years. This amendment makes the change from 150 to 180 days in two other provisions of operating under the influence law. The amendment adds to several provisions of the bill an exception based on compelling circumstances found by the court. In the case of a drug conviction under Title 17-A, chapter 45, this exception could negate the suspension completely. In the case of an operating under the influence conviction, this exception could decrease the suspension period to 150 days.

This amendment adds an allocation for the cost of computer programming necessitated by the changes made to the bill.

This amendment was not adopted.

LD 1662 An Act To Require Background Checks for Gun Sales

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

This bill was not referred to committee.

This initiated bill requires a background check before a firearm sale or transfer between individuals not licensed as firearm dealers. If neither party to a sale or transfer has a federal firearms license, the parties meet at a licensed firearm dealer, who conducts a background check on the transferee and completes the sale or transfer as though selling or transferring from the dealer's own inventory. Exceptions to the background check requirement are made for transfers between family members, while the parties are hunting or sport shooting, for emergency self-defense, in the presence of the transferor and in other circumstances.

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LD 1674 An Act To Create Community Substance Abuse Programs

INDEF PP

Sponsor(s)

ROSEN K

Committee Report

Amendments Adopted

This bill was not referred to committee.

This bill does the following.

1. It requires a court to sentence a person who is convicted of unlawful possession of a scheduled drug to a definite term of imprisonment and to suspend all of the sentence if the person has no prior convictions for certain drug-related offenses or other specified crimes, such as assault or sexual assault. The person must be sentenced to a definite term of probation with the condition that the person successfully complete a community substance abuse program.
2. It specifies that probation may be imposed for a Class D or Class E crime of unlawful possession of a scheduled drug.
3. It requires each county sheriff to establish a community substance abuse program at that sheriff's regional or county jail. Programs are administered by the counties and must meet certification standards established by the Department of Corrections by rule.
4. It establishes the Community Substance Abuse Fund to annually reimburse counties for the cost of the community substance abuse programs that meet the department's certification requirements. A person participating in a program must comply with certain requirements in order to successfully complete the program, including submitting to electronic monitoring and daily testing for illegal drug and alcohol use, and must participate in the program for 12 months. If a person fails to successfully complete the program, the court is required to revoke the probation for that person and that person must serve the unsuspended portion of the sentence in the custody of the Department of Corrections.

LD 1683 An Act To Increase Penalties for the Use of Violence against Firefighters

PUBLIC 471

Sponsor(s)

CYRWAY S
LUCHINI L

Committee Report

ONTP
OTP-AM

Amendments Adopted

S-472

This bill establishes the Class C crime of assault on a firefighter and specifies that the current crime of assault on an emergency medical care provider does not apply to a firefighter.

Committee Amendment "A" (S-472)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 471 establishes the Class C crime of assault on a firefighter and specifies that the current crime of assault on an emergency medical care provider does not apply to a firefighter.

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LD 1685 An Act To Clarify That Buprenorphine Is a Scheduled Drug

PUBLIC 492

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

This bill provides that buprenorphine is a schedule W drug.

Enacted Law Summary

Public Law 2015, chapter 492 provides that buprenorphine is a schedule W drug.

LD 1697 An Act To Raise the Base Assessment for Correctional Services for Oxford County

Died Between Houses

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

This bill was reported ought to pass by a majority of the committee pursuant to joint order, S.P. 695.

This bill establishes for calendar year 2017 a minimum tax assessment for Oxford County for correctional services of \$1,228,757 and a maximum tax assessment of \$2,050,000. This bill addresses a critical need for funding for the Oxford County jail, which can be satisfied through county taxes if the base assessment for correctional services is increased. The minority of the committee was not in favor of the bill.

LD 1701 An Act To Legalize Marijuana

INDEF PP

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

This bill was not referred to committee.

This initiated bill allows the possession and use of marijuana by a person 21 years of age or older. It provides for the licensure of retail marijuana facilities including retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities and retail marijuana stores. It also provides for the licensure of retail marijuana social clubs where retail marijuana products may be sold to consumers for consumption on the licensed premises.

The details of the bill are as follows.

1. It provides for regulation and control of the cultivation, manufacture, distribution and sale of marijuana by the Department of Agriculture, Conservation and Forestry. It allows the department to establish limitations on retail marijuana cultivation.
2. It allows a municipality to regulate the number of retail marijuana stores and the location and operation of retail

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marijuana establishments and to prohibit the operation of retail marijuana establishments in the municipality. It also allows a municipality to require separate local licensing of retail marijuana establishments.

3. It allows a person 21 years of age or older to use, possess or transport marijuana accessories and up to 2.5 ounces of prepared marijuana; transfer or furnish, without remuneration, up to 2.5 ounces of marijuana and up to six immature plants or seedlings to a person who is 21 years of age or older; possess, grow, cultivate, process or transport up to six flowering marijuana plants, 12 immature marijuana plants and unlimited seedlings, and possess all the marijuana produced by the marijuana plants at that person's residence; purchase up to 2.5 ounces of marijuana and marijuana accessories from a retail marijuana store; and purchase up to 12 marijuana seedlings or immature marijuana plants from a retail marijuana cultivator.

4. It allows the home cultivation of marijuana for personal use of up to 6 flowering marijuana plants by a person 21 years of age or older.

5. It allows a person to consume marijuana in a nonpublic place including a private residence.

6. It provides that the prohibitions and limitations on smoking tobacco products in specified areas as provided by law apply to smoking marijuana and that a person who smokes marijuana in a public place other than as allowed by law commits a civil violation for which a fine of not more than \$100 may be adjudged.

7. It places a sales tax of 10% on retail marijuana and retail marijuana products.

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SUBJECT INDEX

Amusement Rides

Enacted

LD 1529	An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides	PUBLIC 421 EMERGENCY
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Criminal History Record Information/DNA/Forensics

Enacted

LD 1526	An Act Regarding the Disclosure of Intelligence and Investigative Record Information	PUBLIC 411
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Criminal Law

Enacted

LD 1114	An Act Regarding Sexual Exploitation of Children	PUBLIC 394
LD 1487	An Act To Amend the Laws on Protection from Abuse, Protection from Harassment and Unauthorized Dissemination of Certain Private Images	PUBLIC 410 EMERGENCY
LD 1603	An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes	PUBLIC 470

Criminal Procedure/Bail/Sentencing

Enacted

LD 1632	An Act To Make Certain Statutory Changes in Light of the New Maine Rules of Unified Criminal Procedure	PUBLIC 431
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Not Enacted

LD 1674	An Act To Create Community Substance Abuse Programs	INDEF PP
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Department of Corrections

Enacted

LD 1447	An Act To Authorize the Maine Governmental Facilities Authority To Issue Securities To Pay for Capital Repairs and Improvements to the Maine Correctional Center in South Windham and a Facility Owned by the Department of Corrections in Washington County	PUBLIC 472
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Drugs

Enacted

LD 1541	An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs	PUBLIC 485
LD 1554	An Act To Resolve Inconsistencies in the Drug Laws	PUBLIC 496
LD 1685	An Act To Clarify That Buprenorphine Is a Scheduled Drug	PUBLIC 492

Not Enacted

LD 1534	An Act To Reduce the Trafficking of Illegal Drugs in the State	Died On Adjournment
LD 1647	An Act Relating to Penalties for Drug Offenses	Died Between Houses
LD 1701	An Act To Legalize Marijuana	INDEF PP

Electronic Devices--Monitoring/Crimes/Disposal

Not Enacted

LD 1002	An Act Regarding the Electronic Monitoring Program	Died On Adjournment
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Firearms/Concealed Firearms

Enacted

LD 1572	An Act To Ensure Nondiscrimination against Gun Owners in Certain Federally Subsidized Housing	PUBLIC 455
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Not Enacted

LD 823	An Act To Upgrade the Concealed Handgun Permit Law	Majority (ONTP) Report
LD 1662	An Act To Require Background Checks for Gun Sales	INDEF PP

Firefighters

Enacted

LD 1683	An Act To Increase Penalties for the Use of Violence against Firefighters	PUBLIC 471
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Not Enacted

LD 655	Resolve, To Provide the Engineering Study and Planning Needed for a Statewide, Centrally Located Emergency Services Training Facility and Several Regional Training Facilities	Veto Sustained
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Juveniles

Enacted

LD 1575	An Act To Make Technical Amendments to the Maine Juvenile Code	PUBLIC 409
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Law Enforcement

Enacted

LD 1516	An Act To Clarify the Authority of County Sheriffs To Grant Law Enforcement Powers	PUBLIC 419 EMERGENCY
LD 1523	Resolve, To Provide Wage Parity for Supervisors of Law Enforcement Personnel and Other Law Enforcement Personnel	RESOLVE 80

Not Enacted

LD 1536	An Act To Provide Ballistic Vests to State Law Enforcement Officers and Certain Other State Agents	Died On Adjournment
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OUI/OAS/Other MV Violations

Not Enacted

LD 944	An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense	Died Between Houses
LD 1628	An Act To Strengthen the Laws on Operating a Motor Vehicle under the Influence of Intoxicants	Died Between Houses

Prison/Jail/Inmate

Enacted

LD 1614	Resolve, To Provide Funding for the County Jail Operations Fund	RESOLVE 90 EMERGENCY
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Not Enacted

LD 195	An Act Regarding County Jails	ONTP
LD 440	An Act To Create a Secure, Therapeutic Mental Health Unit	Majority (ONTP) Report
LD 1387	An Act Regarding the State Board of Corrections	ONTP
LD 1697	An Act To Raise the Base Assessment for Correctional Services for Oxford County	Died Between Houses

Public Safety/Emergency Medical Services

Enacted

LD 1476	An Act To Improve the Law Concerning Carbon Monoxide Detectors	PUBLIC 396 EMERGENCY
LD 1626	Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Late-filed Major Substantive Rule of the Department of Public Safety, Office of the State Fire Marshal	RESOLVE 70 EMERGENCY

Sex Offenses -- Criminal

Enacted

LD 1540	An Act To Protect All Students in Elementary or Secondary Schools from Sexual Assault by School Officials	PUBLIC 509
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