

STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2013

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Joint Standing Committee on Criminal Justice and Public Safety

LD 40 An Act To Protect a Private Memorial Placed in a Public Right-of-way

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill prohibits the removal or destruction of a private memorial placed in a public right-of-way to mark the site of the death of a person. It establishes a Class D crime for tampering with a private memorial.

**LD 76 An Act To Provide Funding to the State Board of Corrections for
Certain County Jail Debt**

INDEF PP

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

This bill provides a General Fund appropriation of \$4,573,190 in fiscal year 2013-14 and \$4,743,415 in fiscal year 2014-15 for the State Board of Corrections, which is for the difference between the fiscal year 2007-08 county jail debt costs and the amount of county jail debt costs projected for fiscal years 2013-14 and 2014-15.

Committee Amendment "A" (H-28)

This amendment, which is the minority report of the committee, requires that any funding appropriated for the difference between fiscal year 2007-08 county jail debt costs and the amount projected for fiscal years 2013-14 and 2014-15 be used only for capital improvement projects. The State Board of Corrections determines what constitutes a capital improvement project.

**LD 85 An Act To Amend the Motor Vehicle Ignition Interlock Device
Requirements in the Laws Regarding Operating Under the Influence**

PUBLIC 187

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

This bill increases the minimum mandatory driver's license suspension for a person convicted of operating under the influence who has three or more previous offenses within a 10-year period from six to eight years and removes the requirement that such a person install for a period of four years an ignition interlock device in the motor vehicle the person operates, but authorizes the Secretary of State to reinstate the license of such a person after four years of suspension if the person has installed for a period of four years an ignition interlock device in the motor vehicle the person operates.

Enacted Law Summary

Public Law 2013, chapter 187 increases the minimum mandatory driver's license suspension for a person convicted of operating under the influence who has three or more previous offenses within a 10-year period from six to eight years and removes the requirement that such a person install for a period of four years an ignition interlock device in the motor vehicle the person operates, but authorizes the Secretary of State to reinstate the license of such a person after 4 years of suspension if the person has installed for a period of four years an ignition interlock device in

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This bill directs that proceeds from the sale of firearms to current or former State Police personnel be deposited into a dedicated account within the Department of Public Safety, Bureau of State Police for the purchase of replacement firearms. It also provides a one-time General Fund appropriation of \$118,983 and Highway Fund allocation of \$114,317 in fiscal year 2013-14 to the Department of Public Safety for the purchase of firearms.

LD 140 An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy DIED BETWEEN HOUSES

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

This bill provides a permanent seat on the Board of Trustees of the Maine Criminal Justice Academy for a representative of the five Wabanaki tribal governments. The tribal representative must be chosen for a two-year term by a process determined by the tribal governments. The process must require that the position rotate among the five tribal governments.

LD 152 An Act To Authorize the Commissioner of Agriculture, Conservation and Forestry To Nominate Certain Rangers in the Division of Forestry To Become Conservation Law Enforcement Officers LEAVE TO WITHDRAW

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

This bill authorizes the Commissioner of Agriculture, Conservation and Forestry to nominate forest rangers in the Department of Agriculture, Conservation and Forestry, Division of Forestry as candidates to become conservation law enforcement officers with the same powers as law enforcement officers. Candidates nominated to become conservation law enforcement officers must successfully meet and maintain the training standards and requirements for other state law enforcement officers. In the event that the Commissioner of Agriculture, Conservation and Forestry nominates one or more forest rangers as conservation law enforcement officers, the bill allows the commissioner, in consultation with the Commissioner of Public Safety, to develop a plan to address the training needs of forest rangers to become conservation law enforcement officers. It also provides a definition of the term "conservation law enforcement officer."

LD 166 An Act To Criminalize Importation of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs ONTP

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

This bill prohibits the importation of synthetic hallucinogenic drugs.

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LD 168 An Act To Establish Reasonable Restrictions on the Use of Fireworks

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish reasonable restrictions on the sale and use of fireworks in the State. This bill would establish a mechanism for reviewing and determining whether restrictions should be placed on the use of fireworks depending on factors, including, but not limited to:

1. The level of fire danger within the area at the time of intended use;
2. The presence of farm animals in the area, and the propensity of such animals to suffer adverse health effects from exposure to the noise accompanying fireworks or, as a result of fear resulting from exposure to such noise, to endanger others;
3. The interests of summer residents and tourists, and the interests of local businesses that provide services to such residents and tourists;
4. The interests of year-round residents in living without unreasonable disturbances to their peace and tranquility; and
5. The effects on veterans who suffer from post-traumatic stress disorder, for whom exposure to fireworks carries the potential to trigger debilitating symptoms that have severe and long-lasting effects on their health and ability to function.

The mechanism for reviewing and determining the establishment of fireworks restrictions must evaluate the impact of the use of fireworks on tourism in the State, and balance the interests of the private individuals who choose to use fireworks and the members of the public who are then necessarily exposed to those fireworks. Restrictions imposed on the use of fireworks may include, among other things, a requirement to obtain a permit from the State Fire Marshal, a requirement to obtain local fire permits, limitations on the times during the day, week or month that fireworks may be used and the establishment of firework-free zones throughout the State.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 188 An Act To Criminalize Possession of a Suspended or Revoked
Concealed Handgun Permit**

ONTP

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

This bill requires the holder of a revoked concealed handgun permit to immediately surrender that license to the issuing authority. It also prohibits a person from possessing a suspended or revoked concealed handgun permit and makes a violation a Class E crime.

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LD 189 An Act To Establish a Central Concealed Handgun Permit Database ONTP

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

This bill directs the Commissioner of Public Safety to establish an online concealed handgun permit database that is accessible by law enforcement, courts and bail commissioners for the purpose of tracking concealed handgun permits.

LD 190 An Act To Provide a Ten Percent Discount to Persons Charged with a Traffic Infraction Who Pay Fines by Waiver ONTP

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

This bill provides that if a person files a written answer to the judicial branch's violations bureau that does not contest a traffic infraction, the fine is reduced by 10%.

LD 191 An Act To Authorize the Suspension of a Concealed Handgun Permit ACCEPTED MAJORITY (ONTP) REPORT

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

This bill allows the issuing authority of a concealed handgun permit to suspend that permit if the issuing authority has reasonable cause to believe the permit holder's permit may be subject to revocation. It also provides the permit holder an opportunity for a hearing on the issuing authority's decision to suspend the permit.

Committee Amendment "A" (H-187)

This amendment is the minority report. It removes language from the bill that prohibits a person from appealing a final agency action regarding the suspension of a concealed handgun permit.

LD 192 An Act To Allow Consideration of Fetal Alcohol Spectrum Disorder at Sentencing in a Criminal Case ACCEPTED MAJORITY (ONTP) REPORT

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

This bill allows a court to consider as a mitigating factor in sentencing a person convicted of a crime that the person suffers from the condition of fetal alcohol spectrum disorder. Fetal alcohol spectrum disorder is defined as a condition of impaired brain function constituting a permanent birth defect in a person caused by that person's

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mother's consumption of alcohol while pregnant with that person.

LD 222 An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun CARRIED OVER

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

This bill makes the Chief of the State Police in the Department of Public Safety the sole issuing authority in the State for concealed weapons permits.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 223 An Act To Amend the Laws Regarding a Concealed Handgun Permit ACCEPTED MINORITY (ONTP) REPORT

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

This bill changes the minimum age to obtain a permit to carry a concealed handgun from 18 years of age to 21 years of age.

Committee Amendment "A" (H-242)

This amendment is the majority report and provides that a member of the United States Armed Forces who is at least 18 years of age is eligible to apply for a concealed handgun permit. This is an exception to the proposal in the bill that requires a person to be at least 21 years of age to be eligible to apply for a concealed handgun permit.

LD 238 An Act To Designate the Jail in Franklin County as a Jail Rather than a Holding Facility ONTP

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

The State Board of Corrections has statutory authority to determine correctional facility and county jail use. Currently, the jail in Franklin County, the Franklin County Detention Center, is designated by the board as a holding facility that may hold detainees for up to 72 hours. This bill specifies that the board must designate the jail in Franklin County as a jail for prisoners and not as a holding facility.

LD 251 An Act Criminalizing Trafficking in Contraband in State Hospitals Serving Adults PUBLIC 191

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN SIROCKI	OTP-AM	S-124

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This bill makes it a Class C crime to traffic in contraband in a state hospital and a Class E crime to traffic in alcoholic beverages in a state hospital. "State hospital" means the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center.

Committee Amendment "A" (S-124)

This amendment replaces the bill and provides that a person who intentionally conveys or attempts to convey a dangerous weapon to a patient at a state hospital commits a Class C crime and makes any other violation of trafficking contraband in a state hospital a Class D crime.

This amendment adds to the definition of "contraband" provided in the bill a tool or other item that may be used to facilitate an escape.

Enacted Law Summary

Public Law 2013, chapter 191 provides that a person who intentionally conveys or attempts to convey a dangerous weapon to a patient at a state hospital commits a Class C crime and makes any other violation of trafficking contraband in a state hospital a Class D crime.

Public Law 2013, chapter 191 defines "contraband" to mean a dangerous weapon, a scheduled drug unless it is prescribed and approved for use by the state hospital or a tool that may be used to facilitate an escape.

LD 265 An Act To Repeal the Restriction on Employers Regarding Firearms Kept in an Employee's Vehicle

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill repeals the law that prohibits an employer from prohibiting an employee who holds a permit to carry a concealed firearm from keeping a firearm in the employee's locked vehicle.

LD 266 An Act To Improve the Law Regarding Bail Commissioners

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill amends the Maine Bail Code regarding bail commissioners by:

1. Requiring law enforcement agencies to maintain a list of available bail commissioners and to provide each bail commissioner on the list equal opportunities to set bail;
2. Amending the law regarding the sources and content of personal information a bail commissioner is required to obtain prior to setting bail in domestic violence cases; and
3. Giving a bail commissioner discretion to waive the bail commissioner fee, requiring a sheriff to set up a fund to help pay bail fees for indigent defendants in county facilities administered by that sheriff and requiring the Chief

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Judge of the District Court to adopt rules to collect the bail fee as a surcharge for those defendants who cannot pay the bail fee at the time bail is set.

Committee Amendment "A" (S-29)

This amendment adds an appropriations and allocations section to the bill.

LD 267 An Act Regarding the Sale of Firearms at Gun Shows

**ACCEPTED
MINORITY
(ONTP) REPORT**

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

This bill requires that a national instant criminal background check be performed prior to the sale or transfer of a firearm at a gun show. The bill makes a gun show operator responsible for any failure to perform a required background check and subject to a fine of up to \$10,000 for each such failure. The bill also requires gun show operators to post signs at gun shows to notify exhibitors of the background check requirement and requires gun show operators to provide unlicensed sellers and transferors with access to licensed sellers and transferors who will undertake the required background checks.

LD 277 An Act To Clarify the Laws Regarding the Calculation of the Period of Imprisonment

ONTP

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

This bill requires that, for purposes of credit for time served for a criminal defendant, all time served by the defendant for conduct under a particular case docket number is credited regardless of what the defendant may be charged with initially or of what charges the defendant is ultimately convicted.

LD 296 An Act To Equalize the Fire Investigation and Prevention Tax Paid by Insurers

PUBLIC 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE TUTTLE	OTP	H-32 DION

The purpose of this bill is to ensure that all fire insurance companies and associations doing business in Maine collect and pay the fire investigation and prevention tax at the same rate. This bill requires the Department of Professional and Financial Regulation, Bureau of Insurance to determine every five years the basis percentage of fire risk allocated to each line of insurance and requires that fire insurance companies and associations pay the established percentage based on the basis allocation.

House Amendment "A" (H-32)

This amendment incorporates a fiscal note.

Enacted Law Summary

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Public Law 2013, chapter 95 ensures that all fire insurance companies and associations doing business in Maine collect and pay the fire investigation and prevention tax at the same rate. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to determine every five years the basis percentage of fire risk allocated to each line of insurance and requires that fire insurance companies and associations pay the established percentage based on the basis allocation.

LD 297 An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms CARRIED OVER

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

This bill does the following.

1. It repeals two provisions of Public Law 1999, chapter 352 that require the Commissioner of Conservation to sell all bulletproof vests, firearms and related equipment and that prohibit the commissioner from purchasing bulletproof vests, firearms or related equipment without specific authorization by the Legislature.
2. It requires the Director of the Division of Forestry within the Department of Agriculture, Conservation and Forestry to develop a policy that requires all forest rangers to attend and complete a law enforcement training course at the Maine Criminal Justice Academy as a condition of continued employment. Forest rangers employed as such on the effective date of this bill are required to attend the 4-week preservice training course and forest rangers hired after the effective date are required to take the basic law enforcement training course. A forest ranger who has already attended a law enforcement training course at the Maine Criminal Justice Academy is exempt.
3. This bill requires the State Supervisor of the forest protection unit in the Division of Forestry and the director of the Maine Criminal Justice Academy to develop a plan to provide training to forest rangers in the use of firearms, bulletproof vests and other related equipment. The State Supervisor is directed to develop a plan to furnish such firearms and equipment to those forest rangers for the performance of their law enforcement duties. The plans must be submitted to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Criminal Justice and Public Safety for review no later than November 1, 2013 and implemented, including furnishing firearms and related equipment, no later than January 1, 2014.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 298 An Act Regarding the Membership of the Emergency Medical Services' Board PUBLIC 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WERTS	OTP-AM	H-35

This bill adds an additional representative of a statewide association of fire chiefs to the Emergency Medical Services' Board and clarifies that six members constitute a quorum of the board.

Committee Amendment "A" (H-35)

This amendment replaces the bill. It changes the composition of the Emergency Medical Services' Board so that a representative of the public is replaced by a fire chief. Both public member positions are currently vacant and one has been vacant since January 2008. The amendment also removes the language in the bill that changes the number

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of members required for a quorum. It is no longer necessary as the membership remains at an odd number.

Enacted Law Summary

Public Law 2013, chapter 62 changes the composition of the Emergency Medical Services' Board so that a representative of the public is replaced by a fire chief. Both public member positions were vacant and one has been vacant since January 2008.

LD 326 An Act To Update the Maine Emergency Management Laws

PUBLIC 146

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY LONG	OTP-AM	S-73

This bill does the following.

1. It amends the Maine Emergency Management Act to include in its purposes coordination of homeland security.
2. It enacts definitions of "homeland security" and "terrorism".
3. It adds to the duties of the Director of the Maine Emergency Management Agency certain planning and training and the maintenance of the State Emergency Operations Center. It also requires that public education programs include information about prevention of emergency situations.
4. It designates the Commissioner of Defense, Veterans and Emergency Management as the Governor's homeland security advisor.
5. It changes the name of the Disaster Relief Fund to the Disaster Recovery Fund to more accurately reflect the fund's purpose to support long-term community disaster recovery.
6. It clarifies local and state emergency planning requirements and ensures current national standards are followed.
7. It provides that emergency management forces deployed under either the Emergency Management Assistance Compact and the International Emergency Management Assistance Compact are considered state employees for the purposes of immunity from liability and workers' compensation coverage. It specifies that a person holding a valid professional license in the State may be designated a member of the emergency management forces in that profession after verification of current license.
8. It consolidates in one subchapter language governing situation-specific operational plans and adds general language governing any agency-specific emergency plans.
9. It changes the general dam hazard evaluation requirement from at least once every six years to at least once every 12 years and changes the time frame for hazard evaluations from within 30 days of a request to within 60 days of a request.
10. It changes the dam condition inspection frequency of high and significant hazard dams from at least once every four years to at least once every six years.

Committee Amendment "A" (S-73)

This amendment adds to the list of agencies that must be consulted by the Director of the Maine Emergency Management Agency regarding a mass fatality plan the Department of Health and Human Services and the Maine Center for Disease Control and Prevention within that department and allows for other agencies to be consulted. It

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also clarifies that members of the emergency management forces are deemed to be employees of the State when preparing for emergency management duty, in addition to being on or training for duty.

Enacted Law Summary

Public Law 2013, chapter 146 does the following.

1. It amends the Maine Emergency Management Act to include in its purposes coordination of homeland security.
2. It enacts definitions of "homeland security" and "terrorism".
3. It adds to the duties of the Director of the Maine Emergency Management Agency certain planning and training and the maintenance of the State Emergency Operations Center. It also requires that public education programs include information about prevention of emergency situations.
4. It designates the Commissioner of Defense, Veterans and Emergency Management as the Governor's homeland security advisor.
5. It changes the name of the Disaster Relief Fund to the Disaster Recovery Fund to more accurately reflect the fund's purpose to support long-term community disaster recovery.
6. It clarifies local and state emergency planning requirements and ensures current national standards are followed.
7. It provides that emergency management forces deployed under either the Emergency Management Assistance Compact and the International Emergency Management Assistance Compact are considered state employees for the purposes of immunity from liability and workers' compensation coverage. It specifies that a person holding a valid professional license in the State may be designated a member of the emergency management forces in that profession after verification of current license.
8. It consolidates in one subchapter language governing situation-specific operational plans and adds general language governing any agency-specific emergency plans.
9. It changes the general dam hazard evaluation requirement from at least once every six years to at least once every 12 years and changes the time frame for hazard evaluations from within 30 days of a request to within 60 days of a request.
10. It changes the dam condition inspection frequency of high and significant hazard dams from at least once every four years to at least once every six years.
11. It adds to the list of agencies that must be consulted by the Director of the Maine Emergency Management Agency regarding a mass fatality plan, the Department of Health and Human Services and the Maine Center for Disease Control and Prevention within that department and allows for other agencies to be consulted.
12. It clarifies that members of the emergency management forces are deemed to be employees of the State when preparing for emergency management duty, in addition to being on or training for duty.

LD 335 An Act To Review Firearm Laws in the State

ONTP

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

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

It proposes to review all firearm laws through creation of a study group, directing a department to study or other means to determine if more could be done to protect citizens, particularly educators and children in school, from gun violence.

LD 353 An Act To Allow Young Adult Offenders To Be Confined in Juvenile PUBLIC 28
Correctional Facilities and To Comply with Federal Law Requirements

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

This bill permits the Department of Corrections to incarcerate young adult offenders who are at least 18 years of age and under 26 years of age and who are subjects of the adult criminal justice system at the Long Creek Youth Development Center and the Mountain View Youth Development Center. The Commissioner of Corrections is required to maintain full sight and sound separation of the young adult population from the juvenile population.

This bill also ensures compliance with federal law requirements for the housing of juveniles bound over for adult criminal proceedings.

Enacted Law Summary

Public Law 2013, chapter 28 authorizes the Department of Corrections to incarcerate young adult offenders who are at least 18 years of age and under 26 years of age and who are subjects of the adult criminal justice system at the Long Creek Youth Development Center and the Mountain View Youth Development Center. The Commissioner of Corrections is required to maintain full sight and sound separation of the young adult population from the juvenile population.

Public Law 2013, chapter 28 also ensures compliance with federal law requirements for the housing of juveniles bound over for adult criminal proceedings.

LD 354 An Act To Amend the County Jail Inspection Requirement for PUBLIC 27
Nationally Accredited Facilities

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

This bill allows the Commissioner of Corrections to dispense with a comprehensive inspection of a county jail or other detention facility to determine whether it complies with Department of Corrections standards if it is nationally accredited.

Enacted Law Summary

Public Law 2013, chapter 27 allows the Commissioner of Corrections to dispense with a comprehensive inspection of a county jail or other detention facility to determine whether it complies with Department of Corrections standards if it is nationally accredited.

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**LD 355 An Act To Amend Provisions Relating to the Department of Corrections
To Clarify Certain Enforcement Powers**

PUBLIC 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY LONG	OTP-AM	S-38

This bill does the following.

1. It allows employees of the Department of Corrections who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers to exercise the same law enforcement powers as investigative officers. This change allows department employees who have completed the academy's part-time law enforcement officer training to exercise those powers when authorized by the Commissioner of Corrections.
2. It amends the laws governing the interception of prisoner wire and oral communications to reflect the proposed changes for employees of the Department of Corrections.
3. It requires transportation to work release job sites to be approved by a correctional facility's chief administrative officer instead of arranged exclusively by the commissioner as in current law.
4. It permits a correctional facility to use the first \$1,000 in any deceased prisoner's facility-administered accounts to pay the funeral director and specified others. Current law allows the facility to make such payments only for those prisoners with no more than \$1,000 in their accounts.

Committee Amendment "A" (S-38)

This amendment adds jail investigative officers and jail employees working at the direction of the jail investigative officer to those who may be authorized to exercise the same law enforcement powers as investigative officers.

It also clarifies that the phrase "administration of juvenile criminal justice" has the same meaning as in the Maine Juvenile Code.

Enacted Law Summary

Public Law 2013, chapter 80 does the following.

1. It allows employees of the Department of Corrections who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers to exercise the same law enforcement powers as investigative officers. This change allows department employees who have completed the academy's part-time law enforcement officer training to exercise those powers when authorized by the Commissioner of Corrections.
2. It provides that jail investigative officers and jail employees working at the direction of the jail investigative officer may be authorized to exercise the same law enforcement powers as investigative officers.
3. It amends the laws governing the interception of prisoner wire and oral communications to reflect the proposed changes for employees of the Department of Corrections.
4. It requires transportation to work release job sites to be approved by a correctional facility's chief administrative officer instead of arranged exclusively by the commissioner as in current law.
5. It permits a correctional facility to use the first \$1,000 in any deceased prisoner's facility-administered accounts to pay the funeral director and specified others. Current law allows the facility to make such payments only for

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circumstances is such as to lead the officer to reasonably believe that the protection of the public requires identification.

House Amendment "B" To Committee Amendment "A" (H-410)

Current law prohibits a person from displaying in a threatening manner a dangerous or deadly weapon and from concealing a dangerous or deadly weapon. This amendment applies those prohibitions only to a firearm and removes the application of the statute to other dangerous and deadly weapons.

This amendment also limits the requirement proposed in Committee Amendment "A" that a person in possession of a dangerous or deadly weapon in a public place provide that person's name, address and date of birth to a law enforcement officer.

This amendment was not adopted.

LD 381 An Act To Allow a Court To Order a Person Who Violates a Municipal Ordinance To Perform Community Service Work PUBLIC 114

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFSKY	OTP-AM	H-97

This bill makes the following changes to the laws governing community service work.

1. It provides that an offender adjudicated as having violated a municipal ordinance may be ordered to perform community service work.
2. It provides that the judicial branch is not responsible for supervision of community service work.
3. It provides that an offender adjudicated as having violated a municipal ordinance may be ordered to perform community service work only if the municipality has established a community service work program that provides oversight of the community service order and ensures meaningful compliance with the community service requirements.

Committee Amendment "A" (H-97)

This amendment reallocates the provisions of the bill from the Maine Criminal Code to the portion of the statutes dealing with civil violation proceedings.

Enacted Law Summary

Public Law 2013, chapter 114 makes the following changes to the laws governing community service work.

1. It provides that an offender adjudicated as having violated a municipal ordinance may be ordered to perform community service work.
2. It provides that the judicial branch is not responsible for supervision of community service work.
3. It provides that an offender adjudicated as having violated a municipal ordinance may be ordered to perform community service work only if the municipality has established a community service work program that provides oversight of the community service order and ensures meaningful compliance with the community service requirements.

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LD 382 An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time ONTP

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

This bill increases the amount of good time that may be deducted from a person's sentence for a crime committed on or after October 1, 2013. It applies deductions enacted by Public Law 1983, chapter 456 to persons who commit crimes on or after October 1, 2013. This bill makes no distinction as to the type of crime the person committed. It also includes a deduction of good time for a person's good conduct during detention, which was first enacted by Public Law 2003, chapter 711, but the bill doubles the maximum prior amount from 2 days to 4.

LD 456 An Act To Protect Farm Animals from Noise from the Discharge of Fireworks or Explosives ACCEPTED MAJORITY (ONTP) REPORT

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

This bill prohibits the use of consumer fireworks or explosives, either loose or contained in a tube or other enclosure, within one mile of a field or pasture that contains livestock.

LD 478 An Act To Require a Local Permit for the Use of Fireworks ONTP

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

This bill provides that a person who wishes to use consumer fireworks must obtain a permit from the person with authority to issue a permit for open burning. The permit must be issued in the same manner as a permit for open burning is issued.

LD 498 An Act To Allow a Municipality To Prohibit a Sex Offender from Residing within 750 Feet of a Recreational Facility PUBLIC 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT KATZ	OTP-AM	H-169

This bill authorizes a municipality to enact an ordinance to prevent certain sex offenders from residing within 750 feet of a privately owned property where children are the primary users, such as an athletic field, park or recreational facility.

Committee Amendment "A" (H-169)

The bill allows a municipality to prohibit a sex offender from residing within 750 feet of privately owned property

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where children are the primary users. This amendment applies the restriction to state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public instead of to privately owned property.

Enacted Law Summary

Public Law 2013, chapter 161 authorizes a municipality to prohibit a sex offender from residing within 750 feet of state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

LD 502 An Act To Allow County Jails To Apply Savings to Debt Service CARRIED OVER
without a Reduction in State Payments

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

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.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

This amendment, which is the majority report of the committee, provides clarification by replacing the term "efficiencies" with "reduced jail expenditures."

LD 526 An Act To Allow for the Disposition of Certain Items Confiscated from ONTP
Criminals Convicted of Sexual Exploitation of Minors

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

This bill amends the law concerning criminal forfeiture of equipment used in the sexual exploitation of minors by extending the period in which a motion may be filed for forfeiture of the equipment, allowing a representative of a law enforcement agency to bring the motion, expanding the list of electronic equipment that may be seized and allowing the representative of a law enforcement agency to recommend to the court the final disposition or use of the forfeited equipment.

LD 527 An Act To Protect Vulnerable Adults from Exploitation PUBLIC 414

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION CAIN	OTP-AM	H-189

This bill provides that dementia and other cognitive impairments are included in the concept of being manifestly unable to make a reasonable judgement regarding conduct that constitutes a crime when considering consent as a defense. It further provides that consent cannot be induced by "undue influence," which is defined to mean misuse or manipulation of a trusting relationship of a dependent person who has significant limitations and who is 60 years of age or older, an incapacitated adult or a dependent adult. Finally, the bill increases the crime of the misuse of entrusted property to a felony when the victim is 60 years of age or older, incapacitated or dependent and the value

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of the property is greater than \$1,000 to be consistent with the crime of theft.

Committee Amendment "A" (H-189)

This amendment replaces the bill and does the following.

1. Current law provides that consent is not a defense against a charge involving a crime against the person or property of another if the consent is given by a person who for certain reasons, including mental illness or defect, is unable to make a reasonable judgment regarding the conduct that constitutes the crime. This amendment includes physical illness among these reasons and clarifies that mental illness or defect includes dementia and other cognitive impairments.
2. It creates a permissible inference under the Maine Rules of Evidence, Rule 303, that a defendant exercised unauthorized control of a property with the intent to deprive a person of that property if there is proof that the defendant possessed or controlled the property of a person who, by reason of physical illness or mental illness or defect, is manifestly unable or known by the defendant to be unable to make a reasonable judgment with respect to the disposition of that property or there is proof that the defendant obtained possession or control of the property by undue influence.
3. It defines "undue influence" to mean the misuse of real or apparent authority or the use of manipulation by a person in a trusting, confidential or fiduciary relationship with an incapacitated adult or a dependent adult who is wholly or partially dependent upon that person or others for care or support.
4. It provides that a person who is guilty of misuse of entrusted property against a vulnerable person commits a Class C crime if the property is valued at more than \$1,000 but not more than \$10,000 and commits a Class B crime if the property is valued at more than \$10,000.
5. It defines "vulnerable person" to mean an incapacitated adult as defined in the Maine Revised Statutes, Title 22, section 3472, subsection 10 or a dependent adult as defined in Title 22, section 3472, subsection 6.

Enacted Law Summary

Public Law 2013, chapter 414 does the following.

1. It includes physical illness among the existing reasons consent is not a defense against a charge involving a crime against the person or property of another if the consent is given by a person who for certain reasons, including mental illness or defect, is unable to make a reasonable judgment regarding the conduct that constitutes the crime. It also clarifies that mental illness or defect includes dementia and other cognitive impairments.
2. It creates a permissible inference under the Maine Rules of Evidence, Rule 303, that a defendant exercised unauthorized control of a property with the intent to deprive a person of that property if there is proof that the defendant possessed or controlled the property of a person who, by reason of physical illness or mental illness or defect, is manifestly unable or known by the defendant to be unable to make a reasonable judgment with respect to the disposition of that property or there is proof that the defendant obtained possession or control of the property by undue influence.
3. It defines "undue influence" to mean the misuse of real or apparent authority or the use of manipulation by a person in a trusting, confidential or fiduciary relationship with an incapacitated adult or a dependent adult who is wholly or partially dependent upon that person or others for care or support.
4. It provides that a person who is guilty of misuse of entrusted property against a vulnerable person commits a Class C crime if the property is valued at more than \$1,000 but not more than \$10,000 and commits a Class B

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crime if the property is valued at more than \$10,000.

5. It defines "vulnerable person" to mean an incapacitated adult as defined in the Maine Revised Statutes, Title 22, section 3472, subsection 10 or a dependent adult as defined in Title 22, section 3472, subsection 6.

LD 576 Resolve, To Protect Concealed Handgun Permit and Other Public Records Information on a Temporary Basis

**RESOLVE 1
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MCCABE		S-2 JACKSON T

This bill was acted upon without reference to committee.

Current law requires the issuing authority of a concealed handgun permit to make a permanent record of each permit that includes the information contained in the permit itself and provides that the permanent record must be available for public inspection. This resolve places a moratorium on public access to such permanent records for a period of approximately 4 months, pending the Legislature's consideration of a measure to amend that section of law.

House Amendment "A" (H-1)

This amendment expands the moratorium established in the resolve on access to permanent records created by issuing authorities of concealed handgun permits to apply to business licenses, hunting licenses and fishing licenses. This amendment was not adopted.

Senate Amendment "A" (S-2)

This amendment removes language that prohibits the redistribution or dissemination of information received regarding handgun permits, clarifies that the moratorium on access does not apply to law enforcement officers and issuing authorities for criminal justice and permitting purposes and clarifies that applications for permits filed or granted after the effective date of the resolve and on or before April 30, 2013 are governed by the law in effect on and after April 30, 2013.

Enacted Law Summary

Resolve 2013, chapter 1 provides that until April 30, 2013, a permanent record that is created by an issuing authority of a concealed handgun permit is confidential and may not be made available for public inspection or copying. Resolve 2013, chapter 1 also provides that the confidential handgun permit information may be disclosed to law enforcement officers and issuing authorities for criminal justice and permitting purposes. Finally, it provides that after April 30, 2013, an application for a concealed handgun permit filed or granted on or after February 19, 2013 and on or before April 30, 2013 will be governed by the law in effect on and after April 30, 2013.

Resolve 2013, chapter 1 was finally passed as an emergency measure effective February 19, 2013.

LD 593 An Act To Require That Carbon Monoxide Detectors Be Installed inside Educational Facilities

**ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WERTS JACKSON T	ONTP OTP-AM	

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This bill requires carbon monoxide detectors or carbon monoxide detection and warning equipment to be installed in educational facilities, defined as structures used for elementary or secondary education. The owner of an existing educational facility is required to install carbon monoxide detectors in specific areas of the facility. The owner of an educational facility constructed or substantially renovated or to which an addition in excess of 3,000 square feet is made after the effective date of this legislation is required to install carbon monoxide detection and warning equipment.

Committee Amendment "A" (H-145)

This amendment, which is the minority report of the committee, requires reimbursement to local school administrative units in order to avoid a mandate and adds an appropriations and allocations section for that purpose.

LD 594 An Act To Prohibit Possession of a Firearm by a Person Who Has Created a Police Standoff ONTP

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

This bill adds to the list of persons prohibited from possessing a firearm a person who has been adjudicated as creating a police standoff.

LD 626 An Act To Remove the Mandatory Minimum Jail Sentence in Certain Cases ACCEPTED MAJORITY (ONTP) REPORT

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

This bill removes the mandatory minimum sentence of one year of imprisonment for a conviction of the crime of reckless conduct with a firearm.

Committee Amendment "A" (S-30)

This amendment incorporates a fiscal note.

LD 647 An Act To Establish the Mobile Crime Laboratory Fund DIED BETWEEN HOUSES

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

This bill establishes the Mobile Crime Laboratory Fund to establish, operate and maintain a mobile crime laboratory.

Committee Amendment "A" (S-112)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

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LD 660 An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill:

1. Removes the prohibition on having a loaded firearm or crossbow in a motor vehicle for a person other than a holder of a concealed weapons permit;
2. Provides the exception that a person may shoot from a motor vehicle or motorboat in the defense of life or property;
3. Removes the prohibition on concealing a dangerous weapon; and
4. Removes exceptions to the law prohibiting the carrying of a concealed dangerous weapon.

Committee Amendment "A" (H-361)

This amendment strikes and replaces the bill and is the minority report. The amendment specifies that a person who is not otherwise prohibited from possessing a firearm and is a resident of this State may carry a concealed handgun without a permit. The amendment also adds an appropriations and allocations section.

LD 661 An Act To Prohibit Sale or Possession of Synthetic Cannabinoids

PUBLIC 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE CUSHING	OTP-AM	H-422

This bill defines "synthetic cannabinoid," commonly known as "spice" or "K2," in general terms and lists it as a schedule Z drug. Current law only lists specific chemical compounds that are synthetic cannabinoids, so chemical compounds that are synthetic cannabinoids but differ from the compounds listed in statute are not considered schedule Z drugs and are legal in the State.

Committee Amendment "A" (H-422)

This amendment replaces the bill and amends the Maine Criminal Code to capture the larger group of synthetic cannabinoids that have been manufactured since Public Law 2011, chapter 428 was first enacted. The amendment classifies these synthetic cannabinoids as Schedule Z drugs.

Enacted Law Summary

Public Law 2013, chapter 341 amends the Maine Criminal Code to capture the larger group of synthetic cannabinoids that have been manufactured since Public Law 2011, chapter 428 was first enacted. Public Law 2013, chapter 341 classifies these synthetic cannabinoids as Schedule Z drugs.

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LD 662 An Act Regarding Sexually Explicit Text Messaging by Minors

CARRIED OVER

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

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

This bill proposes to prohibit sexually explicit text messaging, also known as sexting, by a minor in a manner different from the prohibition in current law. Sexting is the act of recording, copying or transmitting images, photographs or videos of a person's breasts, genitals, anus or pubic area using a telephone, computer, camera, memory device or other piece of electronic equipment. The current provisions in the criminal law that prohibit sexting images of a minor do not except minors, even minors who transmit images of themselves, and potentially subject minors prosecuted for sexting to being listed on the sex offender registry for life. This bill proposes to create exceptions or other avenues in the law to discourage sexting by minors and provide educators and other adults with tools to prevent sexting and to punish minors short of treating them as sexual predators or serious criminals.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 663 An Act To Change the Time Restriction on the Use of Fireworks

ONTP

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

This bill reduces the permissible hours when fireworks may be used from between the hours of 9:00 a.m. and 10:00 p.m. to between the hours of 9:00 a.m. and 9:00 p.m.

LD 664 An Act To Increase the Penalties for Crimes Involving Illegal or Prescription Drugs

ONTP

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

This bill doubles the maximum term of imprisonment and fine a person convicted of a crime may receive if the crime involved the theft of an illegal or prescription drug or the person committed the crime while under the influence of an illegal drug or a drug that the person was not legally authorized to possess.

LD 685 An Act To Require Investigation and Prosecution of Assaults by Law Enforcement Officers against Unarmed Individuals

ONTP

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

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This bill requires the Attorney General to prosecute all credible claims of assault by a law enforcement officer against an unarmed person, allows a law enforcement agency to investigate a claim of assault on an unarmed person by a law enforcement officer of another law enforcement agency and removes the immunity from personal civil liability from a law enforcement officer who assaults an unarmed person.

**LD 701 An Act To Amend the Laws Governing Probation and Remove
References to the Intensive Supervision Program of the Department of
Corrections**

PUBLIC 133

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY LONG	OTP-AM OTP-AM	S-44

This bill amends the laws governing the process for terminating the probation of certain persons. It also requires the termination of the probation of persons, other than domestic violence and sex offenders, who complete all probation requirements if at least one half of the probation period has been served.

It allows the Department of Corrections to impose fees on probationers seeking out-of-state travel permits. The fees must be used to defray costs associated with processing the applications, as well as to help pay for extraditing probationers who have left Maine without permission or failed to return to Maine as required by a travel permit.

It amends the laws governing alternatives to probation revocation proceedings regarding under what conditions these alternatives are available, what these alternatives are and the duties of a probation officer with respect to a person on probation who successfully completes alternatives to probation revocation proceedings.

It eliminates references to the Department of Corrections' Intensive Supervision Program.

Committee Amendment "A" (S-44)

This amendment is the majority report of the committee. The amendment removes the provisions of the bill regarding the termination of probation. It also removes language that authorizes a probation officer who has evidence of a probation violation to offer the defendant the opportunity to voluntarily go to jail for a period of time not to exceed 72 hours in lieu of terminating that person's probation.

Committee Amendment "B" (S-45)

This amendment is the minority report of the committee and adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 133 amends the laws governing the process for terminating the probation of certain persons. It also requires the termination of the probation of persons, other than domestic violence and sex offenders, who complete all probation requirements if at least one half of the probation period has been served.

It also allows the Department of Corrections to impose fees on probationers seeking out-of-state travel permits. The fees must be used to defray costs associated with processing the applications, as well as to help pay for extraditing probationers who have left Maine without permission or failed to return to Maine as required by a travel permit.

It amends the laws governing alternatives to probation revocation proceedings regarding under what conditions these alternatives are available, what these alternatives are and the duties of a probation officer with respect to a person on probation who successfully completes alternatives to probation revocation proceedings.

Public Law 2013, chapter 133 eliminates references to the Department of Corrections' Intensive Supervision

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Program.

LD 703 An Act To Make Post-conviction Possession of Animals a Criminal Offense

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK	ONTP OTP-AM	S-283

This bill sets the minimum amount of time for a person convicted of animal cruelty that the person cannot own, possess or have on the person's premises an animal as 5 years for a Class D crime and 15 years for a Class C crime and makes a violation of these time periods a Class D crime. This bill also provides for a person to petition the court to reduce the amount of time that the person may not own, possess or have on the person's premises an animal upon a showing that the person does not present a danger to animals, and other criteria.

Committee Amendment "A" (S-283)

This amendment is the minority report that was not adopted. It replaces the bill and provides that a person convicted of cruelty to animals may not own, possess, have on that person's premises or have under that person's control an animal for at least 5 years for a Class D conviction for cruelty to animals or for at least 15 years for a Class C conviction for cruelty to animals and makes a violation of this prohibition a Class D crime.

It provides that the Commissioner of Agriculture, Conservation and Forestry may reduce the period of time a person convicted of cruelty to animals is prohibited from having an animal upon application by the person subject to the prohibition. The commissioner may revoke the reduction in time granted if the commissioner finds that the person is a danger to animals or no longer has the ability to properly care for an animal. A person whose reduction of time has been revoked may not reapply for a reduction in time.

This amendment provides that a person subject to a prohibition for conviction of cruelty to animals may apply to the commissioner for final relief from the period of time the person is prohibited from having an animal no sooner than 5 years after entry of conviction for a Class D crime and no sooner than 15 years after entry of conviction for a Class C crime. A person may not reapply for final relief more frequently than every two years.

Finally, it authorizes the Commissioner of Agriculture, Conservation and Forestry to establish an application filing fee of not more than \$25 to cover the costs of processing applications.

LD 708 An Act To Reduce Emergency Rescue Costs

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Director of Maine Emergency Medical Services within the Department of Public Safety to establish a pilot project designed to increase response efficiency for emergency medical services personnel and reduce costs for both patients and insurers. The bill would direct the Medical Direction and Practices Board to establish a Maine Emergency Medical Services protocol that authorizes emergency medical services personnel to identify those patients that need follow-up medical care but do not have a condition serious enough to need an ambulance to the nearest hospital. Under the pilot project, emergency medical services personnel would offer to patients meeting this criterion a free voucher to cover the round trip to and from the medical provider of the patient's choice. At the conclusion of the pilot project, the Director of Maine Emergency Medical Services would be required to report to the Legislature regarding the results

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of the pilot project and submit recommendations regarding continuation and expansion of the pilot project and the funding of the vouchers.

LD 724 An Act To Require Firearms Used in the Commission of Certain Acts PUBLIC 328
To Be Civilly Forfeited to the State and Destroyed

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

This bill requires the forfeiture and destruction of a firearm used in the commission of a crime that causes death or serious bodily injury by a person who then, either due to suicide or attempted suicide or the justifiable actions of a law enforcement officer, dies or becomes incompetent to stand trial.

Current law distinguishes between a firearm and a handgun for certain situations, including allowing a handgun used in a murder to be returned to the rightful owner, as long as the owner was not the person who committed the crime. This bill removes the distinction, applying the forfeiture laws equally to all firearms.

Enacted Law Summary

Public Law 2013, chapter 328 requires the forfeiture and destruction of a firearm used in the commission of a crime that causes death or serious bodily injury by a person who then, either due to suicide or attempted suicide or the justifiable actions of a law enforcement officer, dies or becomes incompetent to stand trial.

Current law distinguishes between a firearm and a handgun for certain situations, including allowing a handgun used in a murder to be returned to the rightful owner, as long as the owner was not the person who committed the crime. Public Law 2013, chapter 328 removes the distinction, applying the forfeiture laws equally to all firearms.

LD 771 An Act To Amend the Laws Governing Reciprocity for Concealed ONTP
Handguns Permits

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

This bill makes a concealed handguns permit issued to a nonresident invalid outside the borders of the State and prohibits a reciprocity agreement with another state to allow the issuance of a concealed handguns permit to a nonresident by the State to serve as a basis for the issuance of a concealed handguns permit in the other state.

LD 820 An Act Regarding Fire Escapes for Certain Buildings PUBLIC 76

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

This bill repeals the provision of law that provides that a person, firm or organization that violates the law pertaining to the installment and maintenance of fire escapes commits a civil violation to eliminate a conflict between the Maine Revised Statutes, Title 25, section 2453 and the National Fire Protection Association Life Safety Code 101. It also amends a section to correct a cross-reference to the repealed provision.

Enacted Law Summary

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Public Law 2013, chapter 76 repeals the provision of law that provides that a person, firm or organization that violates the law pertaining to the installment and maintenance of fire escapes commits a civil violation to eliminate a conflict between the Maine Revised Statutes, Title 25, section 2453 and the National Fire Protection Association Life Safety Code 101. It also amends a section to correct a cross-reference to the repealed provision.

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

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

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

Enacted Law Summary

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

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

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

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

Committee Amendment "A" (H-27)

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

Enacted Law Summary

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

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

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

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

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areas of that individual without a reasonable and articulable suspicion that the individual possesses a prohibited item that may not be detectable without touching those areas. This prohibition does not apply to security screenings at correctional facilities.

LD 842 An Act To Facilitate the Use of Electronic Monitoring

PUBLIC 227

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE CAIN	OTP-AM	H-296

This bill provides a new form of relief to Maine's existing protection from abuse laws by allowing those seeking a protection from abuse order to request that the defendant be subject to electronic monitoring. Electronic monitoring may be ordered only after a full protection from abuse hearing and only after consideration of various domestic violence risk factors.

It directs the Department of Public Safety to establish an electronic monitoring program and authorizes the department to seek funding from the Electronic Monitoring Fund to support the program. This bill repeals the electronic monitoring fund within the Department of Corrections and places it in the judicial branch. These provisions take effect January 1, 2016.

Beginning July 1, 2015, the electronic monitoring program would operate as a pilot program in 4 of Maine's counties, expanding to statewide coverage by January 1, 2016.

Committee Amendment "A" (H-296)

This amendment replaces the bill and does the following.

1. It provides that a judicial officer may require a defendant to participate in an electronic monitoring program as a condition of pretrial release.
2. It provides that a judicial officer may require a person convicted of a crime to participate in an electronic monitoring program as a condition of probation.
3. It establishes the Electronic Monitoring Fund within the State Board of Corrections and removes the fund from the purview of the Department of Corrections.
4. It directs the Maine Commission on Domestic and Sexual Abuse, to the extent practicable and as resources permit, to assist the State Board of Corrections in developing and implementing an electronic monitoring pilot project. By February 15, 2014, the commission must report to the Joint Standing Committee on Criminal Justice and Public Safety on the progress in developing and implementing an electronic monitoring pilot project.
5. It authorizes the committee to report out a bill to the Second Regular Session of the 126th Legislature implementing the recommendations of the commission.

Enacted Law Summary

Public Law 2013, chapter 227 does the following.

1. It provides that a judicial officer may require a defendant to participate in an electronic monitoring program as a condition of pretrial release.
2. It provides that a judicial officer may require a person convicted of a crime to participate in an electronic monitoring program as a condition of probation.

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3. It establishes the Electronic Monitoring Fund within the State Board of Corrections and removes the fund from the purview of the Department of Corrections.

4. It directs the Maine Commission on Domestic and Sexual Abuse, to the extent practicable and as resources permit, to assist the State Board of Corrections in developing and implementing an electronic monitoring pilot project. By February 15, 2014, the commission must report to the Joint Standing Committee on Criminal Justice and Public Safety on the progress in developing and implementing an electronic monitoring pilot project.

5. It authorizes the Joint Standing Committee on Criminal Justice and Public Safety to report out a bill to the Second Regular Session of the 126th Legislature implementing the recommendations of the commission.

LD 873 An Act To Establish Positive Reentry Parole

ONTP

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

This bill establishes the option of parole for persons sentenced on or after October 1, 2013. Current law provides that only persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect before May 1, 1976 may apply for parole. This bill incorporates the concepts of positive reentry parole, is modeled in part on recent law enacted by Colorado and uses some of the technical aspects of Maine's existing parole law.

LD 883 An Act Regarding the Sexual Assault Forensic Examiner Advisory Board

PUBLIC 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY GRAHAM	OTP-AM	S-26

This bill allows the Sexual Assault Forensic Examiner Advisory Board the authority to issue certificates to persons who complete sexual assault forensic examiner training and provides that certification by the board does not constitute licensing under the Maine Administrative Procedure Act.

Committee Amendment "A" (S-26)

This bill allows the Sexual Assault Forensic Examiner Advisory Board to establish prerequisites applicable to persons who wish to participate in sexual assault forensic examiner training, but does not require the prerequisites to be established by routine technical rule.

Enacted Law Summary

Public Law 2013, chapter 68 allows the Sexual Assault Forensic Examiner Advisory Board the authority to establish prerequisites applicable to persons who wish to participate in sexual assault forensic examiner training and issue certificates to those who complete the training.

Joint Standing Committee on Criminal Justice and Public Safety

LD 887 An Act To Repeal a Specialized Form of the Generic Crime of Theft by Unauthorized Taking or Transfer PUBLIC 96

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

This bill repeals the crime of theft by unauthorized taking or transfer at a casino or slot machine facility since, except for the additional requirement that the theft occur at or from a casino or slot machine facility, the crime is already prohibited by the generic umbrella crime of theft by unauthorized taking or transfer.

Enacted Law Summary

Public Law 2013, chapter 96 repeals the crime of theft by unauthorized taking or transfer at a casino or slot machine facility since, except for the additional requirement that the theft occur at or from a casino or slot machine facility, the crime is already prohibited by the generic umbrella crime of theft by unauthorized taking or transfer.

LD 888 An Act To Provide Funding to the Judicial Branch to Facilitate Reporting to the National Instant Criminal Background Check System ACCEPTED MAJORITY (ONTP) REPORT

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

Public Law 2007, chapter 670 directs a court to transmit to the Department of Public Safety, State Bureau of Identification information on any order for involuntary commitment issued by the court and requires the commanding officer of the State Bureau of Identification to transmit that information to the Federal Bureau of Investigation, National Instant Criminal Background Check System for firearms background check purposes. However, the court and the State Bureau of Identification are not required to transmit such information until sufficient funding is available to cover the costs associated with the reporting requirements.

This bill provides a General Fund appropriation to the Judicial Department of \$200,000 in fiscal year 2013-14 and \$10,000 in fiscal year 2014-15 and to the Department of Public Safety, State Bureau of Identification of \$25,000 in fiscal year 2013-14 and \$7,000 in fiscal year 2014-15 to fund costs associated with the transmission of information to the Federal Bureau of Investigation, National Instant Criminal Background Check System on court orders for involuntary commitment.

Committee Amendment "A" (H-159)

This amendment, which is the minority report of the committee, makes a technical correction to the appropriations and allocations section.

LD 926 An Act To Increase the Penalty for an Adult Who Provides Alcohol to a Minor Involved in a Fatal Accident ONTP

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

Joint Standing Committee on Criminal Justice and Public Safety

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

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

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

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

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

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

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

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

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

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

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

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

Joint Standing Committee on Criminal Justice and Public Safety

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

Committee Amendment "A" (H-205)

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

LD 1045 An Act To Establish the Forensic Advisory Committee

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

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

Committee Amendment "A" (H-355)

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

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

The amendment also adds an appropriations and allocations section.

Joint Standing Committee on Criminal Justice and Public Safety

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

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

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

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

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

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

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

Committee Amendment "A" (H-161)

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

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

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

Joint Standing Committee on Criminal Justice and Public Safety

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

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

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

PUBLIC 234

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

This bill makes the following changes to the Juvenile Code.

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

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contesting the allegations of the petition.

12. It provides that if the answer entered by a juvenile is a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, or if the court declines to accept an answer admitting or not contesting the allegations of the petition, an adjudicatory hearing must be set.

13. It provides for a right to periodic review of a disposition of a juvenile found incompetent to proceed. It also clarifies that the commitment of a juvenile to the Department of Health and Human Services is a commitment to the custody of the Commissioner of Health and Human Services.

14. It changes the period of time within which a juvenile may take an appeal from the juvenile court to the Superior Court from five to seven days after the entry of an order of disposition. This is the same appeal period as is provided for a petition contesting extradition.

Committee Amendment "A" (H-262)

This amendment clarifies that a juvenile must personally appear in court to enter an answer to allegations in a petition. The bill provides that when an answer is entered or the court declines to accept an answer admitting or not contesting the allegations of a petition, an adjudicatory hearing must be set. This amendment removes the reference to an adjudicatory hearing and instead provides that the matter must be set for further proceedings in order to accommodate existing local procedures.

Enacted Law Summary

Public Law 2013, chapter 234 makes the following changes to the Juvenile Code.

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

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- 9. It allows a court to accept a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, when the case has been continued for investigation and for a bind-over hearing.
- 10. It provides that a court must enter an answer of denial if a juvenile or a juvenile's counsel declines to enter an answer.
- 11. It provides that a dispositional hearing will be set for a juvenile if the court accepts an answer admitting or not contesting the allegations of the petition.
- 12. It provides that if the answer entered by a juvenile is a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, or if the court declines to accept an answer admitting or not contesting the allegations of the petition, an adjudicatory hearing must be set.
- 13. It provides for a right to periodic review of a disposition of a juvenile found incompetent to proceed. It also clarifies that the commitment of a juvenile to the Department of Health and Human Services is a commitment to the custody of the Commissioner of Health and Human Services.
- 14. It changes the period of time within which a juvenile may take an appeal from the juvenile court to the Superior Court from 5 to 7 days after the entry of an order of disposition. This is the same appeal period as is provided for a petition contesting extradition.

LD 1159 An Act To Address Human Trafficking, Sex Trafficking and Prostitution

PUBLIC 407

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill broadens the definition of "human trafficking offense" to include the Maine Criminal Code crimes of aggravated sex trafficking, sex trafficking and all other crimes in the Maine Revised Statutes, Title 17-A, chapters 11, 12 and 13 if accompanied by the withholding of government-issued immigration or identification documents or committed as part of a scheme to compel participation in prostitution or labor using specific types of threats.

This bill also makes changes in the Maine Criminal Code to address human trafficking and the subcategory of sex trafficking. Specifically, the bill:

- 1. Renames the crimes of aggravated promotion of prostitution and promotion of prostitution "aggravated sex trafficking" and "sex trafficking," respectively, in order to more accurately describe the defined criminal conduct;
- 2. Adds a provision to the crime of aggravated sex trafficking to include a victim who suffers from a mental disability;
- 3. Updates language in statute concerning aggravated sex trafficking regarding the terms "narcotic" and "alcoholic liquor;"
- 4. Amends the crime of sex trafficking to provide that a new violation after having been twice previously convicted of sex trafficking, engaging in prostitution, engaging a prostitute or patronizing prostitution of a minor, or attempts to commit those crimes or engaging in substantially similar conduct in another jurisdiction, constitutes a Class C crime;
- 5. Amends the crime of engaging in prostitution to permit the trial court at the time of sentencing to employ any

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sentence alternative authorized for a Class E crime rather than solely a fine; and

6. Amends the crime of patronizing prostitution of a minor to include the Class C crime of patronizing prostitution of a mentally disabled person.

Enacted Law Summary

Public Law 2013, chapter 407 broadens the definition of "human trafficking offense" to include the Maine Criminal Code crimes of aggravated sex trafficking, sex trafficking and all other crimes in the Maine Revised Statutes, Title 17-A, chapters 11, 12 and 13 if accompanied by the withholding of government-issued immigration or identification documents or committed as part of a scheme to compel participation in prostitution or labor using specific types of threats.

It also makes changes in the Maine Criminal Code to address human trafficking and the subcategory of sex trafficking. Specifically, it:

1. Renames the crimes of aggravated promotion of prostitution and promotion of prostitution "aggravated sex trafficking" and "sex trafficking," respectively, in order to more accurately describe the defined criminal conduct;
2. Adds a provision to the crime of aggravated sex trafficking to include a victim who suffers from a mental disability;
3. Updates language in statute concerning aggravated sex trafficking regarding the terms "narcotic" and "alcoholic liquor;"
4. Amends the crime of sex trafficking to provide that a new violation after having been twice previously convicted of sex trafficking, engaging in prostitution, engaging a prostitute or patronizing prostitution of a minor, or attempts to commit those crimes or engaging in substantially similar conduct in another jurisdiction, constitutes a Class C crime;
5. Amends the crime of engaging in prostitution to permit the trial court at the time of sentencing to employ any sentence alternative authorized for a Class E crime rather than solely a fine; and
6. Amends the crime of patronizing prostitution of a minor to include the Class C crime of patronizing prostitution of a mentally disabled person.

LD 1173 An Act To Repeal the Law Allowing Concealed Weapons in State Parks with Certain Exceptions

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill repeals the law that allows a person to whom a permit to carry a concealed firearm permit has been issued, either by this State or another state, to carry a concealed firearm in the buildings or parts of buildings and other public property that are under the jurisdiction of the Department of Agriculture, Conservation and Forestry, Division of Public Parks and Lands, including state parks and historic sites. This bill retains the exemptions in current law for:

1. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;

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- 2. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B; and
- 3. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C.

LD 1182 An Act Regarding the Disposition of Firearms in State Custody

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE MASON G	ONTP	

This bill amends the provisions of law concerning the disposal of firearms and ammunition by the State to:

- 1. Include the disposition of firearms and ammunition acquired by the State or a political subdivision that are no longer needed or that are turned in by a member of the public;
- 2. Require all law enforcement agencies to transfer any forfeited or no longer needed firearms and ammunition to the Department of Public Safety;
- 3. Clarify that the Department of Public Safety may transfer firearms and ammunition to the Maine State Police Crime Laboratory or the Maine State Museum;
- 4. Require the Department of Public Safety to hold up to two firearm and ammunition auctions a year and require that only unsafe firearms or ammunition be destroyed or transferred to the Maine State Police Crime Laboratory or the Maine State Museum;
- 5. Place conditions on the auction of firearms and the use of the proceeds;
- 6. Make the State immune from liability for the sale of a firearm or ammunition at auction; and
- 7. Require the Department of Public Safety to keep records of the disposition of all firearms and ammunition disposed of pursuant to the provisions of this bill.

LD 1183 An Act To Prohibit the Enforcement of Federal Law Placing Restrictions on Firearms or Ammunition

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill exempts from federal regulation firearms, firearm accessories and ammunition that are owned by residents of this State and kept exclusively in this State or that are made in this State and that remain in this State. It also prohibits the enforcement of any federal act, law, statute, rule, regulation or order that attempts to restrict or prohibit the ownership of a semi-automatic firearm or a magazine or that requires the registration of a firearm, a firearm accessory or ammunition. A violation is a Class C crime, punishable by a minimum of one year in prison.

Committee Amendment "A" (H-219)

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

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LD 1229 An Act To Regulate and Tax Marijuana

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill reforms state marijuana laws by establishing an excise tax on marijuana, allowing the personal use and cultivation of marijuana and allowing, regulating and licensing certain commercial marijuana-related activities, while providing provisions to protect minors, employers and schools.

Part A of the bill establishes a tax rate of \$50 per ounce for marijuana that is sold or transferred by licensed marijuana cultivation facilities. It directs the State Controller to distribute 10% of the revenue to regulating marijuana establishments, 5% to research into marijuana until January 1, 2021 and the remainder to the General Fund. It directs the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually, beginning January 30, 2015, the amount of tax revenue generated and the amount distributed to each program to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and taxation matters. The bill directs the Bureau of Revenue Services to review methods for ensuring that all marijuana that is sold in the State is assessed and to report its findings and recommendations to the Joint Standing Committee on Taxation by February 15, 2014.

Part B removes the civil violation for adults 21 years of age and older who possess up to 2 1/2 ounces of marijuana and creates a new civil violation for minors who present false identification to a retail marijuana store.

Part C of the bill allows a person 21 years of age or older to possess, purchase and use marijuana within certain limits and to cultivate a limited amount of marijuana for personal use. It allows a person to possess marijuana paraphernalia and up to 2 1/2 ounces of marijuana. It allows a person to cultivate up to 6 marijuana plants, including seedlings, and to purchase up to 2 1/2 ounces of marijuana, marijuana paraphernalia and marijuana seedlings from someone who is licensed to sell these products. The bill imposes the same type of restrictions on marijuana use that apply to tobacco use and that ban smoking in other public places. It requires those cultivating marijuana to secure it from access by unauthorized persons and access by minors. It also provides protections for schools and employers.

It includes specific requirements for the operations of commercial marijuana-related activities regarding the location of operations, security measures, labeling and record keeping. It allows localities to limit the number of each of 4 types of licensees, to regulate them or to ban them. It further limits the number of retail marijuana stores based on the size of the municipality.

This Part establishes the Bureau of Marijuana Regulation, Licensing and Enforcement in the Department of Administrative and Financial Services. The bureau is required to adopt emergency major substantive rules by June 1, 2014 for the licensing and regulation of marijuana establishments. Included in the rules must be a provision giving preference for licensing to a member or officer of a board of a corporation operating a registered dispensary under the Maine Medical Use of Marijuana Act or a senior manager of a registered dispensary. Until the initial rules adopted by the bureau are reviewed by the Legislature, the bureau is permitted to issue only 25% of the number of licenses for a retail marijuana store allowed in a municipality, but must issue at least one.

Additionally, Part C creates the Marijuana Regulations and Licensing Fund to provide a funding mechanism for regulation of commercial marijuana-related activities. It also establishes the Marijuana Research Fund, which is funded by part of the revenue generated from the marijuana tax. The Department of Health and Human Services is required to adopt rules for administering the fund by July 1, 2014.

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Part D of the bill changes the requirement for patients, primary caregivers and dispensaries to keep marijuana in an enclosed, locked facility. Instead, it requires that the marijuana be secured from unauthorized access or from access by a person under 21 years of age.

Part E of the bill updates the existing exceptions regarding possession of marijuana in the Maine Criminal Code to reflect the use permitted by this legislation.

Part F of the bill removes the fingerprinting and criminal history record check requirements from the existing laws that allow a person to apply to the Department of Agriculture, Conservation and Forestry for a license to grow industrial hemp. It removes provisions in the law that make licensing of industrial hemp farming contingent upon federal action and that require licensees to document the type of hemp planted and to provide notification of each sale.

This Part also updates various provisions of the Maine Revised Statutes, Title 7 that are affected by changes in terminology proposed to the Maine medical marijuana law in this bill and in Title 26 to prohibit the employment of a person under 21 years of age in an establishment licensed for commercial marijuana-related activities.

Part G of the bill provides that a person cannot be found to lack "good moral character" for personal, medical or commercial marijuana activities allowed by this legislation for purposes of obtaining a permit to carry a concealed handgun.

Part H of the bill requires this legislation to be submitted to statewide referendum for approval by the voters of the State.

Committee Amendment "A" (H-324)

This amendment is the minority report of the committee. This amendment strikes the bill and replaces it with a requirement, contingent upon approval of the voters at referendum, that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations develop a plan that includes proposed rules and any legislation needed to implement the use and taxation of marijuana. The bureau is required to report its plan to the Joint Standing Committee on Criminal Justice and Public Safety by January 31, 2014. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature related to that report. This amendment was not adopted.

LD 1233 An Act Regarding Cyberbullying

ONTP

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

This bill establishes the crime of cyberbullying and makes a violation a Class E crime. It references the definition of cyberbullying in the education statutes that defines "cyberbullying" to mean bullying through the use of technology or any electronic communication device.

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LD 1234 An Act To Establish the Computer Crimes Unit Fund and Authorize the Department of Public Safety To Accept Donations for the Fund

DIED BETWEEN HOUSES

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

This bill establishes the Computer Crimes Unit Fund to fund the establishment, maintenance and operation of the computer crimes laboratory. It allows the Department of Public Safety to accept donations to the fund for those purposes.

Committee Amendment "A" (S-114)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to the bill.

LD 1237 Resolve, Directing the Department of Corrections To Amend Its Rules Pertaining to Certification of Batterer Intervention Programs

RESOLVE 3 EMERGENCY

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

This resolve directs the Department of Corrections to adopt emergency rules, to be followed by nonemergency rulemaking, to ensure gender equality in terms of the certification of certified batterer intervention programs. In a December 2012 decision, the Maine Supreme Judicial Court cast doubt on the validity of current rules that were written in terms of batterer intervention programs for male offenders only.

Enacted Law Summary

Resolve 2013, chapter 3 directs the Department of Corrections to adopt emergency rules, to be followed by nonemergency rulemaking, to ensure gender equality in terms of the certification of certified batterer intervention programs.

Resolve 2013, chapter 3 was finally passed as an emergency measure effective April 4, 2013.

LD 1240 An Act To Promote the Safe Use and Sale of Firearms

VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFSKY	OTP-AM OTP-AM	H-450

This bill regulates the safe use and sale of firearms as follows.

1. It prescribes elements for the firearm safety course provided by the Department of Inland Fisheries and Wildlife.
2. It includes in the list of persons prohibited from possessing a firearm or a concealed handgun a person who has been admitted to a psychiatric hospital on an emergency basis and providing a procedure for such a person to appeal

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the prohibition.

3. It increases the fine from \$50 to \$1,000 for giving a false or fictitious name to a firearm dealer.
4. It increases the minimum age to obtain a concealed handgun permit from 18 to 21 years of age.
5. It includes in the definition of "firearm dealer" a private seller, including a private seller at a gun show.
6. It requires a firearm dealer to require a buyer to present certification of completion of a firearm safety course or a copy of a current hunting license or current concealed handgun permit prior to sale.
7. It requires firearm dealers to conduct background checks of buyers, except for sales between family members.
8. It makes a violation of certain requirements for a firearm dealer a civil violation for the first offense and a Class E crime for second and subsequent offenses.

Committee Amendment "A" (H-450)

This amendment replaces the bill and is the majority report. The amendment does the following.

1. It creates the civil violation of the sale or transfer of a firearm to a prohibited person and strict liability Class E crime for a 2nd or subsequent offense of selling or transferring a firearm to a prohibited person. The amendment also creates an affirmative defense to prosecution under this new civil violation and crime that the seller or transferor of the firearm requested a federally licensed firearm dealer to conduct a computerized background check under the Federal Bureau of Investigation, National Instant Criminal Background Check System on the purchaser or transferee prior to the sale or transfer of the firearm and the background check indicated that the purchaser or transferee was not a prohibited person.
2. It creates the Class D crime of the sale or transfer of a firearm to a prohibited person. A person is guilty of this crime if that person intentionally or knowingly sells or transfers a firearm to another person that the seller or transferor knows or believes is prohibited from possessing a firearm.
3. It increases the fine from \$50 to \$1,000 for the civil violation of giving a false or fictitious name to a firearms dealer and makes the fine mandatory.
4. It creates a study group to be convened by the Chief of the State Police to review and make recommendations regarding the so-called blue paper process as it relates to persons admitted to a psychiatric hospital on an emergency basis who are temporarily prohibited from possessing firearms. Representatives from the following are invited to participate in this review: the Office of the Attorney General, the Department of Health and Human Services, the Maine Prosecutors Association, the Disability Rights Center and any other interested parties that the Chief of the State Police determines appropriate.
5. It requires the Chief of the State Police to report the recommendations of the study group to the Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2014. Following receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out a bill to the Second Regular Session of the 126th Legislature.

Committee Amendment "B" (H-451)

This amendment replaces the bill and is the minority report. The amendment does the following.

1. It creates the Class D crime of the sale or transfer of a firearm to a prohibited person. A person is guilty of this crime if that person intentionally or knowingly sells or transfers a firearm to another person that the seller or transferor knows or believes is prohibited from possessing a firearm.

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2. It increases the penalty from \$50 to \$1,000 for the civil violation of giving a false or fictitious name to a firearms dealer.
3. It creates a study group to be convened by the Chief of the State Police to review and make recommendations regarding the current "blue paper" process as it relates to persons who are temporarily prohibited from possessing firearms. Representatives from the following are invited to participate in this review: the Office of the Attorney General, the Department of Health and Human Services, the Maine Prosecutors' Association, the Maine Disability Rights Center and any other interested parties that the Chief of the State Police determines appropriate.
4. It requires the study group to report its recommendations to the Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2014. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out a bill to the Second Regular Session of the 126th Legislature.

**LD 1260 An Act To Allow Ignition Interlock Devices on Vehicles Operated by
First-time Offenders of Operating Under the Influence**

PUBLIC 389

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING PLUMMER	OTP-AM	H-369

Current law requires the license of a person convicted of operating under the influence, or OUI, to be suspended for 90 days if it is the person's first OUI conviction within 10 years. At the end of the suspension, the person must pay a license reinstatement fee of \$50.

This bill amends the OUI laws for a first-time offender to:

1. Increase the license suspension period to 180 days;
2. Allow the license of a person to be reinstated immediately if the person has an ignition interlock device installed in the motor vehicle that person operates. The device must remain installed for 180 days or the number of days remaining in the suspension period, whichever is shorter; and
3. Increase the reinstatement fee to \$100 if the person chooses to have an ignition interlock device installed in the motor vehicle the person operates.

Committee Amendment "A" (H-369)

This amendment does the following.

1. It reduces from 180 days to 150 days the driver's license suspension period for a person's first conviction of operating under the influence, or OUI.
2. It provides that the license of a first-time OUI offender may be reinstated 30 days after installing an ignition interlock device, instead of immediately upon installation as provided in the bill.
3. It also changes from 180 days to 150 days or the length of the suspension period the time a person who has one OUI offense must have an ignition interlock device installed before the Secretary of State may reinstate that person's driver's license.
4. It establishes a \$50 administrative fee for a person whose license is reinstated through the use of an ignition interlock device. The administrative fee is in addition to the license reinstatement fee.

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5. It provides that if a person commits an OUI and it results in a fatality, that person is ineligible to receive an ignition interlock device.
6. It provides that if a person commits an OUI that results in serious bodily injury that person's driver's license may be reinstated after three years of the suspension period has run if the person has installed for a period of three years an ignition interlock device.
7. It establishes penalties for a first-time OUI offender who violates the terms and conditions of license reinstatement with an ignition interlock device.
8. It requires a person certified by the Secretary of State to install ignition interlock devices to provide to a person whose adjusted gross household income is not more than 150% of the federal poverty level a discount of at least 50% of the costs associated with installing the ignition interlock device.
9. It delays the effective date of the provisions of the bill regarding the time period a first-time OUI offender's driver's license is suspended and may be reinstated through the use of an ignition interlock device until December 1, 2013.

Enacted Law Summary

Public Law 2013, chapter 389 does the following.

1. It increases the driver's license suspension period from 90 days to 150 days for a person's first conviction of operating under the influence, or OUI.
2. It provides that the license of a first-time OUI offender may be reinstated after 30 days of the suspension period has run if the person has installed an ignition interlock device for 150 days.
3. It also provides that a person who has one OUI offense must have an ignition interlock device installed for 150 days or the length of the suspension period before the Secretary of State may reinstate that person's driver's license.
4. It provides that if a person commits an OUI that results in serious bodily injury that person's driver's license may be reinstated after three years of the suspension period has run if the person has installed an ignition interlock device for three years.
5. It provides that if a person commits an OUI and it results in a fatality, that person is ineligible to receive an ignition interlock device.
6. It establishes a \$50 administrative fee for a person whose license is reinstated through the use of an ignition interlock device. The administrative fee is in addition to the license reinstatement fee.
7. It establishes penalties for a first-time OUI offender who violates the terms and conditions of license reinstatement with an ignition interlock device.
8. It requires a person certified by the Secretary of State to install ignition interlock devices to provide to a person whose adjusted gross household income is not more than 150% of the federal poverty level a discount of at least 50% of the costs associated with installing the ignition interlock device.
9. It also provides that the provisions of the Act regarding the time period a first-time OUI offender's driver's license is suspended and may be reinstated through the use of an ignition interlock device take effect December 1, 2013.

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LD 1289 An Act To Create an Animal Abuser Registry

ONTP

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

This bill requires a person convicted of animal cruelty under Maine's criminal law or convicted of a comparable offense in another state to register annually as an animal abuser with the county sheriff for a period of 15 years. It requires each county sheriff to maintain a registry and disseminate information on the registered animal abuser. It requires the Department of Public Safety, State Bureau of Identification to maintain a central registry of animal abusers.

LD 1305 An Act To Discourage Tenants from Damaging Rental Property

**ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C LAJOIE	ONTP OTP-AM	

This bill creates the Class E crime of unlawful damage by a tenant if at the termination of a tenancy a rental unit has sustained over \$1,000 worth of damage over the amount of the security deposit and the tenant does not pay the landlord within 60 days' notice of the damage by the landlord. A 2nd or subsequent offense is a Class D crime.

Committee Amendment "A" (S-240)

This amendment replaces the bill and is the minority report. It provides that the value of the loss of rental income because of damage caused by the tenant may be used to establish the Class C crime of aggravated mischief.

LD 1316 An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TYLER PLUMMER	OTP-AM	H-317

This bill amends the law regarding the disposition of computers used to commit crimes to:

1. Add a definition of "data storage device," as it is used in the definition of "computer";
2. Require that computer data stored on a computer in the possession of the State that was used to commit or facilitate the commission of a crime be permanently destroyed or caused to be permanently destroyed by the State through the removal and destruction of any parts of the computer on which the computer data are stored;
3. Permit the release of specifically identifiable computer data to persons requesting that computer data if certain conditions are met;
4. Permit the State to either destroy or assume ownership of a computer under certain circumstances;

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5. Allow a person having a bona fide property interest in a computer in the custody of the State to take possession of that computer, but only after computer data on the computer have been permanently destroyed. If the computer was used to commit or facilitate the commission of a crime involving sexual exploitation of a minor, that computer, and all computer data on that computer, must be permanently destroyed;
6. Require the State, if it assumes ownership of a computer, to permanently destroy, or cause to be permanently destroyed, all computer data stored on that computer; and
7. Require that, before a criminal justice agency permanently destroys any computer data or disposes or assumes ownership of a computer in the custody of the agency prior to the effective date of this Act, the agency post on its publicly accessible website a notice stating that, unless written notification as described in the bill is given to the criminal justice agency within 4 months after the effective date of this Act, all such computer data and computers must be disposed of in accordance with the provisions of the bill.

Committee Amendment "A" (H-317)

This amendment makes the following changes to the bill.

1. It gives the State the discretion to destroy or dispose of a computer used to commit a crime instead of making it mandatory as in the bill.
2. In addition to a finding of the defendant's guilt as the trigger for the destruction of computer data or the disposal of a computer, this amendment adds to that the court's acceptance of a plea of guilty or nolo contendere or a finding by the court that the person is not criminally responsible for the crime. It also clarifies that the destruction or disposal of such property may not be done until after all appeal periods have run and any such proceedings have concluded.
3. In addition to the conditions in the bill that must be met before the State releases any computer data to persons requesting the data, this amendment also provides that the chief officer of the agency subject to the request may consider whether there is a 3rd-party vendor that can accommodate the request if the agency cannot provide the requested data. It also provides that the chief officer shall refer the request to the 3rd-party vendor for processing upon receipt of full payment from the requestor for the amount to be charged by the vendor.
4. This amendment provides that the chief officer of the criminal justice agency that is subject to a request for computer data or for possession of a computer must respond within 60 days from the date the request was received by the chief officer.
5. It changes the notice the State must give before destroying computer data or disposing of a computer in the custody of the State prior to the effective date of this Act from 4 months to 90 days.

Enacted Law Summary

Public Law 2013, chapter 297 amends the law regarding the disposition of computers used to commit crimes as follows.

1. It adds a definition of "data storage device," as it is used in the definition of "computer."
2. It provides that computer data stored on a computer in the possession of the State that was used to commit or facilitate the commission of a crime may be permanently destroyed or caused to be permanently destroyed by the State through the removal and destruction of any parts of the computer on which the computer data are stored.
3. It provides that a finding of the defendant's guilt, the court's acceptance of a plea of guilty or nolo contendere or a finding by the court that the person is not criminally responsible for the crime is a trigger for the destruction of computer data or the disposal of a computer.

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4. It permits the release of specifically identifiable computer data to persons requesting that computer data if certain conditions are met. If an agency cannot provide the requested data, the chief officer of the agency subject to the request may consider whether there is a 3rd-party vendor that can accommodate the request and if so, refer the request to the 3rd-party vendor for processing upon receipt of full payment from the requestor for the amount to be charged by the vendor.
5. It permits the State to either destroy or assume ownership of a computer under certain circumstances and provides that the State may, if it assumes ownership of a computer, permanently destroy, or cause to be permanently destroyed, all computer data stored on that computer.
6. It allows a person having a bona fide property interest in a computer in the custody of the State to take possession of that computer, but only after computer data on the computer have been permanently destroyed. If the computer was used to commit or facilitate the commission of a crime involving sexual exploitation of a minor, that computer, and all computer data on that computer, may be permanently destroyed.
7. It requires that, before a criminal justice agency permanently destroys any computer data or disposes or assumes ownership of a computer in the custody of the agency prior to October 9, 2013, the agency must post on its publicly accessible website a notice stating that, unless written notification is given to the criminal justice agency within 90 days after October 9, 2013, all such computer data and computers must be disposed of in accordance with the provisions of this Act.

LD 1320 An Act To Fairly Distribute the Debt Burden between the State and County Correctional Functions

**ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD W JOHNSON C	ONTP OTP-AM	

This bill requires the State Board of Corrections to develop a formula to distribute the cost of debt service for Two Bridges Regional Jail to counties and to the State in proportion to the number of inmates each county and the State has in the jail. The formula must be updated 12 months prior to the beginning of each biennium and the cost of debt service must be included in the budgets of each county and the State.

Committee Amendment "A" (H-356)

This amendment, which is the minority report of the committee, replaces the bill. It requires the State Board of Corrections to determine the percentage of the average daily inmate population that came from outside of each county for the previous fiscal year. As long as the percentage of the population from outside the county is 10% or more, the county may include a percentage of the interest associated with corrections debt that is equal to the percentage of inmates from outside that county in its budget submitted to the State Board of Corrections. The amendment also adds an appropriations and allocations section.

LD 1419 An Act To Allow a Setoff of a Third-party Bailor's Property under Certain Conditions

PUBLIC 211

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

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This bill allows a court to set off a portion of the bail posted by a third person on behalf of a defendant to pay any fine, fee or restitution that is owed by the third person.

Enacted Law Summary

Public Law 2013, chapter 211 allows a court to set off a portion of the bail posted by a third person on behalf of a defendant to pay any fine, fee or restitution that is owed by the third person.

LD 1429 An Act To Allow School Administrative Units To Establish Rules, Procedures and Guidelines for Properly Trained Staff To Carry a Concealed Handgun on School Property while Acting in Their Official Capacities

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill enables school administrative units to establish rules, procedures and guidelines to allow a properly trained school employee to carry a concealed handgun on school property. It also sets the following parameters.

1. It requires a school administrative unit electing to allow an employee to carry a concealed handgun on school property to ensure that the employee successfully completes a firearms training course and requalifies on an annual basis.
2. It also requires the employee to complete training in crisis intervention and hostage situations and use of deadly force, and possess a valid permit to carry a concealed handgun.
3. It requires a school administrative unit establishing a concealed handgun program to establish in writing the duties and responsibilities of school employees authorized to participate in the program.
4. It mandates that liability insurance be carried on each participating employee, whether paid for by the school administrative unit or the employee.
5. It allows a school administrative unit to pay a participating employee a stipend and to require an employee applying to carry a concealed handgun on school property to submit to a psychological evaluation.
6. It authorizes the Maine Criminal Justice Academy to design a firearms training course for school employees who have applied to carry concealed handguns on school property.
7. It specifies that participation in the program by a school employee is voluntary and provides that if at least 10% of the number of voters voting in the last general election petition the school administrative unit, the issue will be put to a vote at referendum.

Committee Amendment "A" (S-150)

This amendment is the minority report and allows a school administrative unit to invite a school employee who is qualified to carry a concealed handgun on school premises to become a part-time law enforcement officer. It provides that the school administrative unit may enter into an agreement with a local law enforcement agency to commission a qualified school employee as a part-time law enforcement officer. Before becoming a part-time law enforcement officer, the school employee must successfully complete the Maine Criminal Justice Academy's training requirements for a part-time law enforcement officer.

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LD 1432 An Act To Revise the Laws of the Maine Criminal Justice Academy

PUBLIC 147

Sponsor(s)

PLUMMER
DION

Committee Report

OTP

Amendments Adopted

This bill makes changes to the law related to criminal justice training and certification.

1. It makes minor technical changes to reflect current practice for the Maine Criminal Justice Academy and clearly identifies the purpose of the Maine Criminal Justice Academy Board of Trustees.
2. It eliminates the separate definitions for state and county corrections officers. It simplifies the definition of "judicial marshal." It eliminates the definition of "part-time corrections officer." It redefines "full-time law enforcement officer," "law enforcement officer," "part-time law enforcement officer" and "transport officer" for statewide application of the law.
3. It clarifies annual training and certification requirements.
4. It changes the makeup of the Maine Criminal Justice Academy Board of Trustees to specifically include a district attorney or a criminal prosecutor from a district attorney's office.
5. It eliminates outdated language concerning the establishment of minimum standards and sets deadlines for the agencies to comply with the standards and policies and for annual certification of any changes in the policies.
6. It amends the penalty section to add that an individual may also receive a civil penalty of up to \$500 for violating any provision of the laws relating to law enforcement officers.
7. It reorganizes the same language regarding the custodian of the records so the provisions apply to all records.
8. It requires all corrections officers, whether employed as part-time or full-time officers, to be trained and certified to the same standards, regardless of how many annual hours worked.
9. It specifies that all law enforcement officers and corrections officers must complete the in-service training and may be disciplined by the board for not doing so, clarifies the role of the board involving in-service training and permits in-service training to be provided by either the Maine Criminal Justice Academy or the employing law enforcement agency.
10. It amends the law concerning the complaint review committee of the board to allow it to investigate any person holding a certificate issued by the board, not just law enforcement and corrections officers, and makes the process consistent with the due process guidelines of the Maine Administrative Procedure Act.
11. It makes more specific and expands the list of behaviors subject to disciplinary action by the board.
12. It allows the board to bring an action in court to enjoin a person from violating any provision of the laws relating to law enforcement officers regardless of whether civil or administrative proceedings have been or may be instituted.
13. It requires a chief administrative officer to report criminal convictions or criminal conduct of any certificate holder or potential certificate holder to the Director of the Maine Criminal Justice Academy within 30 days.

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14. It requires reimbursement to a law enforcement agency for the cost of basic training regardless of the reason an officer left the agency if the officer is hired by another law enforcement agency and allows for a mutual agreement between two agencies on reimbursement.

Enacted Law Summary

Public Law 2013, chapter 147 makes changes to the law related to criminal justice training and certification.

1. It makes minor technical changes to reflect current practice for the Maine Criminal Justice Academy and identifies the purpose of the Maine Criminal Justice Academy Board of Trustees.
2. It eliminates the separate definitions for state and county corrections officers. It simplifies the definition of "judicial marshal." It eliminates the definition of "part-time corrections officer." It redefines "full-time law enforcement officer," "law enforcement officer," "part-time law enforcement officer" and "transport officer" for statewide application of the law.
3. It clarifies annual training and certification requirements.
4. It changes the makeup of the Maine Criminal Justice Academy Board of Trustees to specifically include a district attorney or a criminal prosecutor from a district attorney's office.
5. It eliminates outdated language concerning the establishment of minimum standards and sets deadlines for the agencies to comply with the standards and policies and for annual certification of any changes in the policies.
6. It amends the penalty section to add that an individual may also receive a civil penalty of up to \$500 for violating any provision of the laws relating to law enforcement officers.
7. It reorganizes the same language regarding the custodian of the records so the provisions apply to all records.
8. It requires all corrections officers, whether employed as part-time or full-time officers, to be trained and certified to the same standards, regardless of how many annual hours worked.
9. It specifies that all law enforcement officers and corrections officers must complete the in-service training and may be disciplined by the board for not doing so, clarifies the role of the board involving in-service training and permits in-service training to be provided by either the Maine Criminal Justice Academy or the employing law enforcement agency.
10. It amends the law concerning the complaint review committee of the board to allow it to investigate any person holding a certificate issued by the board, not just law enforcement and corrections officers, and makes the process consistent with the due process guidelines of the Maine Administrative Procedure Act.
11. It makes more specific and expands the list of behaviors subject to disciplinary action by the board.
12. It allows the board to bring an action in court to enjoin a person from violating any provision of the laws relating to law enforcement officers regardless of whether civil or administrative proceedings have been or may be instituted.
13. It requires a chief administrative officer to report criminal convictions or criminal conduct of any certificate holder or potential certificate holder to the Director of the Maine Criminal Justice Academy within 30 days.
14. It requires reimbursement to a law enforcement agency for the cost of basic training regardless of the reason an officer left the agency if the officer is hired by another law enforcement agency and allows for a mutual agreement between two agencies on reimbursement.

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LD 1433 An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct

PUBLIC 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON HAMPER	OTP-AM	H-297 H-346 DION

This bill amends the laws governing mental responsibility for criminal conduct in the following ways.

1. It provides that the State Forensic Service may observe a defendant who is incarcerated at the correctional facility where the defendant is incarcerated as part of an evaluation of the defendant by the State Forensic Service if the State Forensic Service determines that the correctional facility can provide an appropriate setting for the observation.
2. It provides that, if a defendant has been incarcerated prior to commitment to the custody of the Commissioner of Health and Human Services for observation to determine the competency of the defendant to stand trial and during the period of observation the defendant assaults another person and the risk of a subsequent assault cannot be managed, the commissioner may return the defendant to the correctional facility.
3. It sets deadlines for a court to hold a hearing on the question of a defendant's competence to stand trial and increases the number of different types of facilities to which a court may commit a defendant who is found incompetent to stand trial.
4. It provides that a person who is in prison for an offense and is found not criminally responsible by reason of insanity for another offense must finish that person's prison term before beginning the commitment ordered by the court for the 2nd offense.
5. It provides that an individual who is in state custody on the basis of being not criminally responsible by reason of insanity with respect to an offense may petition the court to be off institutional grounds if the individual is monitored by a team providing assertive community treatment and meets with a psychiatrist, psychologist, nurse practitioner or physician assistant at least monthly. It removes language that limits to 14 days the amount of time such an individual may be off institutional grounds.

Committee Amendment "A" (H-297)

This amendment makes the following changes to the bill.

1. The bill provides that, if a defendant has been incarcerated prior to commitment to the custody of the Commissioner of Health and Human Services for observation to determine the competency of the defendant to stand trial and during the period of observation the defendant assaults another person and the risk of a subsequent assault cannot be managed, the commissioner may return the defendant to the correctional facility. This amendment provides that the defendant need only present a substantial risk of causing bodily injury to staff or others instead of requiring an actual assault.
2. The bill requires a court to terminate a defendant's commitment to the custody of the Commissioner of Health and Human Services after the commissioner notifies the court that the defendant is being returned to a correctional facility because the defendant assaulted another person and the risk of subsequent assaults cannot be managed. This amendment removes the mandatory language and gives the court discretion in determining what action should be taken regarding the defendant, including, but not limited to, the termination of the defendant's commitment.
3. This amendment provides that if the State Forensic Service reports to the court that a defendant is either now

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competent to stand trial or not restorable, the court must hold a hearing on the matter within 30 days of the report. Current law provides that the court must schedule such a hearing without delay.

4. In addition to the places provided in the bill where the Commissioner of Health and Human Services is allowed to house a person committed as not competent to stand trial, this amendment allows the commissioner to place such a person in any living situation specifically approved by a court.

5. This amendment provides that when a person serving a criminal sentence is found not criminally responsible for a subsequent crime, the court may exercise its discretion to determine whether the defendant should be immediately committed to a mental health institution or whether the defendant should complete the sentence being served before being committed to the institution. This change accords section 4 of the bill with the Law Court's holding in *James v. State*, 2008 ME 122, 953 A.2d 1152.

6. This amendment provides that a person previously found not criminally responsible for a crime who has been committed to the custody of the Commissioner of Health and Human Services whose treatment plan allows that person to live off institutional grounds must meet with a member of a multidisciplinary treatment team affiliated with the institution at least every 14 days and with a team member qualified to prescribe medication at least monthly.

House Amendment "A" To Committee Amendment "A" (H-346)

This amendment removes the change made in Committee Amendment "A" that would require the court to hold a competency hearing within 30 days of the court's receiving the State Forensic Service's report.

Enacted Law Summary

Public Law 2013, chapter 265 amends the laws governing mental responsibility for criminal conduct in the following ways.

1. It provides that the State Forensic Service may observe a defendant who is incarcerated at the correctional facility where the defendant is incarcerated as part of an evaluation of the defendant by the State Forensic Service if the State Forensic Service determines that the correctional facility can provide an appropriate setting for the observation.

2. It provides that, if a defendant has been incarcerated prior to commitment to the custody of the Commissioner of Health and Human Services for observation to determine the competency of the defendant to stand trial and during the period of observation the defendant presents a substantial risk of causing bodily injury to staff or others that cannot be managed in an appropriate mental health institution, the commissioner may return the defendant to the correctional facility. Additionally, it directs the commissioner to report the risk management issue to the court for determining what action should be taken regarding the defendant, including, but not limited to, the termination of the defendant's commitment.

3. It specifies the types of facilities that the Commissioner of Health and Human Services is allowed to house a person committed as not competent to stand trial including any living situation that has been specifically approved by a court.

4. It provides that when a person serving a criminal sentence is found not criminally responsible for a subsequent crime, the court may exercise its discretion to determine whether the defendant should be immediately committed to a mental health institution or whether the defendant should complete the sentence being served before being committed to the institution. This change amends the law to accord it with the Law Court's holding in *James v. State*, 2008 ME 122, 953 A.2d 1152.

5. It provides that a person previously found not criminally responsible for a crime who has been committed to the custody of the Commissioner of Health and Human Services whose treatment plan allows that person to live off

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institutional grounds must meet with a member of a multidisciplinary treatment team affiliated with the institution at least every 14 days and with a team member qualified to prescribe medication at least monthly.

**LD 1438 An Act To Implement Certain Recommendations of the Criminal Law
Advisory Commission Relative to the Maine Bail Code, Statutory
Post-conviction Review, the Maine Criminal Code and a Related Statute**

PUBLIC 266

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-456

This bill implements the Criminal Law Advisory Commission recommendations as follows.

1. Current law provides that a person who has been sentenced but granted a stay of execution to report to the court at a specific time and who fails to report commits a Class E crime or a Class C crime depending on the length of the original sentence imposed. Existing statute does not specify a culpable mental state for failure to report. This bill clarifies that a failure to report is a strict liability crime, which means that it does not include a culpable mental state element, making it equivalent in this respect to a failure to appear and a violation of a condition of release.
2. In the context of a failure to report, it amends language to ensure that circumstances in which a sentence is automatically stayed or automatically terminated are included in addition to circumstances in which the stay order provides a specific date.
3. It makes a technical correction to the affirmative defense language for failure to report.
4. Current law provides for an action for post-conviction review of a criminal judgment or of a post-sentencing proceeding following the criminal judgment when the challenged criminal judgment or post-sentencing proceeding is causing a present restraint or other specified impediment. This bill provides that these restraints and impediments include community service work imposed by the challenged criminal judgment that has not been fully performed when the person has not inexcusably failed to complete the work within the time specified by the court.
5. It rectifies an oversight that occurred during the Second Regular Session of the 125th Legislature when the law granting grounds for relief to show that a challenged criminal judgment or sentence is unlawful or unlawfully imposed was amended.
6. It provides that a person who has taken an appeal from a judgment of not criminally responsible by reason of insanity may use the remedy of post-conviction review while the appeal is pending.
7. It makes a number of technical corrections to clarify provisions regarding the exhaustion of remedies with respect to appeals.
8. It amends the Class C version of the crime of visual sexual aggression against a child by adding that a person is guilty of the crime if the person engages in the prohibited activity for the purpose of causing affront or alarm. This language was included in the Class D version of the crime but omitted from the Class C version of the crime when both were enacted by Public Law 2003, chapter 711, Part B, section 4.
9. It amends the law that provides an affirmative defense to prosecution for prohibited contact with a minor to make clear that the defendant may not be the person whose consent with respect to contact with the minor provides the basis for the affirmative defense.
10. It provides that when an offender defaults on the payment of a fine and the court determines it to be excusable, in addition to the current statutory options of giving the offender additional time for payment or reducing the

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amount of each installment, the court may permit the offender to perform community service work if the community service work is supervised by a local sheriff or by a community confinement monitoring agency with which that sheriff has contracted.

11. It adds a person conducting research at a school of pharmacology to the list of persons who are authorized to possess, furnish and have control of scheduled or prescription drugs, controlled substances or hypodermic apparatuses.

Committee Amendment "A" (H-456)

This amendment removes the provision of the bill that amends the Class C version of the crime of visual sexual aggression against a child to include engaging in the prohibited activity for the purpose of causing affront or alarm.

The bill amends the law that provides an affirmative defense to prosecution for prohibited contact with a minor by making it explicit that the defendant may not be the person whose consent, with respect to contact with the minor, provides the basis for the affirmative defense. This amendment removes that provision.

Enacted Law Summary

Public Law 2013, chapter 266 implements the Criminal Law Advisory Commission recommendations as follows.

1. Current law provides that a person who has been sentenced but granted a stay of execution to report to the court at a specific time and who fails to report commits a Class E crime or a Class C crime depending on the length of the original sentence imposed. Existing statute does not specify a culpable mental state for failure to report. Public Law 2013, chapter 266 clarifies that a failure to report is a strict liability crime, which means that it does not include a culpable mental state element, making it equivalent in this respect to a failure to appear and a violation of a condition of release.

2. In the context of a failure to report, it amends language to ensure that circumstances in which a sentence is automatically stayed or automatically terminated are included in addition to circumstances in which the stay order provides a specific date.

3. It makes a technical correction to the affirmative defense language for failure to report.

4. Current law provides for an action for post-conviction review of a criminal judgment or of a post-sentencing proceeding following the criminal judgment when the challenged criminal judgment or post-sentencing proceeding is causing a present restraint or other specified impediment. Public Law 2013, chapter 266 provides that these restraints and impediments include community service work imposed by the challenged criminal judgment that has not been fully performed when the person has not inexcusably failed to complete the work within the time specified by the court.

5. It rectifies an oversight that occurred during the Second Regular Session of the 125th Legislature when the law granting grounds for relief to show that a challenged criminal judgment or sentence is unlawful or unlawfully imposed was amended.

6. It provides that a person who has taken an appeal from a judgment of not criminally responsible by reason of insanity may use the remedy of post-conviction review while the appeal is pending.

7. It makes a number of technical corrections to clarify provisions regarding the exhaustion of remedies with respect to appeals.

8. It provides that when an offender defaults on the payment of a fine and the court determines it to be excusable, in addition to the current statutory options of giving the offender additional time for payment or reducing the amount of each installment, the court may permit the offender to perform community service work if the community service

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work is supervised by a local sheriff or by a community confinement monitoring agency with which that sheriff has contracted.

9. It adds a person conducting research at a school of pharmacology to the list of persons who are authorized to possess, furnish and have control of scheduled or prescription drugs, controlled substances or hypodermic apparatuses.

LD 1439 An Act To Repeal Certain Maine Criminal Code Provisions Addressing PUBLIC 194
So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and
Instead To Define Them as Schedule W Drugs

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

This bill is proposed by the Criminal Law Advisory Commission. It repeals provisions criminalizing synthetic hallucinogenic drugs in chapter 45 of the Maine Criminal Code and in related provisions regarding asset forfeiture in the Maine Revised Statutes, Title 15 and regarding drug-related offenses in Title 22 and instead classifies these drugs as schedule W drugs. As schedule W drugs, they are treated the same as all other schedule W drugs for purposes of possession, trafficking and furnishing.

This bill also repeals an unnecessary provision of law that prohibits including a drug or substance in schedule W, X, Y or Z that is legally sold in the State without any federal or state requirements as to prescription and that is unaltered as to its form.

Enacted Law Summary

Public Law 2013, chapter 194 repeals provisions criminalizing synthetic hallucinogenic drugs in chapter 45 of the Maine Criminal Code and in related provisions regarding asset forfeiture in the Maine Revised Statutes, Title 15 and regarding drug-related offenses in Title 22 and instead classifies these drugs as schedule W drugs. As schedule W drugs, they are treated the same as all other schedule W drugs for purposes of possession, trafficking and furnishing.

Public Law 2013, chapter 194 also repeals an unnecessary provision of law that prohibits including a drug or substance in schedule W, X, Y or Z that is legally sold in the State without any federal or state requirements as to prescription and that is unaltered as to its form.

LD 1470 An Act To Develop Juvenile Assessment Centers ONTP

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

This bill develops guidelines for the establishment of juvenile assessment centers throughout the State. It provides that one center may be established in each prosecutorial district and that each center is responsible for providing collocated central intake and screening services for juveniles referred to the Department of Corrections. This bill directs centers to provide for the coordination and sharing of information among the participating agencies to facilitate the screening of and case processing for juveniles referred to the department and must provide a forum for the department to conduct predisposition assessments and evaluations of juveniles.

This bill establishes a juvenile assessment advisory board to govern each center and provides that the board must

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include representatives from the Department of Corrections; the county sheriff; the Department of Health and Human Services, Bureau of Child and Family Services; the district attorney; the State Police; municipal police departments; and county mental health organizations, and may include representatives from associations representing health service providers and associations of criminal defense lawyers and other state and local agencies serving juveniles.

LD 1491 An Act To Extend the Statute of Limitations on Certain Sex Crimes

PUBLIC 392

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DION	OTP-AM ONTP	S-209

This bill provides that a civil action based upon a sexual act that is committed or engaged in by an actor who has certain authority over the other person may be commenced at any time. It also extends to 10 years the statute of limitations on prosecutions for crimes involving unlawful sexual touching, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault if the actor has certain authority over the victim.

Committee Amendment "A" (S-209)

This amendment removes provisions of the bill regarding sexual acts committed by a person who has certain authority over the other person. It extends the statute of limitations period from six years to eight years for Class A, Class B and Class C sex crimes.

Enacted Law Summary

Public Law 2013, chapter 392 extends the statute of limitations period from six years to eight years for Class A, Class B and Class C sex crimes involving unlawful sexual contact or gross sexual assault.

LD 1493 An Act To Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-360

This bill implements the recommendations of the Criminal Law Advisory Commission to revise the criminal history record information laws, currently allocated to the Maine Revised Statutes, Title 16, chapter 3, subchapter 8.

Part A of this bill repeals chapter 3, subchapter 8, which includes sections 611 to 623, and enacts 2 new chapters within Title 16. The creation of 2 chapters allows for the separate treatment of the 2 mutually exclusive information-of-record categories of criminal history record information and intelligence and investigative record information. Their consolidated treatment in chapter 3, subchapter 8 resulted in significant confusion as to their differing meanings and applications.

1. This bill enacts Title 16, chapter 7, which:

- A. Designates, in section 701, the new chapter as the Criminal History Record Information Act;
- B. Outlines, in section 702, the chapter's scope and application, which had no counterpart in former subchapter 8. It makes clear that when criminal history record information is public information, the term "public criminal history record information" is used. Similarly, when criminal history record information is confidential, it is labeled as "confidential criminal history record information"; and

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C. Defines, in section 703, like in former section 611, technical terms used throughout the subchapter, including:

(1) A definition of "administration of criminal justice," which mirrors former section 611, subsection 1, except that the word "detection" has been eliminated from the first sentence and "criminal identification activities" has been eliminated from the 2nd sentence because such activities are now addressed in the new chapter 9 regarding intelligence and investigative record information;

(2) A definition of "confidential criminal history record information," which replaces former section 611, subsection 9. What was formerly identified as "nonconviction data" is now identified as "confidential criminal history record information." The types of criminal history record information described in former section 611, subsection 9 are included in section 703, subsection 2 and have been modified for purposes of clarity and completeness. Section 703, subsection 2, paragraphs D, I, J and K have no counterpart in former section 611, subsection 9;

(3) A definition of "criminal history record information," which replaces former section 611, subsection 3 with a new section 703, subsection 3 and expands on the former definition. The new subsection 3 employs and refers to formal involvement in the criminal justice system either as an accused or as a convicted criminal defendant and defines the term to specifically include "a juvenile treated by statute as an adult for criminal prosecution purposes" and expands on examples of criminal history record information. The new definition expressly excludes civil proceedings of any kind, intelligence and investigative record information and any information of record of juvenile crime proceedings;

(4) A definition of "criminal justice agency," which replaces former section 611, subsection 4 with a new section 703, subsection 4 and differs in 4 substantive respects. First, the definition now specifies that the only jurisdictions to which it applies are the Federal Government, a state as defined in the new section 703, subsection 9 and the State of Maine. Foreign countries, other than Canada, are not included. Second, as to the included jurisdictions, the applicable government agencies or subunits are at all governmental levels. The former references to state, district, county or local have been replaced by "at any governmental level" because although these governmental divisions are appropriate insofar as Maine is concerned, they are not necessarily correct in describing the governmental divisions in the other named jurisdictions. Third, the definition no longer conditions government agency or subunit qualification on whether the criminal justice agency allocates a substantial part of its annual budget to the administration of criminal justice. It also adds an equivalent agency of any federally recognized Indian tribe. Fourth, it replaces the word "courts" with "federal courts, Maine courts, courts in any other state";

(5) A definition of "disposition," which replaces former section 611, subsection 5;

(6) A definition of "dissemination," which parallels former section 611, subsection 6, but expands the listed means of transmission by adding the phrase "by any means";

(7) A definition of "executive order," which parallels former section 611, subsection 7 but makes 3 nonsubstantive changes; and

(8) A definition of "public crimes."

2. This bill enacts Title 16, chapter 9, which:

A. Enacts section 801, which designates chapter 9 as the Intelligence and Investigative Record Information Act;

B. Enacts section 802, which replaces that portion of former section 614, subsection 1 that applied the section

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614 limitations on dissemination of intelligence and investigative information of record to specifically identified Maine criminal justice agencies, rather than to all Maine criminal justice agencies. Section 802 applies the chapter to all Maine criminal justice agencies; and

C. Defines in section 803, like in former section 611, technical terms used throughout the chapter, including:

(1) A definition of "administration of civil justice," which had no counterpart in former subchapter 8. It addresses the same types of criminal justice agency activities described in the new subsection 2 but in the context of "civil violations" and "civil actions" rather than in the context of crimes. It does not include known, suspected or possible traffic infractions;

(2) A definition of "administration of criminal justice," which is wholly different from former section 611, subsection 1 except to the extent former subsection 1 included the activities of "detection" and "criminal identification." It includes criminal justice agency activities "relating to the anticipation, prevention, detection, monitoring or investigation of known, suspected or possible crimes," activities that generally predate the activities addressed in former section 611, subsection 1. However, particularly in the context of "known" crimes, investigation can continue well after a specific, identifiable person is formally involved with the criminal justice system as an accused in anticipation of trial and sentencing;

(3) A definition of "administration of juvenile justice," which had no counterpart in former subchapter 8. It addresses the same types of criminal justice agency activities described in the new subsections 1 and 2 but in the context of juvenile crimes. The administration of juvenile justice is distinct from the administration of criminal justice and the administration of civil justice because a juvenile crime is, strictly speaking, neither a crime nor is it civil. It is a hybrid of both. As a consequence, the administration of juvenile justice is expressly excluded from the definition of "intelligence and investigative record information" and is instead addressed in a new section 3308-A of the Maine Juvenile Code;

(4) A definition of "criminal justice agency," which replaces former section 611, subsection 4 and mirrors new section 703, subsection 4, except it does not include courts. Courts are now addressed in section 805, subsection 4;

(5) A definition of "dissemination," which replaces former section 611, subsection 6 and mirrors new section 703, subsection 6;

(6) A definition of "executive order," which replaces former section 611, subsection 7 and mirrors new section 703, subsection 7; and

(7) A definition of "intelligence and investigative record information," which replaces former section 611, subsection 8 and modifies the former definition to better clarify the scope of the definition. It speaks both in terms of information of record collected or kept by any Maine criminal justice agency while performing the "administration of criminal justice," which is included as subsection 1, and in terms of information of record collected or kept by the Department of the Attorney General or by district attorneys' offices when they are performing the administration of civil justice, included as subsection 2. The definition of "intelligence and investigative record information" includes the Department of the Attorney General's records relating to the administration of civil justice in order to perpetuate Public Law 1993, chapter 719, "An Act to Bring the Department of the Attorney General into Conformity with the Criminal History Record Information Laws."

Part B corrects cross-references in existing law to reflect the new Criminal History Record Information Act and the new Intelligence and Investigative Record Information Act.

Part C moves the confidentiality protection for reports of animal cruelty from the former section governing intelligence and investigative record information to the animal welfare laws in Titles 7 and 17.

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Part D adds a new section 3308-A to the Maine Juvenile Code, addressing dissemination of juvenile intelligence and investigative record information by a Maine criminal justice agency as follows.

1. Title 15, section 3308-A, subsection 1 contains technical terms used in that section. The terms "administration of juvenile justice," "criminal justice agency," "dissemination," "executive order," "state" and "statute" mirror the meanings found in the new Title 16, section 803, subsections 3 to 6, 8 and 9, respectively. The term "juvenile intelligence and investigative record information" has no counterpart in Title 16, section 803 because the "administration of juvenile justice" is expressly excluded from the definition of "intelligence and investigative record information" in section 803, subsection 7.
2. Title 15, section 3308-A, subsection 2 clarifies that, to the extent a criminal justice agency has juvenile intelligence and investigative record information that has been made part of the court records of a juvenile proceeding, dissemination of that information by the criminal justice agency must be as provided by section 3307 and section 3308.
3. Title 15, section 3308-A, subsection 3 clarifies that juvenile intelligence and investigative record information is confidential other than as provided in subsection 2. Additionally, subsection 3 lists certain disseminations of confidential juvenile intelligence and investigative record information that are expressly authorized. These parallel those contained in Title 16, section 805.

Committee Amendment "A" (H-360)

This amendment clarifies that Maine courts, unlike other criminal justice agencies, must provide their own internal procedures addressing access and review.

It authorizes the release of intelligence and investigative record information to the Secretary of State for use in the determination and issuance of a driver's license suspension.

It amends the provision of the bill regarding judicial review to eliminate unnecessary language.

Enacted Law Summary

Public Law 2013, chapter 267 revises the criminal history record information laws, currently allocated to the Maine Revised Statutes, Title 16, chapter 3, subchapter 8 as follows.

It repeals chapter 3, subchapter 8, which includes sections 611 to 623, and enacts 2 new chapters within Title 16. The creation of 2 chapters allows for the separate treatment of the 2 mutually exclusive information-of-record categories of criminal history record information and intelligence and investigative record information. Their consolidated treatment in chapter 3, subchapter 8 resulted in significant confusion as to their differing meanings and applications.

Public Law 2013, chapter 267 enacts Title 16, chapter 7, which:

1. Designates, in section 701, the new chapter as the Criminal History Record Information Act;
2. Outlines, in section 702, the chapter's scope and application, which had no counterpart in former subchapter 8. It makes clear that when criminal history record information is public information, the term "public criminal history record information" is used. Similarly, when criminal history record information is confidential, it is labeled as "confidential criminal history record information"; and
3. Defines, in section 703, like in former section 611, technical terms used throughout the subchapter, including:
 - A. A definition of "administration of criminal justice," which mirrors former section 611, subsection 1, except

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that the word "detection" has been eliminated from the first sentence and "criminal identification activities" has been eliminated from the 2nd sentence because such activities are now addressed in the new chapter 9 regarding intelligence and investigative record information;

B. A definition of "confidential criminal history record information," which replaces former section 611, subsection 9. What was formerly identified as "nonconviction data" is now identified as "confidential criminal history record information." The types of criminal history record information described in former section 611, subsection 9 are included in section 703, subsection 2 and have been modified for purposes of clarity and completeness. Section 703, subsection 2, paragraphs D, I, J and K have no counterpart in former section 611, subsection 9;

C. A definition of "criminal history record information," which replaces former section 611, subsection 3 with a new section 703, subsection 3 and expands on the former definition. The new subsection 3 employs and refers to formal involvement in the criminal justice system either as an accused or as a convicted criminal defendant and defines the term to specifically include "a juvenile treated by statute as an adult for criminal prosecution purposes" and expands on examples of criminal history record information. The new definition expressly excludes civil proceedings of any kind, intelligence and investigative record information and any information of record of juvenile crime proceedings;

D. A definition of "criminal justice agency," which replaces former section 611, subsection 4 with a new section 703, subsection 4 and differs in 4 substantive respects. First, the definition now specifies that the only jurisdictions to which it applies are the Federal Government, a state as defined in the new section 703, subsection 9 and the State of Maine. Foreign countries, other than Canada, are not included. Second, as to the included jurisdictions, the applicable government agencies or subunits are at all governmental levels. The former references to state, district, county or local have been replaced by "at any governmental level" because although these governmental divisions are appropriate insofar as Maine is concerned, they are not necessarily correct in describing the governmental divisions in the other named jurisdictions. Third, the definition no longer conditions government agency or subunit qualification on whether the criminal justice agency allocates a substantial part of its annual budget to the administration of criminal justice. It also adds an equivalent agency of any federally recognized Indian tribe. Fourth, it replaces the word "courts" with "federal courts, Maine courts, courts in any other state";

E. A definition of "disposition," which replaces former section 611, subsection 5;

F. A definition of "dissemination," which parallels former section 611, subsection 6, but expands the listed means of transmission by adding the phrase "by any means";

G. A definition of "executive order," which parallels former section 611, subsection 7 but makes 3 nonsubstantive changes; and

H. A definition of "public crimes."

Public Law 2013, chapter 267 enacts Title 16, chapter 9, which:

1. Enacts section 801, which designates chapter 9 as the Intelligence and Investigative Record Information Act;
2. Enacts section 802, which replaces that portion of former section 614, subsection 1 that applied the section 614 limitations on dissemination of intelligence and investigative information of record to specifically identified Maine criminal justice agencies, rather than to all Maine criminal justice agencies. Section 802 applies the chapter to all Maine criminal justice agencies; and
3. Defines in section 803, like in former section 611, technical terms used throughout the chapter, including:

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A. A definition of "administration of civil justice," which had no counterpart in former subchapter 8. It addresses the same types of criminal justice agency activities described in the new subsection 2 but in the context of "civil violations" and "civil actions" rather than in the context of crimes. It does not include known, suspected or possible traffic infractions;

B. A definition of "administration of criminal justice," which is wholly different from former section 611, subsection 1 except to the extent former subsection 1 included the activities of "detection" and "criminal identification." It includes criminal justice agency activities "relating to the anticipation, prevention, detection, monitoring or investigation of known, suspected or possible crimes," activities that generally predate the activities addressed in former section 611, subsection 1. However, particularly in the context of "known" crimes, investigation can continue well after a specific, identifiable person is formally involved with the criminal justice system as an accused in anticipation of trial and sentencing;

C. A definition of "administration of juvenile justice," which had no counterpart in former subchapter 8. It addresses the same types of criminal justice agency activities described in the new subsections 1 and 2 but in the context of juvenile crimes. The administration of juvenile justice is distinct from the administration of criminal justice and the administration of civil justice because a juvenile crime is, strictly speaking, neither a crime nor is it civil. It is a hybrid of both. As a consequence, the administration of juvenile justice is expressly excluded from the definition of "intelligence and investigative record information" and is instead addressed in a new section 3308-A of the Maine Juvenile Code;

D. A definition of "criminal justice agency," which replaces former section 611, subsection 4 and mirrors new section 703, subsection 4, except it does not include courts. Courts are now addressed in section 805, subsection 4;

E. A definition of "dissemination," which replaces former section 611, subsection 6 and mirrors new section 703, subsection 6;

F. A definition of "executive order," which replaces former section 611, subsection 7 and mirrors new section 703, subsection 7; and

G. A definition of "intelligence and investigative record information," which replaces former section 611, subsection 8 and modifies the former definition to better clarify the scope of the definition. It speaks both in terms of information of record collected or kept by any Maine criminal justice agency while performing the "administration of criminal justice," which is included as subsection 1, and in terms of information of record collected or kept by the Department of the Attorney General or by district attorneys' offices when they are performing the administration of civil justice, included as subsection 2. The definition of "intelligence and investigative record information" includes the Department of the Attorney General's records relating to the administration of civil justice in order to perpetuate Public Law 1993, chapter 719, "An Act to Bring the Department of the Attorney General into Conformity with the Criminal History Record Information Laws."

Public Law 2013, chapter 267 moves the confidentiality protection for reports of animal cruelty from the former section governing intelligence and investigative record information to the animal welfare laws in Titles 7 and 17.

Public Law 2013, chapter 267 adds a new section 3308-A to the Maine Juvenile Code, addressing dissemination of juvenile intelligence and investigative record information by a Maine criminal justice agency as follows.

1. Title 15, section 3308-A, subsection 1 contains technical terms used in that section. The terms "administration of juvenile justice," "criminal justice agency," "dissemination," "executive order," "state" and "statute" mirror the meanings found in the new Title 16, section 803, subsections 3 to 6, 8 and 9, respectively. The term "juvenile intelligence and investigative record information" has no counterpart in Title 16, section 803 because the

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"administration of juvenile justice" is expressly excluded from the definition of "intelligence and investigative record information" in section 803, subsection 7.

2. Title 15, section 3308-A, subsection 2 clarifies that, to the extent a criminal justice agency has juvenile intelligence and investigative record information that has been made part of the court records of a juvenile proceeding, dissemination of that information by the criminal justice agency must be as provided by section 3307 and section 3308.

3. Title 15, section 3308-A, subsection 3 clarifies that juvenile intelligence and investigative record information is confidential other than as provided in subsection 2. Additionally, subsection 3 lists certain disseminations of confidential juvenile intelligence and investigative record information that are expressly authorized. These parallel those contained in Title 16, section 805.

It also clarifies that Maine courts, unlike other criminal justice agencies, must provide their own internal procedures addressing access and review.

Public Law 2013, chapter 267 authorizes the release of intelligence and investigative record information to the Secretary of State for use in the determination and issuance of a driver's license suspension.

LD 1513 *Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System* **CARRIED OVER**

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

This resolve requires the Department of Corrections, the Department of Education, the Department of Health and Human Services and the Department of Labor to fund, support the administration of and provide staffing for the statewide coordinated services district system established pursuant to Resolve 2009, chapter 204 to coordinate and implement service delivery initiatives to increase high school graduation rates, reduce the number of youth in the juvenile justice system, reduce child abuse and neglect and increase employment opportunities for youth.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1515 *An Act To Increase the Availability of Mental Health Services* **CARRIED OVER**

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

This bill authorizes the Commissioner of Corrections to:

1. Under certain circumstances, transfer an adult jail inmate to a correctional facility for the purpose of providing the inmate with mental health services;
2. Accept placement in a mental health unit of a correctional facility for observation of an adult defendant who has been committed to the custody of the Commissioner of Health and Human Services;

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3. Accept placement in a mental health unit of a correctional facility for hospital-level care and treatment of an adult defendant who has been found incompetent to stand trial and committed to the custody of the Commissioner of Health and Human Services; and
4. Under certain circumstances, medicate a person with mental illness residing in a correctional or detention facility without that person's consent, subject to the person's right to have a court hearing prior to being involuntarily medicated or a court hearing after the issuance of an ex parte court order in an emergency situation.

Committee Amendment "A" (H-490)

This amendment makes the language in the bill relating to involuntary medication of a person with mental illness residing in a mental health unit of a Department of Corrections correctional facility consistent with the language in the Maine Revised Statutes, Title 34-B relating to involuntary medication of a person with mental illness residing in a state mental health institute.

The amendment also makes clear that the provision for involuntary medication by court order applies only to those persons with mental illness who are at least 18 years of age and residing in a mental health unit of a Department of Corrections correctional facility providing hospital-level care and treatment.

The amendment also adds a new "second opinion" ground that must be met to obtain an involuntary medication order, sets out a clear and convincing evidence standard for all court findings and specifies various elements of the involuntary medication court hearings.

The amendment adds a repeal date of August 1, 2017 to the new involuntary medication provisions and the new transfer and placement provisions. The amendment requires the Department of Health and Human Services and the Department of Corrections to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2017 regarding the operations of a correctional facility's mental health unit. The report must include the average daily population of the mental health unit, the average daily staffing patterns, the average length of stay in the unit, a description of services provided and the number of persons placed in the unit pursuant to the Maine Revised Statutes, Title 34-A, sections 3069-A, 3069-B and 3069-C. The report must also include any recommendations for reallocation of resources or the redesign of services of the mental health unit, the forensic services provided at Riverview Psychiatric Center and the transfer provisions of Title 34-A, sections 3069-A, 3069-B and 3069-C.

The amendment also requires the Department of Corrections, by January 15, 2017, to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the number of applications submitted and orders granted pursuant to Title 34-A, section 3049.

The amendment requires the Department of Health and Human Services to prepare a plan regarding how to fully assess for brain injury or suspected brain injury persons who enter into the custody of the department under Title 15, section 101-D or section 103. The plan must include how the department will meet the needs of persons who have traumatic or acquired brain injuries and must be presented in a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2017.

Finally, the amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-495)

This amendment adds an emergency preamble and an emergency clause to the bill.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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SUBJECT INDEX

Animal Cruelty

Not Enacted

LD 703	An Act To Make Post-conviction Possession of Animals a Criminal Offense	VETO SUSTAINED
LD 1289	An Act To Create an Animal Abuser Registry	ONTP

Competency to Stand Trial/Mental Health

Enacted

LD 1433	An Act To Amend the Laws Governing Mental Responsibility for Criminal Conduct	PUBLIC 265
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Not Enacted

LD 1515	An Act To Increase the Availability of Mental Health Services	CARRIED OVER
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Criminal History Record Information/DNA/Forensics

Enacted

LD 1493	An Act To Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information	PUBLIC 267
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Criminal Law

Enacted

LD 251	An Act Criminalizing Trafficking in Contraband in State Hospitals Serving Adults	PUBLIC 191
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Not Enacted

LD 379	An Act To Require Institutions To Report Knowledge or Suspicion of Criminal Violations to a Law Enforcement Agency	ONTP
LD 1305	An Act To Discourage Tenants from Damaging Rental Property	MAJORITY (ONTP) REPORT

Criminal Procedure/Bail/Sentencing

Enacted

LD 381	An Act To Allow a Court To Order a Person Who Violates a Municipal Ordinance To Perform Community Service Work	PUBLIC 114
LD 1419	An Act To Allow a Setoff of a Third-party Bailor's Property under Certain Conditions	PUBLIC 211
LD 1438	An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, Statutory Post-conviction Review, the Maine Criminal Code and a Related Statute	PUBLIC 266

Not Enacted

LD 192	An Act To Allow Consideration of Fetal Alcohol Spectrum Disorder at Sentencing in a Criminal Case	MAJORITY (ONTP) REPORT
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Criminal Procedure/Bail/Sentencing

Not Enacted

LD 266	An Act To Improve the Law Regarding Bail Commissioners	MAJORITY (ONTP) REPORT
LD 277	An Act To Clarify the Laws Regarding the Calculation of the Period of Imprisonment	ONTP
LD 626	An Act To Remove the Mandatory Minimum Jail Sentence in Certain Cases	MAJORITY (ONTP) REPORT
LD 1079	An Act To Provide for Alternatives for the Courts To Address Settlement of Fines in Certain Cases	ONTP

Department of Corrections

Enacted

LD 355	An Act To Amend Provisions Relating to the Department of Corrections To Clarify Certain Enforcement Powers	PUBLIC 80
LD 701	An Act To Amend the Laws Governing Probation and Remove References to the Intensive Supervision Program of the Department of Corrections	PUBLIC 133

Not Enacted

LD 1513	Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System	CARRIED OVER
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Domestic Violence

Enacted

LD 1237	Resolve, Directing the Department of Corrections To Amend Its Rules Pertaining to Certification of Batterer Intervention Programs	RESOLVE 3 EMERGENCY
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Drugs

Enacted

LD 661	An Act To Prohibit Sale or Possession of Synthetic Cannabinoids	PUBLIC 341
LD 1439	An Act To Repeal Certain Maine Criminal Code Provisions Addressing So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and Instead To Define Them as Schedule W Drugs	PUBLIC 194

Not Enacted

LD 166	An Act To Criminalize Importation of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs	ONTP
LD 664	An Act To Increase the Penalties for Crimes Involving Illegal or Prescription Drugs	ONTP
LD 1044	An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances	VETO SUSTAINED
LD 1229	An Act To Regulate and Tax Marijuana	MAJORITY (ONTP) REPORT

Electronic Devices--Monitoring/Crimes/Disposal

Enacted

LD 842	An Act To Facilitate the Use of Electronic Monitoring	PUBLIC 227
LD 1316	An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime	PUBLIC 297

Electronic Devices--Monitoring/Crimes/Disposal

Not Enacted

LD 526	An Act To Allow for the Disposition of Certain Items Confiscated from Criminals Convicted of Sexual Exploitation of Minors	ONTP
LD 662	An Act Regarding Sexually Explicit Text Messaging by Minors	CARRIED OVER
LD 1233	An Act Regarding Cyberbullying	ONTP

Firearms/Concealed Firearms

Enacted

LD 576	Resolve, To Protect Concealed Handgun Permit and Other Public Records Information on a Temporary Basis	RESOLVE 1 EMERGENCY
LD 724	An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed	PUBLIC 328

Not Enacted

LD 139	An Act To Amend the Laws Governing the Sale of Firearms Carried by Maine State Police	ONTP
LD 188	An Act To Criminalize Possession of a Suspended or Revoked Concealed Handgun Permit	ONTP
LD 189	An Act To Establish a Central Concealed Handgun Permit Database	ONTP
LD 191	An Act To Authorize the Suspension of a Concealed Handgun Permit	MAJORITY (ONTP) REPORT
LD 222	An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun	CARRIED OVER
LD 223	An Act To Amend the Laws Regarding a Concealed Handgun Permit	MINORITY (ONTP) REPORT
LD 265	An Act To Repeal the Restriction on Employers Regarding Firearms Kept in an Employee's Vehicle	MAJORITY (ONTP) REPORT
LD 267	An Act Regarding the Sale of Firearms at Gun Shows	MINORITY (ONTP) REPORT
LD 335	An Act To Review Firearm Laws in the State	ONTP
LD 380	An Act To Clarify the Law Concerning the Threatening Display of Dangerous Weapons	VETO SUSTAINED
LD 594	An Act To Prohibit Possession of a Firearm by a Person Who Has Created a Police Standoff	ONTP
LD 660	An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons	MAJORITY (ONTP) REPORT
LD 771	An Act To Amend the Laws Governing Reciprocity for Concealed Handguns Permits	ONTP
LD 888	An Act To Provide Funding to the Judicial Branch to Facilitate Reporting to the National Instant Criminal Background Check System	MAJORITY (ONTP) REPORT

Firearms/Concealed Firearms

Not Enacted

LD 958	An Act To Establish a Database To Prevent Individuals Involuntarily Admitted or Committed to a Mental Health Institution from Being Issued Concealed Handgun Permits	ONTP
LD 997	An Act To Establish Restrictions on Ammunition Feeding Devices	ONTP
LD 1022	An Act To Improve Training Requirements for Obtaining a Concealed Handgun Permit	MAJORITY (ONTP) REPORT
LD 1053	An Act Regarding a Retired Law Enforcement Officer Carrying a Concealed Handgun without a Permit	ONTP
LD 1173	An Act To Repeal the Law Allowing Concealed Weapons in State Parks with Certain Exceptions	MAJORITY (ONTP) REPORT
LD 1182	An Act Regarding the Disposition of Firearms in State Custody	ONTP
LD 1183	An Act To Prohibit the Enforcement of Federal Law Placing Restrictions on Firearms or Ammunition	MAJORITY (ONTP) REPORT
LD 1240	An Act To Promote the Safe Use and Sale of Firearms	VETO SUSTAINED
LD 1429	An Act To Allow School Administrative Units To Establish Rules, Procedures and Guidelines for Properly Trained Staff To Carry a Concealed Handgun on School Property while Acting in Their Official Capacities	MAJORITY (ONTP) REPORT

Fireworks

Enacted

LD 839	An Act To Amend the Laws Governing the Licensing of Technicians Involved in a Display of Fireworks or Special Effects	PUBLIC 56
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Not Enacted

LD 111	An Act To Restrict the Sale, Purchase and Use of Fireworks in the State	CARRIED OVER
LD 168	An Act To Establish Reasonable Restrictions on the Use of Fireworks	CARRIED OVER
LD 456	An Act To Protect Farm Animals from Noise from the Discharge of Fireworks or Explosives	MAJORITY (ONTP) REPORT
LD 478	An Act To Require a Local Permit for the Use of Fireworks	ONTP
LD 663	An Act To Change the Time Restriction on the Use of Fireworks	ONTP

Juveniles

Enacted

LD 1112	An Act To Amend the Maine Juvenile Code and Related Statutes	PUBLIC 234
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Not Enacted

LD 1470	An Act To Develop Juvenile Assessment Centers	ONTP
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Law Enforcement

Enacted

Law Enforcement

Enacted

LD 1432 An Act To Revise the Laws of the Maine Criminal Justice Academy PUBLIC 147

Not Enacted

LD 140 An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy DIED BETWEEN HOUSES

LD 152 An Act To Authorize the Commissioner of Agriculture, Conservation and Forestry To Nominate Certain Rangers in the Division of Forestry To Become Conservation Law Enforcement Officers LEAVE TO WITHDRAW

LD 297 An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms CARRIED OVER

LD 685 An Act To Require Investigation and Prosecution of Assaults by Law Enforcement Officers against Unarmed Individuals ONTP

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

LD 1045 An Act To Establish the Forensic Advisory Committee MAJORITY (ONTP) REPORT

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

Maine Emergency Management Agency

Enacted

LD 326 An Act To Update the Maine Emergency Management Laws PUBLIC 146

Not Enacted

LD 122 An Act To Provide Assistance to Municipalities Recovering from a Municipally Significant Disaster MAJORITY (ONTP) REPORT

OUI/OAS/Other MV Violations

Enacted

LD 85 An Act To Amend the Motor Vehicle Ignition Interlock Device Requirements in the Laws Regarding Operating Under the Influence PUBLIC 187

LD 1260 An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence PUBLIC 389

Not Enacted

LD 190 An Act To Provide a Ten Percent Discount to Persons Charged with a Traffic Infraction Who Pay Fines by Waiver ONTP

LD 926 An Act To Increase the Penalty for an Adult Who Provides Alcohol to a Minor Involved in a Fatal Accident ONTP

Prison/Jail/Inmate

Enacted

LD 353 An Act To Allow Young Adult Offenders To Be Confined in Juvenile Correctional Facilities and To Comply with Federal Law Requirements PUBLIC 28

LD 354 An Act To Amend the County Jail Inspection Requirement for Nationally Accredited Facilities PUBLIC 27

Not Enacted

Prison/Jail/Inmate

Not Enacted

LD 76	An Act To Provide Funding to the State Board of Corrections for Certain County Jail Debt	INDEF PP
LD 238	An Act To Designate the Jail in Franklin County as a Jail Rather than a Holding Facility	ONTP
LD 382	An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time	ONTP
LD 502	An Act To Allow County Jails To Apply Savings to Debt Service without a Reduction in State Payments	CARRIED OVER
LD 873	An Act To Establish Positive Reentry Parole	ONTP
LD 1320	An Act To Fairly Distribute the Debt Burden between the State and County Correctional Functions	MAJORITY (ONTP) REPORT

Public Safety/Emergency Medical Services

Enacted

LD 296	An Act To Equalize the Fire Investigation and Prevention Tax Paid by Insurers	PUBLIC 95
LD 298	An Act Regarding the Membership of the Emergency Medical Services' Board	PUBLIC 62
LD 820	An Act Regarding Fire Escapes for Certain Buildings	PUBLIC 76
LD 840	An Act To Amend the Law Regulating the Use of Explosives	PUBLIC 57

Not Enacted

LD 40	An Act To Protect a Private Memorial Placed in a Public Right-of-way	MAJORITY (ONTP) REPORT
LD 593	An Act To Require That Carbon Monoxide Detectors Be Installed inside Educational Facilities	MAJORITY (ONTP) REPORT
LD 647	An Act To Establish the Mobile Crime Laboratory Fund	DIED BETWEEN HOUSES
LD 708	An Act To Reduce Emergency Rescue Costs	ONTP
LD 1234	An Act To Establish the Computer Crimes Unit Fund and Authorize the Department of Public Safety To Accept Donations for the Fund	DIED BETWEEN HOUSES

Sex Offenses -- Criminal

Enacted

LD 498	An Act To Allow a Municipality To Prohibit a Sex Offender from Residing within 750 Feet of a Recreational Facility	PUBLIC 161
LD 883	An Act Regarding the Sexual Assault Forensic Examiner Advisory Board	PUBLIC 68
LD 1491	An Act To Extend the Statute of Limitations on Certain Sex Crimes	PUBLIC 392

Sex Trafficking

Enacted

Sex Trafficking

Enacted

LD 1159 **An Act To Address Human Trafficking, Sex Trafficking and Prostitution** **PUBLIC 407**

Theft/Bad Checks

Enacted

LD 527 **An Act To Protect Vulnerable Adults from Exploitation** **PUBLIC 414**

LD 887 **An Act To Repeal a Specialized Form of the Generic Crime of Theft by
Unauthorized Taking or Transfer** **PUBLIC 96**

Not Enacted

LD 366 **An Act To Adjust the Values of Property That Define the Class of Crime for
Theft Offenses** **ONTP**

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