

STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2015

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Joint Standing Committee on Criminal Justice and Public Safety

**LD 43 An Act To Specify That Theft by Deception Includes False Claims
Regarding Military Service**

PUBLIC 21

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN CYRWAY	OTP-AM	H-21

This bill creates the criminal offense of false claims of military service status, which is a Class E crime. A person is guilty of a false claim of military service status if, with the intent to solicit aid, sell or attempt to sell property or otherwise solicit an amount of more than \$10, the person falsely claims to be a veteran or member of the Armed Forces of the United States or a state military force, falsely claims to have served in any war or conflict in which the United States was engaged or orally, in writing or by wearing a military decoration or rank, falsely claims to have been awarded the military decoration or rank.

Committee Amendment "A" (H-21)

This amendment replaces the bill. It specifies that theft by deception includes a person claiming falsely that the person is a veteran or a member of the Armed Forces of the United States or a state military force. It also provides that upon request by a law enforcement officer or a prosecutor, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services may release information regarding a person's military service for the purposes of investigating alleged false claims of service or decoration awarded for service in the Armed Forces of the United States or a state military force.

Enacted Law Summary

Public Law 2015, chapter 21 specifies that theft by deception includes a person claiming falsely that the person is a veteran or a member of the Armed Forces of the United States or a state military force. The law also provides that upon request by a law enforcement officer or a prosecutor, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services may release information regarding a person's military service for the purposes of investigating alleged false claims of service or decoration awarded for service in the Armed Forces of the United States or a state military force.

**LD 54 Resolve, To Ensure Notification to the Public of the Location in Maine
of Persons Convicted in Foreign Countries of Crimes Relating to the
Sexual Abuse of a Child**

ONTP

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

This resolve directs the Attorney General to convene a task force that includes members of the Maine Sheriffs' Association, members of the Maine Chiefs of Police Association and the Attorney General to develop a procedure for notifying affected members of the public of the location in this State of a person who was convicted in a foreign country of a crime relating to the sexual abuse of a child that, if committed in this State, would subject a person to inclusion on this State's sex offender registry. It provides that the task force may consider information provided by the Department of Public Safety, Bureau of State Police. It directs the Attorney General to submit a report of the task force's findings to the Joint Standing Committee on Criminal Justice and Public Safety by December 2, 2015 and allows the committee to report out a bill related to the report of the task force to the Second Regular Session of the 127th Legislature.

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LD 62 An Act To Require Notice to Municipalities of Certain Licensing and Registration Actions Taken by the Emergency Medical Services' Board

PUBLIC 6

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH WOODSOME	OTP-AM	H-13

This bill provides notice to the municipal officers of a municipality when the Emergency Medical Services' Board investigates or takes action with regard to a violation of law or rule in connection with the provision of emergency medical services in the municipality. The bill provides an exception to Emergency Medical Services' Board confidentiality protections when notice is given to municipal officers.

Committee Amendment "A" (H-13)

The amendment removes from the bill the requirement of notice regarding pending investigations. It also removes the exception from confidentiality to provide that notice. It requires notice in writing to be provided to the town manager or city manager and the municipal officers within five business days of the date when the Emergency Medical Services' Board takes licensing or registration action against or issues letters of guidance or concern with regard to an ambulance service that is owned and operated by the municipality or that contracts to provide services for the municipality.

Enacted Law Summary

Public Law 2015, chapter 6 requires notice in writing to be provided to the town manager or city manager and the municipal officers within five business days of the date when the Emergency Medical Services' Board takes licensing or registration action against or issues letters of guidance or concern with regard to an ambulance service that is owned and operated by the municipality or that contracts to provide services for the municipality.

LD 69 An Act To Require Drug Testing of the Driver of a Motor Vehicle Involved in a Fatal Accident

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE MCCORMICK	OTP-AM	H-25

Current law requires a law enforcement officer investigating a motor vehicle accident that has resulted in, or may result in, death to require the operator of a motor vehicle to submit to a blood test. If the investigating officer determines it to be appropriate, the officer may require that operator to also submit to a breath test or chemical test to determine the operator's alcohol level or the presence of a drug or drug metabolite.

This bill requires the investigating officer to require the operator of a motor vehicle involved in an accident that results in, or may result in, death to submit to a breath test or chemical test to determine the alcohol level or the presence of a drug or drug metabolite.

Committee Amendment "A" (H-25)

This amendment replaces the bill and requires the Department of Health and Human Services to test blood samples of the operator of a motor vehicle involved in an accident that results in, or may result in, death to determine the blood-alcohol level and the presence of any drug or drug metabolite and report the test results to the Department of Public Safety, Bureau of Highway Safety. This amendment delays the effective date of the bill until July 1, 2016. The amendment adds an appropriations and allocations section.

Joint Standing Committee on Criminal Justice and Public Safety

LD 113 An Act To Reduce the Penalties for Certain Drug Offenses

PUBLIC 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ DION	OTP-AM ONTP OTP-AM	S-269

This bill amends the Maine Criminal Code by striking language that defines as trafficking or furnishing the possession of a certain amount of heroin and all permissible inferences based on possession of schedule W or X drugs. This bill also downgrades felony-level trafficking, furnishing, possession and hypodermic needles offenses.

Committee Amendment "A" (S-268)

This amendment is one of three reports of the committee. The amendment changes the title of the bill and reduces possession of oxycodone in a quantity of less than 30 milligrams or hydrocodone or hydromorphone from a Class C crime to a Class D crime. The amendment defines "fentanyl powder." The amendment classifies as Class C crimes possession of fentanyl powder, cocaine in a quantity of seven grams or more and cocaine base in a quantity of two grams or more.

Committee Amendment "B" (S-269)

This amendment is one of three reports of the committee. The amendment reduces unlawful possession of certain schedule W drugs from a Class B crime to a Class D crime and of certain other schedule W drugs from a Class C crime to a Class D crime when there is no prior drug conviction in Maine or another jurisdiction. The amendment directs the court in sentencing a person for a Class D drug offense to consider imposing a sentencing alternative that includes medical and mental health treatment for addiction, when appropriate.

Enacted Law Summary

Public Law 2015, chapter 308 reduces unlawful possession of certain schedule W drugs from a Class B crime to a Class D crime and of certain other schedule W drugs from a Class C crime to a Class D crime when there is no prior drug conviction in Maine or another jurisdiction. The drugs for which the first offense of possession is reduced from Class B to Class D are cocaine in the quantity of more than 14 grams, cocaine base in the quantity of more than four grams and methamphetamine in the quantity of more than 14 grams. The drugs for which the first offense of possession is reduced from Class C to Class D are heroin, methamphetamine, oxycodone, hydrocodone and hydromorphone. The law directs the court in sentencing a person for a Class D drug offense to consider imposing a sentencing alternative that includes medical and mental health treatment for addiction, when appropriate.

LD 149 An Act To Protect Private Property and Livestock from Fireworks

**Accepted Majority
(ONTP) Report**

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

This bill prohibits the use of consumer fireworks where noise from the fireworks would disturb livestock or poultry or within one-quarter mile of a property where livestock or poultry are present without the consent of that property's owner, and prohibits a person from allowing debris from the use of consumer fireworks to enter or land on the property of a person who has not given consent for the debris to enter or land on the property.

Joint Standing Committee on Criminal Justice and Public Safety

LD 150 Resolve, Requiring a Review of and a Report on Pretrial and Post-conviction Use of Batterers' Intervention Programs

RESOLVE 15

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD	OTP-AM ONTP	H-54 S-67 CUSHING

This bill provides for anger management courses or specified jail time in addition to the sentences for certain domestic violence offenders. The bill directs the Department of Corrections, in consultation with the Maine Commission on Domestic and Sexual Abuse, to develop standards and procedures for certification of anger management programs and to certify those programs. The bill has an effective date of January 1, 2016.

Committee Amendment "A" (H-54)

This amendment, which is the majority report of the committee, replaces the bill with a resolve. The amendment directs the Department of Corrections and the Maine Commission on Domestic and Sexual Abuse, as established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-C, to review pretrial and post-conviction use of batterers' intervention programs. The review must include best practices for batterers' intervention programs, including the length of successful programs and sanctions and incentives to encourage full participation and the potential for use before trial, during a period of deferred disposition and after conviction. The amendment requires the Department of Corrections and the Maine Commission on Domestic and Sexual Abuse to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 on the results of the review. The report may include recommendations and suggested legislation. The amendment authorizes the Joint Standing Committee on Criminal Justice and Public Safety to submit a bill on pretrial and post-conviction use of batterers' intervention programs to the Second Regular Session of the 127th Legislature.

Senate Amendment "A" To Committee Amendment "A" (S-67)

This amendment strikes references to the Department of Corrections from Committee Amendment "A" leaving only the Maine Commission on Domestic and Sexual Abuse to review pretrial and post-conviction use of batterers' intervention programs.

Enacted Law Summary

Resolve 2015, chapter 15 directs the Maine Commission on Domestic and Sexual Abuse, as established in Title 5, section 12004-I, subsection 74-C, to review pretrial and post-conviction use of batterers' intervention programs. The review must include best practices for batterers' intervention programs, including the length of successful programs and sanctions and incentives to encourage full participation and the potential for use before trial, during a period of deferred disposition and after conviction. The resolve requires the Maine Commission on Domestic and Sexual Abuse to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 on the results of the review. The report may include recommendations and suggested legislation. The resolve authorizes the Joint Standing Committee on Criminal Justice and Public Safety to submit a bill on pretrial and post-conviction use of batterers' intervention programs to the Second Regular Session of the 127th Legislature.

LD 177 An Act To Protect Farm Animals from Noise from the Discharge of Fireworks and Explosives

Accepted Majority (ONTP) Report

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

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This bill prohibits the use of consumer fireworks or explosives, either loose or contained in a tube or other enclosure, within 1,000 feet of a field or pasture that contains livestock.

LD 186 An Act To Reverse Jail Consolidation

**PUBLIC 335
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS	OTP-AM	S-304
BLACK	OTP-AM	S-341 HAMPER

Public Law 2007, chapter 653, the so-called jail consolidation law, enacted changes to the correctional laws, including creating a State Board of Corrections, for the purpose of developing and implementing a unified correctional system. The public law established a cap on tax assessments for correctional services for each county based on the fiscal year 2007-08 county tax assessment for correctional-related expenditures and prohibited the counties from collecting taxes from the municipalities for the purpose of retiring any correctional services debt issued after July 1, 2008.

This bill repeals the changes that were made by Public Law 2007, chapter 653, eliminating the State Board of Corrections and all of its duties, and returns the law to the form it was in prior to jail consolidation. This bill requires that the State continue to provide funding to the counties in the same amount that it did in fiscal year 2014-15, \$12,202,104.

Committee Amendment "A" (S-304)

This amendment is the majority report of the committee. The amendment retains the focus of the bill on restoring oversight and control of the county jails to the counties and does the following.

1. It adds an emergency preamble and emergency clause.
2. It allows limited growth in county tax assessments to support the operation of the jails.
3. It provides a structure for boarding rates for prisoners transferred from a jail or correctional facility to another jail or correctional facility.
4. It establishes at \$14,668,000 the amount of state funding to be provided to the jails through the County Jail Operations Fund, which the amendment establishes, and requires jails to report census data to the Department of Corrections to facilitate the distribution of funding to the jails.
5. It sets at 30% the amount of funding from the County Jail Operations Fund that must be spent on community corrections and sets at 70% the amount that must be available for the support of prisoners detained or sentenced to county jails.
6. It requires the Commissioner of Corrections to adopt rules to establish mandatory standards, policies and procedures for the jails, including rules on reporting daily census data, and requires the commissioner to work with the jails to assist them in achieving compliance and to impose monetary penalties for noncompliance.
7. It requires the Commissioner of Corrections to receive, administer and distribute on a quarterly basis funding for the jails.
8. It requires the Department of Corrections, in collaboration with statewide associations of sheriffs and county commissioners, to annually submit a report to the joint standing committee of the Legislature having

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jurisdiction over criminal justice and public safety matters on the mandatory standards, policies and procedures for jails, the status of funding for the jails and any need for adjustments to the distribution formula that provides funding to the jails. The amendment authorizes the committee to submit legislation to address issues raised by the report and to improve the funding and operation of the jails.

9. The amendment also adds an appropriations and allocations section.

Committee Amendment "B" (S-305)

This amendment is the minority report of the committee. It replaces the bill and adds an emergency preamble and emergency clause. The amendment changes the membership and quorum of the State Board of Corrections. The amendment also does the following.

1. It changes the composition of the State Board of Corrections, adding five members as follows: the Commissioner of Administrative and Financial Services, the Commissioner of Corrections, the Commissioner of Health and Human Services, the Commissioner of Public Safety and the Chief of the State Police or the designees of each of those persons. It requires the member who represents a statewide organization of sheriffs and the member who represents a statewide organization of county commissioners to be appointed by the Governor.
2. It repeals entitlement to compensation for members of the board.
3. It changes the quorum rules as follows: for voting and rulemaking it changes the quorum from two-thirds of the membership to three members and for a subcommittee hearing it changes the quorum from three to two.
4. It designates the Commissioner of Corrections as chair.

Senate Amendment "B" To Committee Amendment "A" (S-341)

This amendment changes from \$14,668,000 to \$12,202,104 the amount of state funding to be provided to the jails through the County Jail Operations Fund, which is the threshold amount that must be appropriated to the County Jail Operations Fund to trigger a different maximum per prisoner per diem rate.

Enacted Law Summary

Public Law 2015, chapter 335 restores oversight and control of the county jails to the counties and does the following.

1. It allows limited growth in county tax assessments to support the operation of the jails.
2. It provides a structure for boarding rates for prisoners transferred from a jail or correctional facility to another jail or correctional facility.
3. It sets \$12,202,104 as the amount of state funding to be provided to the jails through the County Jail Operations Fund and requires jails to report census data to the Department of Corrections to facilitate the distribution of funding to the jails.
4. It sets at 30% the amount of funding from the County Jail Operations Fund that must be spent on community corrections and sets at 70% the amount that must be available for the support of prisoners detained or sentenced to county jails.
5. It requires the Commissioner of Corrections to adopt rules to establish mandatory standards, policies and procedures for the jails, including rules on reporting daily census data, and requires the commissioner to work with the jails to assist them in achieving compliance and to impose monetary penalties for noncompliance.

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6. It requires the Commissioner of Corrections to receive, administer and distribute on a quarterly basis funding for the jails.

7. It requires the Department of Corrections, in collaboration with statewide associations of sheriffs and county commissioners, to annually submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the mandatory standards, policies and procedures for jails, the status of funding for the jails and any need for adjustments to the distribution formula that provides funding to the jails. The law authorizes the committee to submit legislation to address issues raised by the report and to improve the funding and operation of the jails.

Public Law 2015, chapter 335 was enacted as an emergency measure effective July 12, 2015.

LD 195 An Act Regarding County Jails

CARRIED OVER

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

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 127th Legislature by joint order, H.P. 992.

LD 230 An Act To Allow a Person To Request a Pardon from the Governor for the Purpose of Restoring Gun Rights

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR BURNS	ONTP OTP	

This bill allows a person who is prohibited from possessing a firearm due to a criminal conviction or other judicial reason to request a pardon from the Governor for the purpose of restoring the person's ability to possess a firearm.

LD 239 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>
DANA BURNS	ONTP OTP	

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.

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**LD 263 An Act To Provide a Minor with a Defense to Prosecution in a Situation
That Involves Risk of Alcohol Overdose**

PUBLIC 154

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER BRAKEY	OTP-AM OTP-AM	H-142

This bill provides a defense to prosecution for a crime related to the consumption of alcohol by a person under 21 years of age or refusal to provide proper identification for a minor who, in a situation that involved risk to the minor or another person of overdose from the consumption of alcohol, in good faith sought medical or emergency treatment or assistance for the minor or the other person or that the minor was the person for whom treatment or assistance was sought and the evidence of the crime is obtained as a result of the minor contacting emergency medical services or law enforcement. This bill does not provide a defense to a charge of operating a motor vehicle while under the influence of alcohol.

Committee Amendment "A" (H-142)

This amendment is the majority report of the committee and replaces the bill. The amendment provides a minor with a defense to prosecution under the alcoholic beverages laws applicable to minors when there is a risk of alcohol overdose and either:

1. The minor or someone else has in good faith sought medical or emergency treatment or assistance for the minor, or
2. The minor is the person for whom assistance was sought and the evidence of the violation is obtained as a result of the person contacting emergency medical services or law enforcement.

Committee Amendment "B" (H-143)

This amendment is the minority report of the committee and replaces the bill. The amendment provides a new title for the bill. The amendment provides immunity to a minor from prosecution under the alcoholic beverages laws applicable to minors when there is a risk of alcohol overdose. The bill proposes to provide a defense to prosecution for a minor when there is a risk of alcohol overdose.

Enacted Law Summary

Public Law 2015, chapter 154 provides a minor with a defense to prosecution under the alcoholic beverages laws applicable to minors when there is a risk of alcohol overdose and either:

1. The minor or someone else has in good faith sought medical or emergency treatment or assistance for the minor, or
2. The minor is the person for whom assistance was sought and the evidence of the violation is obtained as a result of the person contacting emergency medical services or law enforcement.

**LD 264 An Act To Restore the Right To Possess Certain Knives That Are Used
by Many Citizens as Tools**

PUBLIC 23

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

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This bill repeals the provision of law making possession or distribution of dangerous knives a Class D crime.

Enacted Law Summary

Public Law 2015, chapter 23 repeals the provision of law making possession or distribution of dangerous knives a Class D crime.

LD 302 An Act To Encourage Responsible Consumer Fireworks Use

Died Between Houses

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

This bill makes the following changes to the consumer fireworks law:

1. It prohibits the use of consumer fireworks whenever the Governor issues a proclamation prohibiting out-of-door fires.
2. It clarifies that the use of consumer fireworks may constitute loud and unreasonable noise under the disorderly conduct law pursuant to the Maine Revised Statutes, Title 17-A, section 501-A.

Committee Amendment "A" (S-39)

This amendment is the majority report of the committee. The amendment removes from the bill the provision related to disorderly conduct.

LD 310 An Act To Prevent Organized Retail Crime

PUBLIC 85

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK HOBBINS	OTP-AM	S-30

This bill makes the following a Class C crime:

1. The theft of retail merchandise by two or more people acting in concert, including an employee of a retail establishment; and
2. The altering, affixing or presenting of a false product code or sales receipt in order to obtain or exercise unauthorized control over merchandise from a retail establishment.

Committee Amendment "A" (S-30)

This amendment replaces the bill. This amendment does the following.

1. It repeals and replaces a provision of law that allows the owner or an agent of the owner of a store or motion picture theater to detain a person suspected of stealing from the store or unlawfully recording in a theater. Current law allows the owner or an agent of the owner to detain a person suspected of unlawfully concealing merchandise of the store or unlawfully recording in a movie theater. The amendment separates the store and movie theater provisions and allows the owner of a store or the agent of the owner to detain a person suspected of unlawfully

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concealing or stealing merchandise of the store. The amendment makes no changes to the substance of the law on unlawfully recording in a motion picture theater.

2. It establishes a new crime of organized retail theft. Organized retail theft is defined as a theft in which a person conspires with one or more other persons, either as a principal or as an accomplice, pursuant to a scheme or course of conduct to engage in theft from two or more retail stores for the purpose of selling the stolen merchandise or conducting fraudulent returns of the stolen merchandise. The amendment designates organized retail theft as a Class C crime.

Enacted Law Summary

Public Law 2015, chapter 85 repeals and replaces a provision of law that allows the owner or an agent of the owner of a store or motion picture theater to detain a person suspected of stealing from the store or unlawfully recording in a theater. Current law allows the owner or an agent of the owner to detain a person suspected of unlawfully concealing merchandise of the store or unlawfully recording in a movie theater. This law separates the store and movie theater provisions and allows the owner of a store or the agent of the owner to detain a person suspected of unlawfully concealing or stealing merchandise of the store. The law makes no changes to the substance of the law on unlawfully recording in a motion picture theater.

Public Law 2015, chapter 85 also establishes a new crime of organized retail theft. Organized retail theft is defined as a theft in which a person conspires with one or more other persons, either as a principal or as an accomplice, pursuant to a scheme or course of conduct to engage in theft from two or more retail stores for the purpose of selling the stolen merchandise or conducting fraudulent returns of the stolen merchandise. The law designates organized retail theft as a Class C crime.

LD 324 An Act To Control Fireworks in Monhegan Island Plantation

Accepted Minority (ONTP) Report

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

This bill prohibits the use of consumer fireworks in Monhegan Island Plantation, except on July 4th, and requires the Monhegan Island Plantation fire safety official to inspect the proposed site of a fireworks display.

LD 355 An Act To Extend the Statute of Limitations for the Prosecution of the Crime of Robbery

ONTP

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

This bill extends the statute of limitations for prosecution of a Class A or Class B crime of robbery from six years to 12 years following commission of the crime.

LD 375 An Act To Create a Blue Alert Program in Maine

PUBLIC 26

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

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This bill creates the Blue Alert Program to notify the public through various state agencies and media outlets when a law enforcement officer has been killed or injured or is missing and the Department of Public Safety determines that public notification would be useful in apprehending a suspected offender or finding a missing officer.

Enacted Law Summary

Public Law 2015, chapter 26 creates the Blue Alert Program to notify the public through various state agencies and media outlets when a law enforcement officer has been killed or injured or is missing and the Department of Public Safety determines that public notification would be useful in apprehending a suspected offender or finding a missing officer.

LD 376 An Act To Provide a Source of Funding for Drug Abuse Resistance Education Died Between Houses

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

This bill requires the funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public to be used to fund educational programs taught by law enforcement officers that target prevention of substance abuse, violence or high-risk behavior and teach students good decision-making skills to help them lead safe and healthy lives. These educational programs are known as the Drug Abuse Resistance Education program.

Committee Amendment "A" (S-95)

This amendment is the minority report of the committee. The amendment replaces the bill, which proposes to require funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public to be used to fund drug abuse resistance education programs. The amendment imposes a surcharge of \$10 on all fines imposed by a court under the Maine Revised Statutes, Title 17-A, chapter 45, the laws on illegal possession of drugs. The amendment requires that the revenues from the surcharges be deposited in the DARE Fund to be used to fund DARE programs in schools. "DARE" is defined as an educational program taught by law enforcement officers to students in kindergarten to grade 12 that targets prevention of substance abuse, violence or high-risk behavior and teaches students good decision-making skills to help them to lead safe and healthy lives. The amendment also adds an appropriations and allocations section.

LD 379 An Act To Create the Sex Offender Management and Risk Assessment Advisory Commission PUBLIC 86

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND FOWLE	OTP-AM	S-31

This bill moves the law establishing the Sex Offender Risk Assessment Advisory Commission from the Maine Revised Statutes, Title 17-A to Title 34-A and changes the name of the commission to the Sex Offender Management and Risk Assessment Advisory Commission. The bill also makes changes to the provisions of law regarding the commission's powers and duties by requiring the commission to study and offer amendments to the sex offender registration and notification laws and by allowing the commission to accept funding.

Committee Amendment "A" (S-31)

This amendment removes from the bill the duty of the Sex Offender Management and Risk Assessment Advisory

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Commission to conduct a continuing study of methods that may be used to predict the risk of recidivism and to develop a risk assessment method to be used for that purpose. The amendment also removes from the bill the duty to evaluate the plausibility, implementation and application of sex offender risk assessments. The amendment clarifies that the commission is the successor to the Sex Offender Risk Assessment Advisory Commission but is not the successor in every way to the powers, duties and functions of that commission.

Enacted Law Summary

Public Law 2015, chapter 86 moves the law establishing the Sex Offender Risk Assessment Advisory Commission from Title 17-A to Title 34-A and changes the name of the commission to the Sex Offender Management and Risk Assessment Advisory Commission. The law changes the commission's powers and duties by requiring the commission to study and offer amendments to the sex offender registration and notification laws and allowing the commission to accept funding.

LD 415 An Act To Promote the Safe Use and Sale of Firearms

**Died Between
Houses**

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

This bill creates the civil violation of the sale or transfer of a firearm to a prohibited person and strict liability Class E crime for a second or subsequent offense of selling or transferring a firearm to a prohibited person. The bill 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. The bill 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. The bill 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.

Committee Amendment "A" (H-474)

This amendment is the majority report of the committee. The bill proposes a mandatory \$500 fine for a person who sells or transfers a firearm to a prohibited person. The amendment changes the mandatory fine to a discretionary fine of up to \$500. The bill changes the fine in existing law in which it is a civil violation to give a false or fictitious name to a firearms dealer from a discretionary fine of \$50 to a mandatory fine of up to \$1,000; the amendment provides for a discretionary fine of up to \$1,000.

Committee Amendment "B" (H-475)

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

1. It authorizes a person who is not prohibited from possessing a firearm to carry a concealed handgun without a permit.
2. It authorizes a person to possess a loaded pistol or revolver while in a motor vehicle or a trailer or other type of vehicle being hauled by a motor vehicle.
3. It makes the Chief of the State Police the sole issuing authority for permits to carry concealed handguns.

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- 4. It extends the term of a permit to carry a concealed handgun from four to 10 years.
- 5. It removes the requirement that an applicant for a handgun permit have taken a handgun safety course within five years of the date of application.
- 6. It increases the application and renewal fees for a concealed handgun permit from \$35 to \$52.50 and from \$20 to \$52.50, respectively, for a resident. For a nonresident, the fee is increased from \$60 to \$120 for either an application or a renewal.
- 7. It requires the State Police to establish a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits. It provides that the centralized database may be used only by law enforcement agencies or law enforcement officers or by court order and that information about a permit holder or an applicant must be purged from the centralized database within five years after the permit expires or the appeal of a denial or a revocation has run.
- 8. It provides that a valid concealed handgun permit issued before January 1, 2017 is not subject to the provisions of this legislation, which apply to an application for a new concealed handgun permit or a renewal of valid concealed handgun permit received by the Chief of the State Police on or after January 1, 2017.
- 9. It adds an appropriations and allocations section.
- 10. It adds an effective date of January 1, 2017.

LD 431 An Act To Strengthen the Laws Prohibiting Stalking

PUBLIC 357

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS TIMMONS	OTP-AM	S-49

This bill expands the crime of stalking to include conduct directed at or concerning a group of persons. This new classification of stalking is a Class C crime, as opposed to a Class D crime for stalking a single individual. This bill also changes the escalation of criminal penalties for subsequent convictions of stalking, with one prior conviction for stalking or violation of a protective order sufficient to enhance penalties, as opposed to the current two prior convictions. Subsequent convictions are still a Class C crime, but the bill adds a mandatory minimum sentence of one year. Prior conviction of stalking a group of persons escalates the penalty to that for a Class B crime, with a mandatory minimum sentence of two years.

Committee Amendment "A" (S-49)

This amendment replaces the minimum sentence provision in the bill that applies to a person convicted of stalking for a second time or more times. The amendment replaces the minimum sentence for a second or subsequent conviction of stalking with a requirement that the court use a two-step process, first determining a base term of imprisonment of one year and then considering the fact of the stalking and aggravating and mitigating factors, including the impact on the victim, when determining the length of the term of imprisonment. The amendment replaces the minimum sentence provision in the bill that applies to a person convicted of stalking for a second time or more times, when the person stalked two or more persons of an identifiable group. The amendment requires the court to use a two-step process, first determining a base term of imprisonment of two years and then considering the fact of the stalking and aggravating and mitigating factors, including the impact on the victim, when determining the length of the term of imprisonment.

Enacted Law Summary

Public Law 2015, chapter 357 changes the laws on repeat offenses of stalking and expands the crime of stalking to

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include conduct directed at or concerning a group of persons. The law does the following:

1. Expands the crime of stalking to include conduct directed at or concerning a group of persons, designating this crime as a Class C crime. In sentencing, the court is required to use a two-step process in which a base term of imprisonment of one year is imposed in step one and adjustment to that term is imposed in step two;
2. Designates as a Class B crime a repeat offense of stalking a group of persons and escalates that crime to a Class B crime, requiring the court to use a two-step process, first determining a base term of imprisonment of two years and then adjusting that term after considering the fact of the stalking and aggravating and mitigating factors, including the impact on the victim; and
3. Changes the escalation of criminal penalties for subsequent convictions of stalking, with one prior conviction for stalking or violation of a protective order now being sufficient to enhance penalties. Subsequent convictions are still Class C crimes, but the law adds a mandatory minimum sentence of one year.

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

CARRIED OVER

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

This bill provides for the establishment of a secure, therapeutic mental health unit for defendants undergoing court-ordered assessments to determine their competency to stand trial or their criminal culpability and to provide therapeutic care for forensic patients. The bill establishes the unit as follows.

1. It directs the Commissioner of Corrections and the Commissioner of Health and Human Services to enter into an agreement to establish the unit with the sheriff of either Cumberland County or Somerset County.
2. It directs the Department of Corrections to provide security for the unit. Security staff must be dedicated to the unit and trained to provide security in a mental health hospital environment.
3. It directs the Department of Corrections to provide therapeutic mental health care for the unit. The therapeutic mental health care must meet standards established by a national organization on correctional facilities mental health standards. The Department of Health and Human Services may also provide mental health services to the unit upon agreement with the Department of Corrections and the county jail.
4. It requires that the population in a secure, therapeutic mental health unit be separated by sight and sound from the general jail population.
5. It specifies that a person under a court order to undergo a mental evaluation by the State Forensic Service must be admitted to the unit unless the Department of Health and Human Services determines that the person's mental health condition contraindicates admittance to the unit, the person is an inmate at a state correctional facility or there is not a suitable bed available.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

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LD 458 An Act To Implement a Motor Vehicle Violation Electronic Citation Program ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R DIAMOND	ONTP	

This bill requires every law enforcement officer in the State to use an electronic Violation Summons and Complaint form if requested by the person who has been served a traffic summons. The Chief Judge of the District Court is required to approve for use an electronic Violation Summons and Complaint.

The bill also requires both the paper and electronic forms for a traffic summons for a traffic infraction, referred to as the Violation Summons and Complaint, to include the regular mailing address and the e-mail address of the person who has been served the traffic summons. The bill also requires that the clerk of the District Court Violations Bureau enter the paper form of a Violation Summons and Complaint into the violations bureau's case management system within two business days of the law enforcement officer's filing of the original of the Violation Summons and Complaint.

The bill also requires that the Chief Judge of the District Court provide a report to the joint standing committee of the Legislature having jurisdiction over transportation matters and the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 2017 regarding implementation of an electronic case management, data storage and filing system for the judicial branch. The bill provides that the report must summarize efficiencies realized by electronic processing of traffic summonses within the District Court Violations Bureau. The bill also requires the Chief Judge of the District Court and the Commissioner of Public Safety to facilitate the roadside credit card payment of traffic summonses for traffic infractions and to develop and initiate a campaign to educate the public about electronic Violations Summonses and Complaints and roadside credit card payment.

LD 459 An Act To Protect the Environment from Fireworks Debris Veto Sustained

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

This bill adds debris from the discharge of consumer fireworks to the definition of "litter" under the Maine Litter Control Act.

LD 460 An Act To Restore Liability Insurance Requirements for Amusement Rides and Other Public Exhibitions ONTP

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

Public Law 2013, chapter 595 repealed the law requiring a traveling circus, traveling amusement show or amusement device to apply to the Commissioner of Public Safety for a license. This bill reenacts that law, including the provision that the application contain a certificate of public liability insurance and a fee.

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LD 504 An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility

**Accepted Report A
(ONTP)**

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

This bill makes it a Class C crime if a person who is required to maintain proof of financial responsibility operates a vehicle, or knowingly allows the operation of that vehicle, on a public way without such proof and that vehicle is involved in an accident that results in serious bodily injury while being operated on the public way. This bill also increases from a Class E to a Class D crime the penalty for such a person operating a vehicle or knowingly allowing the operation of a vehicle without proof of financial responsibility.

Committee Amendment "A" (H-154)

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

Committee Amendment "B" (H-155)

This amendment which is a minority report of the committee, incorporates a fiscal note. The amendment increases the minimum fine for failure to maintain financial responsibility from \$100 to \$250 and increases the maximum fine from \$500 to \$700.

LD 512 An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code

PUBLIC 358

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-86

This bill implements the following Criminal Law Advisory Commission recommendations respecting the Maine Criminal Code.

1. It elevates to Class A crimes in the Maine Revised Statutes, Title 17-A, section 208 those forms of bodily injury that result in serious permanent physical damage to a victim, while retaining as Class B crimes other forms of bodily injury.
2. It amends the definition of the term "public way" in Title 17-A, section 505 to cover public ways, including sidewalks, over which the public has a right to pass by foot and vehicle.
3. It amends Title 17-A, section 554 regarding endangering the welfare of a child by removing the requirement that the child victim be under 16 years of age and by adding the designation of the class of each crime to the appropriate paragraph.
4. It amends Title 17-A, section 1201 to specify that when a court sentences a person to a term of imprisonment for a sex offense followed by a period of supervised release, as authorized by Title 17-A, chapter 50, that person is not eligible for the imposition of a sentence alternative that includes a period of probation.
5. It repeals Title 17-A, section 1206, subsection 7-B regarding probation revocation hearings.

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6. It amends Title 17-A, section 1231, subsection 6 regarding supervised release for sex offenders to make clear that, in the event the court revokes a period of supervised release and instead requires the person to serve time in prison, any remaining portion of the period of supervised release that is not required to be served in prison may not run during the time the person is in prison, and must resume after the person is released from prison.

7. It amends Title 17-A, section 1252, subsection 4-E regarding imprisonment for a conviction of gross sexual assault against a person under 12 years of age to stipulate that supervised release is required following the term of imprisonment.

Committee Amendment "A" (H-86)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 358 implements the following Criminal Law Advisory Commission recommendations respecting the Maine Criminal Code.

1. It elevates to Class A crimes in the Maine Revised Statutes, Title 17-A, section 208 those forms of bodily injury that result in serious permanent physical damage to a victim, while retaining as Class B crimes other forms of bodily injury.
2. It amends the definition of the term "public way" in Title 17-A, section 505 to cover public ways, including sidewalks, over which the public has a right to pass by foot and vehicle.
3. It amends Title 17-A, section 554 regarding endangering the welfare of a child by removing the requirement that the child victim be under 16 years of age and by adding the designation of the class of each crime to the appropriate paragraph.
4. It amends Title 17-A, section 1201 to specify that when a court sentences a person to a term of imprisonment for a sex offense followed by a period of supervised release, as authorized by Title 17-A, chapter 50, that person is not eligible for the imposition of a sentence alternative that includes a period of probation.
5. It repeals Title 17-A, section 1206, subsection 7-B regarding probation revocation hearings.
6. It amends Title 17-A, section 1231, subsection 6 regarding supervised release for sex offenders to make clear that, in the event the court revokes a period of supervised release and instead requires the person to serve time in prison, any remaining portion of the period of supervised release that is not required to be served in prison may not run during the time the person is in prison, and must resume after the person is released from prison.
7. It amends Title 17-A, section 1252, subsection 4-E regarding imprisonment for a conviction of gross sexual assault against a person under 12 years of age to stipulate that supervised release is required following the term of imprisonment.

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LD 534 An Act To Increase Crisis Intervention Training in the State ONTP

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

This bill requires that, beginning January 2017, at least 20% of law enforcement officers in a municipal police department and in a county sheriff department must complete the so-called Memphis model of crisis intervention team training. Beginning June 2017, officers who have not completed this training must be certified in mental health first aid.

LD 535 An Act To Amend the Laws Governing the Concealed Handguns Permit Application Accepted Majority (ONTP) Report

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

This bill removes questions about marijuana use from the concealed handguns permit application.

LD 548 An Act To Provide a Concealed Handgun Permit for Active Military Members ONTP

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

This bill allows a person who is a member of the Armed Forces of the United States or a state's military forces to be eligible for a permit to carry a concealed handgun if the person is not otherwise prohibited by law from possessing a firearm.

LD 549 Resolve, To Create the Task Force on Disaster Resiliency ONTP

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

This resolve establishes the Task Force on Disaster Resiliency to investigate and strengthen the State's disaster response to extreme weather and sea level rise events.

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LD 566 An Act To Protect Individuals from Breaches of Trust by Clergy Members INDEF PP

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

This bill makes unlawful any sexual contact by a clergy member with an individual to whom the clergy member within the past year has provided, in private counseling, religious or spiritual advice, aid or comfort.

Committee Amendment "A" (H-111)

This amendment replaces the bill and makes it unlawful for a member of the clergy who is in a position of trust or authority over another person to use that clergy's position of trust or authority to engage in a sexual act, sexual contact or sexual touching with the other person. It also places the current definition of "domestic partner" under the definition section of the Maine Revised Statutes, Title 17-A, chapter 11 and deletes repetitive definitions of "domestic partner" found throughout the chapter. The amendment clarifies that the Sex Offender Registration and Notification Act of 2013 applies only prospectively, including with respect to offenses in other jurisdictions.

LD 573 An Act To Provide for Annulment of Certain Arrest Records and Expungement of Certain Confidential Criminal History Record Information ONTP

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

This bill directs the Department of Public Safety, State Bureau of Identification to establish a process for the annulment of a person's arrest record and expungement of the person's confidential criminal history record information. The process must apply to certain arrests and information that is described as confidential under the Maine Revised Statutes, Title 16, section 703, subsection 2, paragraphs A to H. The bill requires the process to include notice to all persons who are included in the information as victims and to all law enforcement agencies that are included in the information. The bill requires the process to include a decision in favor of annulment of the arrest record and expungement of the information by the commanding officer of the State Bureau of Identification upon a finding that annulment of the arrest record and expungement of the information is in the best interests of the person to whom the information pertains and is not detrimental to the public interest or to the protection of society. The bill directs the State Bureau of Identification to adopt routine technical rules to implement the law.

LD 577 An Act To Amend the Laws Governing Penalties for Writing Bad Checks ONTP

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

This bill amends the civil penalties for issuing a check that is subsequently dishonored. Current law allows a person to recover the amount of the check, the court costs and the processing charges incurred by the holder, plus interest at the rate of 12% per annum from the date of dishonor. If the person liable does not pay the amount of the check, plus costs and interest, before the hearing, the court may award reasonable attorney's fees to the prevailing party plus a civil penalty, not to exceed \$150. A person who issues a second dishonored check to the same payee is liable for damages of the lesser of two times the amount of the check and \$750 if the person does not have an account at the

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bank from which the check is issued or \$400 if there are insufficient funds to pay the check.

This bill increases the civil penalty for issuing a check that is dishonored to twice the face amount of the check or \$500, whichever is less.

This bill also imposes a service charge of \$30 or 5% of the face amount of the check, whichever is greater, and removes the interest penalty. The penalty for issuing a second dishonored check to the same payee is increased to the lesser of three times the face value of the check and \$1,000 if the person does not have an account at the bank from which the check is issued or \$750 if there are insufficient funds to pay the check.

LD 599 An Act To Direct the Department of Public Safety To Establish a Public Safety Answering Point for the Passamaquoddy Indian Reservation at Indian Township Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA	REF TO EUT / ONTP ONTP	

This bill directs the Public Utilities Commission, Emergency Services Communications Bureau to identify and establish a public safety answering point within the Passamaquoddy Indian Reservation at Indian Township to serve persons located within Indian Township.

LD 600 An Act To Prohibit a Person Convicted of a Crime of Domestic Violence from Possessing a Firearm for a Period of 5 Years and To Better Align Maine Law with Federal Law Regarding Persons Prohibited from Possessing Firearms PUBLIC 287

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT BURNS	OTP-AM ONTP	H-389

This bill amends Maine law prohibiting the possession of firearms to better conform the law to federal law. This bill adds the following persons to the list of persons who may not possess firearms:

1. Fugitives from justice;
2. Persons who are unlawful users of or are addicted to any controlled substance and as a result are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3);
3. Aliens who are illegally or unlawfully in the United States or who were admitted under nonimmigrant visas and who are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5);
4. Persons who have been discharged from the United States Armed Forces under dishonorable conditions;
5. Persons who have renounced United States citizenship; and
6. Persons who have been convicted in any court of a crime of domestic violence designated as a Class D or Class E crime or an equivalent crime of that jurisdiction.

Committee Amendment "A" (H-389)

This amendment, which is the majority report of the committee, modifies the provision in the bill regarding a

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prohibition on the possession of a firearm by a person convicted of a crime of domestic violence. This amendment provides that a person convicted or adjudicated of a Class D crime of domestic violence is prohibited from possessing a firearm for five years from the date of the conviction or adjudication. The prohibition expires at the end of the five-year period unless the person is convicted of any subsequent crime during the five-year period.

Enacted Law Summary

Public Law 2015, chapter 287 adds the following persons to the list of persons who may not possess firearms:

1. Fugitives from justice;
2. Persons who are unlawful users of or are addicted to any controlled substance and as a result are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3);
3. Aliens who are illegally or unlawfully in the United States or who were admitted under nonimmigrant visas and who are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5);
4. Persons who have been discharged from the United States Armed Forces under dishonorable conditions;
5. Persons who have renounced United States citizenship; and
6. Persons who have been convicted or adjudicated of a Class D crime of domestic violence within the previous five year period, calculated from the date of the conviction or adjudication. The prohibition expires at the end of the five-year period unless the person is convicted of any subsequent crime during the five-year period.

LD 623 An Act To Expand Maine's Carbon Monoxide Detectors Law

PUBLIC 375

Sponsor(s)
DIAMOND
TIMMONS

Committee Report
OTP-AM

Amendments Adopted
S-290

This bill adds existing single-family dwellings, hotels, motels, inns, bed and breakfasts, certain other lodging places, fraternity houses, sorority houses, dormitories and child care facilities to the list of structures required to install carbon monoxide detectors, which may be powered by a nonreplaceable ten-year battery. In the event of any construction of, addition to, restoration of or conversion of a building to one of these structures, the owner is required to install a carbon monoxide detector that is powered by both the electrical service in the building or dwelling and by battery.

Committee Amendment "A" (S-290)

This amendment replaces the bill. The amendment does the following.

1. It requires carbon monoxide detectors in all fraternity houses, sorority houses and dormitories affiliated with educational facilities, children's homes, shelters and residential care facilities licensed by the Department of Health and Human Services and eating and lodging places and lodging places.
2. It requires carbon monoxide detectors in all educational facilities, but it exempts dormitories and other buildings of educational facilities that meet National Fire Protection Association standards.
3. It defines "educational facility" to mean public and private postsecondary institutions and child care facilities.
4. It specifies which types of power sources for carbon monoxide detectors may be used in which buildings.

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- 5. It provides a schedule for public and private postsecondary institutions to achieve full compliance by January 1, 2019.
- 6. It includes a transition provision for carbon monoxide detectors in use on the effective date of this legislation that have nonconforming power sources.
- 7. It provides an effective date of January 1, 2016.

Enacted Law Summary

Public Law 2015, chapter 375 does the following.

- 1. It requires carbon monoxide detectors in all fraternity houses, sorority houses and dormitories affiliated with educational facilities, children's homes, shelters and residential care facilities licensed by the Department of Health and Human Services and eating and lodging places and lodging places.
- 2. It requires carbon monoxide detectors in all educational facilities, but it exempts dormitories and other buildings of educational facilities that meet National Fire Protection Association standards.
- 3. It defines "educational facility" to mean public and private postsecondary institutions and child care facilities.
- 4. It specifies which types of power sources for carbon monoxide detectors may be used in which buildings.
- 5. It provides a schedule for public and private postsecondary institutions to achieve full compliance by January 1, 2019.
- 6. It includes a transition provision for carbon monoxide detectors in use on the effective date of this legislation that have nonconforming power sources.
- 7. It provides an effective date of January 1, 2016.

LD 624 An Act To Make a Technical Correction to the Law Establishing the PUBLIC 30
State Trauma Prevention and Control Advisory Committee within the
Field of Public Safety

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

Under current law, the State Trauma Prevention and Control Advisory Committee is established under the subject field of "Human Services." This bill instead establishes that committee under the subject field "Public Safety."

Enacted Law Summary

Public Law 2015, chapter 30 establishes the State Trauma Prevention and Control Advisory Committee in Title 5 of the Maine Revised Statutes under the subject field of "Public Safety".

LD 629 An Act Regarding Community Paramedicine Pilot Projects PUBLIC 92
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE GERRISH	OTP-AM	S-32

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This bill removes a requirement that an emergency medical services provider that conducts a community paramedicine pilot project work with an identified primary care medical director, have an emergency medical services medical director and collect and submit data and written reports to the board, in accordance with requirements established by the board. The bill also removes a provision limiting the number of pilot projects.

Committee Amendment "A" (S-32)

This amendment adds an emergency preamble and an emergency clause to the bill. The amendment removes the time limitation of three years for community paramedicine pilot projects. Like the bill, the amendment removes a provision limiting the number of pilot projects. Unlike the bill, the amendment does not strike the requirement that an emergency medical services provider that conducts a community paramedicine pilot project work with an identified primary care medical director, have an emergency medical services medical director and collect and submit data and written reports to the board, in accordance with requirements established by the board.

Enacted Law Summary

Public Law 2015, chapter 92 removes the time limitation of three years for community paramedicine pilot projects and the limit on the number of pilot projects.

Public Law 2015, chapter 92 was enacted as an emergency measure effective May 19, 2015.

LD 651 An Act To Amend Maine's Sex Trafficking and Child Welfare Laws

PUBLIC 360

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK DION	OTP-AM	S-96

This bill revises the criminal laws regarding sexual exploitation, prostitution and sex trafficking of minors by increasing the maximum age of the minors in various provisions to 18 years of age, clarifying under various provisions that it is not a defense that the minor gave consent and adding the crime of aggravated sex trafficking to the list of prior offenses that are used to enhance a charge of sex trafficking from a Class D to a Class C crime if a defendant has been convicted of two or more of the offenses. The bill also amends the Child and Family Services and Child Protection Act by adding to the definition of "abuse and neglect" various criminal offenses relating to sexual exploitation, prostitution and sex trafficking of minors and creating a rebuttable presumption of a parent's unwillingness or inability to protect a child from jeopardy in considering the termination of parental rights if a child for whom the parent was responsible is the victim of sexual exploitation, sex trafficking or aggravated sex trafficking.

Committee Amendment "A" (S-96)

This amendment changes the title and strikes most of the bill, retaining those sections that include references to aggravated sex trafficking, sex trafficking and prostitution of a minor or a person with a disability as crimes for which an enhanced charge applies. The amendment also retains the changes to the Child and Family Services and Child Protection Act. The amendment adds sexual exploitation of a minor, sex trafficking and aggravated sex trafficking to the list of aggravating factors in the child welfare laws.

Enacted Law Summary

Public Law 2015, chapter 360 adds the crime of aggravated sex trafficking to the list of prior offenses that are used to enhance a charge of sex trafficking from a Class D to a Class C crime if a defendant has been convicted of two or more of the offenses. The law amends the Child and Family Services and Child Protection Act by adding to the definition of "abuse and neglect" various criminal offenses relating to sexual exploitation, prostitution and sex trafficking of minors and by creating a rebuttable presumption of a parent's unwillingness or inability to protect a

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child from jeopardy in considering the termination of parental rights if a child for whom the parent was responsible is the victim of sexual exploitation, sex trafficking or aggravated sex trafficking.

LD 652 An Act To Authorize the Carrying of Concealed Handguns without a Permit

PUBLIC 327

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY SHAW	ONTP OTP-AM	S-119 S-153 VOLK S-175 ROSEN S-174 BRAKEY

This bill authorizes a person who is not prohibited from possessing a firearm to carry a concealed handgun without a permit. This bill also authorizes a person to possess a loaded pistol or revolver while in a motor vehicle or a trailer or other vehicle being hauled by a motor vehicle.

Committee Amendment "A" (S-119)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section that deallocates funds to the Department of Public Safety due to the elimination of the permitting process.

Senate Amendment "B" To Committee Amendment "A" (S-153)

This amendment requires a person who is authorized under the bill to carry a concealed handgun without a permit to sign an acknowledgment that the person was provided a firearm safety brochure upon purchase of a handgun. A firearm safety brochure is currently required to be provided with every firearm sold. The amendment adds to the information provided in the firearm safety brochure information developed by the Department of Public Safety related to locations where handguns are prohibited and information concerning the use of handguns for self-defense. The amendment requires the purchaser to retain the acknowledgment. It also requires the Department of Public Safety to post a firearm safety brochure and the acknowledgment form and a list of certified safety programs on the department's publicly accessible website.

Senate Amendment "D" To Committee Amendment "A" (S-175)

Under the bill, a person who is not otherwise prohibited from carrying a firearm may carry a concealed handgun without a permit. This amendment incorporates the provisions of House Amendment "B" to Committee Amendment "A" and provides that a person who is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm may carry a concealed handgun without a permit.

Senate Amendment "C" To Committee Amendment "A" (S-174)

This amendment incorporates the provisions of House Amendment "A" to Committee Amendment "A" and provides that the duty of an individual to inform a law enforcement officer that the individual is carrying a concealed handgun applies only to an individual who does not have a valid permit to carry a concealed handgun that has been issued as provided in the Maine Revised Statutes, Title 25, chapter 252.

Enacted Law Summary

Public Law 2015, chapter 327 authorizes a person who is 21 years of age or older and is not prohibited from possessing a firearm to carry a concealed handgun without a permit. Additionally, chapter 327:

1. Provides that a person who is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces

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of the United States or the National Guard and is not otherwise prohibited from carrying a firearm may carry a concealed handgun without a permit;

- 2. Authorizes a person 21 years of age or older to possess a loaded pistol or revolver while in a motor vehicle or a trailer or other vehicle being hauled by a motor vehicle unless otherwise prohibited from possessing a firearm;
- 3. Requires a person who is eligible to carry a concealed handgun without a permit to sign and retain an acknowledgment upon purchase of a handgun that the person was provided a firearm safety brochure developed by the Department of Public Safety;
- 4. Requires the Department of Public Safety to include information in its firearm safety brochure about locations where handguns are prohibited and information concerning the use of handguns for self-defense;
- 5. Requires the Department of Public Safety to post its firearm safety brochure and the acknowledgment form and a list of certified safety programs on the department's publicly accessible website;
- 6. Requires a person carrying a concealed handgun without a permit to inform a law enforcement officer that the individual is carrying a concealed handgun unless the person has a valid permit to carry a concealed handgun that has been issued as provided in Title 25, chapter 252; and
- 7. Deallocates funds to the Department of Public Safety due to the elimination of the permitting process.

LD 655 Resolve, To Study the Feasibility of a State Firefighter Training Facility CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 657 An Act To Provide Enhanced Mental Health Services to the County Died Between
Prison Population Houses**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase funding for mental health care services for the county prison population, including educating and training prison employees in behavioral health assessment and protocols on an annual basis. It would also require that every county jail have a mental health worker on site at least eight hours a day.

Committee Amendment "A" (H-222)

This amendment is the minority report of the committee. It directs the Consumer Council System of Maine to

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convene a broadly representative working group to collect data to determine the unmet needs for mental health services in the county jails. The amendment directs the Consumer Council System of Maine to report to the Joint Standing Committee on Criminal Justice and Public Safety on the need for mental health services in the county jails, the components and costs of current mental health service delivery and the estimated extent and costs of the unmet needs by February 1, 2016. The amendment authorizes the Consumer Council System of Maine to include in its report recommendations and possible sources of funding. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 127th Legislature.

LD 658 An Act To Allow Text Messaging for Reporting Emergencies

**Accepted Majority
(ONTP) Report**

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

This bill directs the Public Utilities Commission, Emergency Services Communication Bureau to develop standards and procedures for public safety answering points to accept emergency text messaging from all wireless carriers in the State beginning July 1, 2016. This bill also amends the laws regarding confidentiality of audio recordings of E-9-1-1 calls to apply also to text messages.

Committee Amendment "A" (H-158)

This amendment is the minority report of the committee. The amendment changes the provision of the bill that requires the Public Utilities Commission, Emergency Services Communication Bureau to develop standards and procedures for the acceptance of text messages by all public safety answering points beginning July 1, 2016 to a provision that requires the bureau to develop standards and procedures for acceptance of text messages by the E-9-1-1 system and the acceptance of text messages by at least one public safety answering point from all cellular and wireless telecommunications service providers in the State as required by the Federal Communications Commission beginning July 1, 2017. The amendment changes the provisions of the bill regarding the confidentiality of text messages sent to the E-9-1-1 system to provide that all digital communications sent to the E-9-1-1 system are confidential, subject to the same exceptions that apply to the confidentiality of audio recordings of emergency calls.

LD 679 An Act To Prohibit the Unauthorized Dissemination of Certain Private Images

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE HILL	OTP-AM	H-430 S-331 HAMPER

This bill prohibits a person from intentionally displaying, distributing or offering a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in a sexual act if that person knows or should have known that the depicted person is 18 years of age or older, is identifiable and has not consented to the disclosure. A violation of this prohibition is a Class D crime.

Committee Amendment "A" (H-430)

This amendment provides a new title and replaces the bill. Like the bill, the amendment prohibits unauthorized distribution of certain private images, but changes the term "distribution" to "dissemination," adds as elements of the crime the dissemination's being done with the intent to harass, torment or threaten the depicted person or another person, knowingly instead of intentionally and in a manner in which there is no public or newsworthy purpose and adds masturbation to the definition of "sexual act." The amendment amends the law on protection from abuse

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procedure to allow a complaint to be filed by a victim of unauthorized dissemination of certain private images without regard to whether a criminal prosecution has occurred. The amendment removes from the exceptions proposed in the bill the lawful and common practices of law enforcement, reporting unlawful activity and dissemination when permitted or required by law or rule in legal proceedings.

Senate Amendment "A" To Committee Amendment "A" (S-331)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2015, chapter 339 prohibits unauthorized dissemination of certain private images. The law prohibits the dissemination of images that show a person in a state of nudity or engaged in a sexual act or engaged in sexual contact if the dissemination is done:

1. In a manner in which there is no public or newsworthy purpose;
2. With the intent to harass, torment or threaten; and
3. The actor knows or should have known that the person depicted is an adult, is identifiable from the image or from information displayed with the image and has not consented to the dissemination, display or publication of the images.

Chapter 339 amends protection from abuse procedure to allow a complaint to be filed by a victim of unauthorized dissemination of certain private images without regard to whether a criminal prosecution has occurred. It designates unauthorized dissemination of certain private images as a Class D crime. It provides exceptions for lawful and common practices of medical treatment, images that involve voluntary exposure in a public or commercial setting and interactive computer and information services as defined in 47 United States Code, Sections 153 and 230(f)(2).

LD 688 An Act To Amend the Laws Related to the Bolduc Correctional Facility PUBLIC 48

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN LONG	OTP-AM	S-23

This bill makes the following changes to the laws relating to the Bolduc Correctional Facility.

1. It repeals the statutory provision relating to the Maine State Prison minimum security unit. Because the Bolduc Correctional Facility was established in law in Public Law 2013, chapter 508, this provision is now superfluous.
2. It specifies that employees of the Bolduc Correctional Facility have the same power to search for and apprehend escapees as the employees of the other Department of Corrections facilities have.

Committee Amendment "A" (S-23)

This amendment clarifies that employees of the Bolduc Correctional Facility have the same power to search for and apprehend escapees as do deputy sheriffs.

Enacted Law Summary

Public Law 2015, chapter 48 makes the following changes to the laws relating to the Bolduc Correctional Facility.

1. It repeals the statutory provision relating to the Maine State Prison minimum security unit. Because the Bolduc Correctional Facility was established in law in Public Law 2013, chapter 508, this provision is now superfluous.

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2. It specifies that employees of the Bolduc Correctional Facility have the same power to search for and apprehend escapees as do deputy sheriffs.

LD 697 An Act To Restore Public Safety Programs in the Department of Public Safety

**PUBLIC 148
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE	OTP-AM	H-145
BURNS	OTP-AM	

The bill does the following:

1. Part A restores the inspection and certificate requirements for boilers located in structures used by schools or colleges for the purpose of housing classrooms, gymnasiums, auditoriums or dormitories. These provisions were discontinued by Public Law 2013, chapter 595, Part U, section 11.
2. Part B allows qualified private sector organizations or individuals to inspect amusement rides to ensure they are safe for the public. The bill assigns oversight responsibilities over the certification of qualified amusement ride inspectors to the Office of the State Fire Marshal. The bill also corrects cross-references.

Committee Amendment "A" (H-145)

This amendment is the majority report of the committee. The amendment deletes from the bill the provision related to inspection of steam boilers in schoolhouses. The amendment deletes from the bill reference to private certified inspectors for amusement rides and inserts inspectors employed by the Office of the State Fire Marshal. The amendment deletes from the bill the provisions on inspection decals that related to inspection by private sector inspectors and inserts provisions related to inspection by inspectors who are employed by the Office of the State Fire Marshal. The amendment specifies the application process for amusement rides and sets the fee at a level not to exceed \$100 per ride as established by the Commissioner of Public Safety by rule. The amendment specifies that the insurer that issues the liability insurance policy for operators of amusement rides, amusement shows and traveling circuses and amusement devices must be approved by the Commissioner of Public Safety. The amendment specifies the information required for an application for amusement rides and amusement shows.

Committee Amendment "B" (H-146)

This amendment is the minority report of the committee. The amendment deletes from the bill the provision related to inspection of steam boilers in schoolhouses. The amendment deletes from the bill reference to private certified inspectors for amusement rides and inserts inspectors employed by the Office of the State Fire Marshal. The amendment deletes from the bill the provisions on inspection decals that related to inspection by private sector inspectors and inserts provisions related to inspection by inspectors who are employed by the Office of the State Fire Marshal. The amendment specifies the application process for amusement rides and sets the fee at a level not to exceed \$50 per ride as established by the Commissioner of Public Safety by rule. The amendment specifies that the insurer that issues the liability insurance policy for operators of amusement rides, amusement shows and traveling circuses and amusement devices must be approved by the Commissioner of Public Safety. The amendment specifies the information required for an application for amusement rides and amusement shows.

Enacted Law Summary

Public Law 2015, chapter 148 specifies the application process for amusement rides and inspection process in the Office of the State Fire Marshal. It sets the fee at a level not to exceed \$100 per ride as established by the Commissioner of Public Safety by rule. It specifies that the insurer that issues the liability insurance policy for operators of amusement rides, amusement shows and traveling circuses and amusement devices must be approved by the Commissioner of Public Safety. It specifies the information required for an application for amusement rides

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and amusement shows.

Public Law 2015, chapter 148 was enacted as an emergency measure effective June 9, 2015.

LD 710 An Act Providing a Good Samaritan Defense to Individuals Reporting a Drug Overdose Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFISKY	OTP-AM ONTP	H-237

This bill creates an affirmative defense to prosecution for unlawful possession of a scheduled drug. The bill 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 bill also specifies that the affirmative defense is not grounds for suppression of evidence with respect to any crime.

Committee Amendment "A" (H-237)

This amendment is the majority report of the committee. This amendment broadens the Good Samaritan defense provided by the bill to individuals reporting a drug overdose to apply to illegal possession of hypodermic apparatuses and use of drug paraphernalia.

**LD 729 An Act To Add Acetylfentanyl and Methylfentanyl Derivatives to the List of Schedule W Drugs PUBLIC 330
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS	OTP-AM	S-145

This bill adds acetylfentanyl to the list of Schedule W drugs. Acetylfentanyl is not approved by the United States Food and Drug Administration and is closely related to the prescription opioid fentanyl, which is a Schedule W drug.

Committee Amendment "A" (S-145)

This amendment adds an emergency preamble and emergency clause to the bill. The amendment adds to the list of Schedule W drugs any methylfentanyl derivatives.

Enacted Law Summary

Public Law 2015, chapter 330 adds acetylfentanyl and methylacetylfentanyl derivates to the list of Schedule W drugs. Acetylfentanyl and methylacetylfentanyl derivates are not approved by the United States Food and Drug Administration and are closely related to the prescription opioid fentanyl, which is a Schedule W drug.

Public Law 2015, chapter 330 was enacted as an emergency measure effective July 12, 2015.

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LD 748 An Act To Provide for Tiered Qualifications for Volunteer Firefighters in Certain Municipalities

Leave to Withdraw Pursuant to Joint Rule

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

This bill provides that in a municipality with fewer than 2,500 permanent residents the fire chief, with the approval of the municipal officers of that municipality, may approve training for volunteer firefighters that provides for three tiers of qualifications as follows:

1. At the highest tier three firefighters;
2. At the middle tier firefighters who are trained and who are qualified to perform all firefighter services except for entry into a burning building; and
3. At the lowest tier firefighters who are trained and who are qualified to perform basic firefighter duties including, but not limited to, handling fire hoses, trucks and equipment.

LD 792 An Act To Protect Patients from Sexual Exploitation

Died Between Houses

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

Current laws regarding gross sexual assault, unlawful sexual contact and unlawful sexual touching prohibit relationships or contact by a person who is a psychiatrist, a psychologist or licensed as a social worker or a person who purports to be a psychiatrist, a psychologist or licensed as a social worker with a current patient or client. This bill amends the laws regarding gross sexual assault, unlawful sexual contact and unlawful sexual touching by adding additional medical professionals licensed under the Maine Revised Statutes, Title 32 to the list of persons prohibited from having certain relationships or contact with patients and adds the definition of "health care services providers" to Title 17-A, chapter 11. "Health care services providers" includes physicians, osteopathic physicians, chiropractors, physical therapists, physician assistants and nurses.

Committee Amendment "A" (H-221)

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

LD 818 An Act To Amend the Maine Emergency Medical Services Act of 1982

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE LAJOIE	OTP-AM	S-63

This bill amends the Maine Emergency Medical Services Act of 1982. Specifically, the bill:

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1. Changes the term "first responder" to "emergency medical responder" to align the law with the Emergency Medical Services rules and the national scope of practice levels;
2. Modifies the composition of the Medical Direction and Practices Board to include an at-large member, a pharmacist and the statewide assistant emergency medical services medical director and to specify that the representative of the Maine Chapter of the American College of Emergency Medicine Physicians must be an emergency physician;
3. Removes a requirement that the Emergency Medical Services' Board or its staff must request the Attorney General to file a complaint in District Court to commence either full or emergency proceedings to suspend a license for more than a year or to revoke a license when the board or its staff concludes to so suspend or revoke the license is in order;
4. Requires applicants and licensees to notify the Emergency Medical Services' Board regarding name and address changes, criminal convictions, actions taken by another regulatory agency against any of their occupational and professional licenses and material changes to their conditions and qualifications set forth in their original applications for licensure; and
5. Repeals the law establishing the Epinephrine Training Fund.

Committee Amendment "A" (S-63)

This amendment does the following:

1. It specifies that the Medical Direction and Practices Board may include a toxicologist instead of a licensed pharmacist;
2. It clarifies that the Emergency Medical Services' Board has the power and duty to appoint or approve the members of the Medical Direction and Practices Board;
3. It deletes from the bill the provision that repeals the requirement that the Emergency Medical Services' Board or its staff must request the Attorney General to file a complaint in District Court to commence either full or emergency proceedings to suspend a license for more than a year or to revoke a license when the board or its staff concludes that such suspension or revocation is in order; and
4. It adds to the purposes for which information specifically identifying individuals collected by Maine Emergency Medical Services may be released the purposes of public health surveillance and linkage with patient electronic medical records.

Enacted Law Summary

Public Law 2015, chapter 82 amends the Maine Emergency Medical Services Act of 1982 as follows:

1. It changes the term "first responder" to "emergency medical responder" to align the law with the Emergency Medical Services rules and the national scope of practice levels;
2. It modifies the composition of the Medical Direction and Practices Board to include an at-large member, a pharmacist or a toxicologist and the statewide assistant emergency medical services medical director and to specify that the representative of the Maine Chapter of the American College of Emergency Medicine Physicians must be an emergency physician;
3. It requires applicants and licensees to notify the Emergency Medical Services' Board regarding name and address changes, criminal convictions, actions taken by another regulatory agency against any of their

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occupational and professional licenses and material changes to their conditions and qualifications set forth in their original applications for licensure;

- 4. It clarifies that the Emergency Medical Services' Board has the power and duty to appoint or approve the members of the Medical Direction and Practices Board;
- 5. It adds to the purposes for which information specifically identifying individuals collected by Maine Emergency Medical Services may be released the purposes of public health surveillance and linkage with patient electronic medical records; and
- 6. It repeals the law establishing the Epinephrine Training Fund.

LD 823 An Act To Upgrade the Concealed Handgun Permit Law

CARRIED OVER

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

This bill amends the laws concerning permits to carry concealed handguns by:

- 1. Making the Chief of the State Police the sole issuing authority for a permit to carry concealed handguns;
- 2. Extending the term of a permit to carry concealed handguns from four years to ten years; and
- 3. Removing the requirement that a course that includes handgun safety taken by an applicant for a permit to carry concealed handguns must have been taken by the applicant within five years prior to the date of application.

Committee Amendment "A" (H-309)

This amendment makes the following changes to the bill.

- 1. It increases the application and renewal fees for a concealed handgun permit from \$35 to \$52.50 and from \$20 to \$52.50, respectively, for a resident. For a nonresident the fee is increased from \$60 to \$120 for either an application or a renewal.
- 2. The bill proposes to extend the period a permit is valid from four to ten years. This amendment makes a permit valid for five years.
- 3. It requires the State Police to establish a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits. It provides that the centralized database must be accessible by law enforcement agencies or law enforcement officers or by court order and that information about a permit holder or an applicant must be purged from the centralized database within five years after the permit expires or after the period for an appeal of a denial or a revocation of a permit has run.
- 4. It provides that an application for a concealed handgun permit received before January 1, 2017 is not subject to the provisions of this legislation, but an application for a new concealed handgun permit or a renewal of a concealed handgun permit received by an issuing authority on or after January 1, 2017 is subject to this legislation.
- 5. It adds an appropriations and allocations section.
- 6. It adds an effective date of January 1, 2017.

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House Amendment "A" To Committee Amendment "A" (H-385)

This amendment amends Committee Amendment "A" to remove the requirement that the State Police establish a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits.

This amendment also requires the Chief of the State Police to enter into reciprocity agreements with other states regarding recognition of concealed handgun permits. Public Law 2015, chapter 144 requires Maine to recognize a permit to carry a concealed handgun issued by another state. This amendment does not affect that.

This bill was reported out of committee, then committed back to the Joint Standing Committee on Criminal Justice and Public Safety and carried over to any special or regular session of the 127th Legislature by joint order, H.P. 998.

LD 868 An Act To Remove Limitations on Reciprocity for Concealed Handguns PUBLIC 144
Permits

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

Current law authorizes the Chief of the State Police to grant reciprocity to a permit to carry a concealed handgun issued from another state if the other state has substantially equivalent or stricter requirements for the issuance of a permit and the other state observes the same rules of reciprocity regarding a person issued a permit under Maine law.

This bill removes the authority of the Chief of the State Police to enter into reciprocity agreements and eliminates the required equivalency provisions and simply recognizes a concealed handgun permit issued to a person by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under Maine law.

Enacted Law Summary

Public Law 2015, chapter 144 removes the authority of the Chief of the State Police to enter into reciprocity agreements for concealed handgun permits with other states and eliminates the existing concealed handgun permit equivalency provisions and simply recognizes a concealed handgun permit issued to a person by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under Maine law.

LD 936 An Act To Protect Children from Sexual Predators, Sexual Abuse and ONTP
Sexual Assault

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

This bill does the following:

1. Raises to Class C the crime of sexual abuse of a minor who is either 14 or 15 years of age;
2. Raises to Class C the crime of visual sexual aggression against a child under 14 years of age;

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- 3. Raises to Class C the crime of sexual misconduct with a child and changes the age of the victim to include children 14 years of age or younger. Current law applies only to children under 14 years of age;
- 4. Raises to Class C the crime of solicitation of a child to commit a prohibited act and changes the age of the victim to include children 14 years of age or younger. Current law applies only to children under 14 years of age;
- 5. Enacts a prohibition on traveling into, out of or within this State or attempting to travel for the purposes of illegal sexual acts involving a minor. The bill also prohibits transporting a minor, attempting to transport a minor or soliciting or enticing a minor to travel into, out of or within the State for illegal sexual purposes. Illegal sexual purposes include engaging in a sexual act with a minor, prohibited under the Maine Revised Statutes, Title 17-A, chapter 11; engaging in sexual exploitation of a minor, prohibited under Title 17-A, chapter 12; or engaging in sex trafficking or prostitution, prohibited under Title 17-A, chapter 35. The bill makes illegal traveling a Class B crime;
- 6. Expands current law on sexual exploitation of a minor that prohibits exhibiting uncovered or covered portions of the genitals, anus or pubic area to include uncovered or covered breasts or buttocks;
- 7. Raises to Class C the crime of possession of sexually explicit material showing a child under 16 years of age engaging in sexually explicit conduct; and
- 8. Expands forfeiture of assets for a violation of Title 17-A , chapter 12, sexual exploitation of a minor, to provide for forfeiture of all money, negotiable instruments, securities, personal property and accounts held in a financial institution or held in any other manner in the name of the defendant or in which the defendant has an ownership interest that are directly or indirectly proceeds of the violation.

LD 971 An Act To Reinstate the State Fire Marshal's Authority To Inspect ONTP
Amusement Rides

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

Public Law 2013, chapter 595, Part U, section 4 repealed the Maine Revised Statutes, Title 8, chapter 19, which governed the licensing of exhibitions, performances and amusement shows, including the authority of the Department of Public Safety, Office of the State Fire Marshal to inspect amusement shows and amusement devices. This bill restores the repealed language.

LD 988 An Act To Create the Crime of Operating While Fatigued Accepted Majority
(ONTP) Report

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

This bill creates the new crime of operating while fatigued. A person commits the crime of operating while fatigued if that person operates a motor vehicle while having been without sleep for a period of 24 consecutive hours; while having been without sleep for 24 consecutive hours and is in the state of sleep; or while the person's ability or alertness is so impaired by fatigue as to make it unsafe to begin or continue to operate a motor vehicle. The

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criminal and administrative penalties for operating while fatigued are consistent with criminal and administrative penalties for operating under the influence, including the application of those penalties to juveniles.

Committee Amendment "A" (H-144)

This amendment is the minority report of the committee. The amendment replaces the bill, which makes operating while fatigued a crime. The amendment instead adds operating while fatigued to the types of motor vehicle operation that are designated as failure to maintain control of a motor vehicle, which is a traffic infraction.

LD 1002 An Act Regarding the Electronic Monitoring Program

CARRIED OVER

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

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

Committee Amendment "A" (H-220)

This amendment adds to the bill a requirement that a defendant ordered to participate in the electronic monitoring program must pay the costs of participation directly to the organization that provides electronic monitoring unless to do so would impose an undue hardship on the defendant.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

LD 1013 An Act To Prevent the Shackling of Pregnant Prisoners and Pregnant Juveniles

PUBLIC 315

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL MAKER	OTP-AM ONTP	S-302

This bill prohibits the use of restraints on a pregnant prisoner or detainee except in extraordinary circumstances. When restraints are used, the corrections official must document the extraordinary circumstance that required the use of restraints. The bill clarifies that when a pregnant prisoner or detainee is admitted to a medical facility or birthing center, a corrections officer may not be present in the room during labor or childbirth unless specifically requested by medical personnel. The bill also requires the adoption of policies on the treatment of pregnant prisoners and detainees and requires that information about those policies be disseminated to all prisoners and detainees.

Committee Amendment "A" (S-302)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment clarifies that the Commissioner of Corrections establishes mandatory minimum standards for using restraints applicable to pregnant prisoners and pregnant juveniles in jails by adopting routine technical rules. The amendment clarifies that notice of the rules is provided only to female prisoners and female juveniles. The bill places responsibility for certain provisions on corrections officials, and the amendment makes those provisions applicable to the jail administrator in a jail and the chief administrative officer in a state correctional facility.

Enacted Law Summary

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Public Law 2015, chapter 315 prohibits the use of restraints on a pregnant prisoner or detainee except in extraordinary circumstances. When restraints are used, the the jail administrator or chief administrative officer in a state correctional facility must document the extraordinary circumstance that required the use of restraints. The law provides that when a pregnant prisoner or detainee is admitted to a medical facility or birthing center, a corrections officer may not be present in the room during labor or childbirth unless specifically requested by medical personnel. The law requires the Commissioner of Corrections to establish mandatory minimum standards for using restraints applicable to pregnant prisoners and pregnant juveniles in jails by adopting routine technical rules and to provide notice of those standards to female prisoners and female juveniles.

LD 1029 An Act To Improve Maine's Juvenile Justice System

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFSKY	OTP-AM OTP-AM	H-235

This bill directs juvenile community corrections officers, when determining alternatives based on preliminary investigations, and the court, when entering a dispositional order for an adjudicated juvenile, to consider that whenever possible and appropriate the juvenile be referred to participate in a program intended to increase community safety by reducing the likelihood of future illegal behavior by the juvenile, to hold the juvenile accountable to the juvenile's victims and the community and to assist the juvenile in becoming a responsible and productive member of society.

The bill prohibits the use of physical restraints on a juvenile during a court proceeding and specifies that restraints must be removed prior to the juvenile's appearance before the court unless a Juvenile Court Judge finds that use of restraints is necessary because the present behavior of the juvenile represents a current threat to that juvenile's safety or the safety of others in the courtroom; recent disruptive courtroom behavior of the juvenile has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on that juvenile or others; present behavior of the juvenile presents a substantial risk of flight from the courtroom; or less restrictive restraints are unavailable.

Prior to a juvenile's appearance in court, the court is directed to inquire of the transporting agency and the judicial marshal or other designated court security as to whether reasonable grounds exist for the use of physical restraints in a particular situation or for a particular juvenile. If the transporting agency or the judicial marshal or other designated court security raises a concern that reasonable grounds exist for the use of physical restraints, the burden at hearing is on the juvenile to show by a preponderance of the evidence that reasonable grounds for use of physical restraints do not exist or that a less restrictive alternative that will alleviate the need for physical restraints exists. The court is directed to permit testimony on the issue of whether the use of physical restraints is necessary in a particular situation or for a particular juvenile.

The bill also amends the provisions regarding the dissemination of certain juvenile court records to specify that dissemination may be allowed only with the consent of the court, after hearing, taking into consideration the purposes of the Maine Juvenile Code. The bill specifies that police records, juvenile community corrections officers' records and all other reports of social and clinical studies may not be open to inspection in cases not open to the general public, and in cases that are open to the general public those records may be open to inspection only with the consent of the court, after hearing, taking into consideration the purposes of the Maine Juvenile Code and the need of the person seeking to inspect the records to access the information through this process. The juvenile, counsel who represented the juvenile at the adjudicatory or dispositional hearing and the district attorney must be given notice of the hearing and an opportunity to be heard.

Committee Amendment "A" (H-235)

This amendment is the majority report of the committee. The amendment deletes the phrase "whenever possible

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and appropriate" from the bill as it relates to the circumstances under which a juvenile participates in a program intended to increase community safety, hold the juvenile accountable and assist the juvenile in becoming a responsible and productive member of society. The amendment directs the Criminal Law Advisory Committee to review the laws regarding confidentiality and access to records of court proceedings pertaining to police records, juvenile community corrections officers' records and all other reports of social and clinical studies pertaining to juveniles and to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 with any recommendations and necessary legislation. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 127th Legislature. The amendment revises the procedure for the court to determine whether grounds for the use of restraints exist and adds to the grounds that past behavior of the juvenile presents a substantial risk that the juvenile's safety or the safety of others in the courtroom is threatened.

Committee Amendment "B" (H-236)

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment directs the Criminal Law Advisory Commission to review the laws regarding confidentiality and access to records of court proceedings pertaining to police records, juvenile community corrections officers' records and all other reports of social and clinical studies pertaining to juveniles and to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 with any recommendations and necessary legislation. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 127th Legislature.

LD 1057 Resolve, To Review and Report Recommendations on the Safety of Motorized Farm Rides Provided for a Fee to the Public

RESOLVE 32

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING KATZ	OTP-AM	H-234

Public Law 2013, chapter 595, Part U, section 4 repealed the Maine Revised Statutes, Title 8, chapter 19, which governed the licensing of exhibitions, performances and amusement shows, including the authority of the Department of Public Safety, Office of the State Fire Marshal to inspect amusement shows and amusement devices. This bill restores the repealed language and specifies that a hayride is included within the definition of an "amusement device" over which the Department of Public Safety, Office of the State Fire Marshal has licensing and inspection authority.

Committee Amendment "A" (H-234)

This amendment replaces the bill with a resolve. The resolve directs the State Fire Marshal and the Chief of the Maine State Police to work together as co-chairs to convene a broadly representative group of stakeholders to review methods of ensuring the safety of the public on motorized hayrides, pumpkin rides and other farm rides that are offered for a fee to the public on farms and rural land. The resolve requires the Office of the State Fire Marshal and the Maine State Police to prepare a report and submit it to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation by February 1, 2016. Following review of the report, the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation are authorized to separately submit legislation to the Second Regular Session of the 127th Legislature.

Enacted Law Summary

Resolve 2015, chapter 32 directs the State Fire Marshal and the Chief of the Maine State Police to work together as co-chairs to convene a broadly representative group of stakeholders to review methods of ensuring the safety of the public on motorized hayrides, pumpkin rides and other farm rides that are offered for a fee to the public on farms and rural land. The resolve requires the Office of the State Fire Marshal and the Maine State Police to prepare a report and submit it to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation by February 1, 2016. Following review of the report, the Joint Standing Committee

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on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation are authorized to separately submit legislation to the Second Regular Session of the 127th Legislature.

LD 1068 An Act To Require That Certain Active Duty Military Personnel Are Eligible for the Resident Application Fee for a Concealed Handgun Permit

PUBLIC 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R ROSEN	OTP-AM ONTP	H-153

This bill provides that a person on active duty in the United States Armed Forces who pays income taxes to this State and is otherwise qualified to be issued a permit to carry a concealed handgun is eligible for a permit issued by the Chief of the State Police upon payment of the application fee for a resident.

Committee Amendment "A" (H-153)

This amendment, which is the majority report of the committee, removes from the bill the requirement that a member of the United States Armed Forces pay income taxes to this State in order to pay a resident's application fee for a permit to carry a concealed handgun and instead requires that the member qualify as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules.

Enacted Law Summary

Public Law 2015, chapter 123 provides that a member of the Armed Services on active duty who qualifies as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules is eligible to pay the resident fee when applying for a permit to carry a concealed handgun.

LD 1071 An Act To Increase the Penalties for Vandalizing a Cemetery

Accepted Majority (ONTP) Report

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

This bill:

1. Amends the laws regarding damaging cemeteries and burial grounds by including damage to metal plaques, flags, flag holders, veteran's grave markers, vegetation and plants and adding damage created by an animal owned by or in the control of a person and by increasing the class of the crime from Class D to Class C;
2. Designates as a Class D crime a person's removing a flower, flag, flag holder or other memorial token from a burial ground without permission to do so or owning or controlling an animal that damages or destroys property in a cemetery or burial ground;
3. Adds metal plaques, flags, flag holders and veteran's grave markers to the crime of illegal possession or sale of gravestones;
4. Amends the restitution provisions in the law by expanding the list of authorized claimants to the crimes of interference with a cemetery or burial ground and illegal possession or sale of gravestones and removes from the consideration of the court the defendant's inability to pay; and

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5. Expands the list of claimants who may bring a civil suit with treble damages for the illegal possession or sale of gravestones.

Committee Amendment "A" (S-100)

This amendment is the minority report of the committee. The amendment retains the provisions of the bill that make restitution mandatory in criminal cases involving interference with a cemetery or burial ground and illegal possession of gravestones. The amendment strikes from the bill the provision that removes from the consideration of the court the inability to pay of a person who commits these crimes. The amendment strikes from the bill the strict liability crime of removal of a flower, flag, flag holder or memorial token from a grave, tomb, monument or burial lot and the crime of owning or controlling an animal that destroys, mutilates, defaces, injures or removes any tomb, monument, gravestone, marker, metal plaque, flag, flag holder or veteran's grave marker or other structure or thing placed or designed as a memorial or to protect a memorial for the dead, or any portion or fragment of any such memorial, or any fence, railing, curb or other enclosure for the burial of the dead. The amendment maintains the designation in current law of interference with a cemetery or burial ground as a Class D crime. The amendment requires municipalities to repair and restore tombs, monuments, gravestones, markers and any fences, railings, curbs or other enclosures that have been damaged and for which repair and restoration have not been provided by a person or organization.

LD 1074 An Act To Make Damaging a Public Easement with a Motor Vehicle a PUBLIC 258
Class E Crime

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

This bill provides that a person who, as a result of operating a motor vehicle on a public easement in fact, damages or destroys crops, forest products, personal property or roads on that public easement commits a Class E crime.

Committee Amendment "A" (S-209)

This amendment is the majority report of the committee. The amendment strikes from the bill the definition of "public easement" and defines that term instead by reference to the Maine Revised Statutes, Title 23, section 3021, subsection 2 and provides a definition of "emergency responder." The amendment provides an exception for an emergency responder that is similar to the exception in current law for a law enforcement officer.

Enacted Law Summary

Public Law 2015, chapter 258 provides that a person who, as a result of operating a motor vehicle on a public easement in fact, damages or destroys crops, forest products, personal property or roads on that public easement commits a Class E crime. The law provides an exception for an emergency responder that is similar to the exception in current law for a law enforcement officer.

LD 1096 An Act To Create the Crime of Intentional Interference with Business Accepted Majority
Operations Operations (ONTP) Report

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

This bill creates the crime of intentional interference with business operations, which is committed when a person intentionally hinders, impairs or obstructs or attempts to hinder, impair or obstruct the performance of a business operation, including damaging or rendering inoperable property of an organization, including buildings, equipment

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or critical infrastructure, on private or public property, on a private or public way or within a railroad right-of-way or energy infrastructure corridor. Intentional interference with business operations is a Class E crime, except that a person who refuses to stop interfering when ordered to do so by a law enforcement officer commits a Class D crime. If, at the time of the violation, the person has two or more prior Maine convictions for intentional interference with business operations, the person commits a Class C crime.

LD 1100 An Act To Expand Options for the Prevention of Domestic Violence

**Accepted Majority
(ONTP) Report**

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

This bill creates a gun violence restraining order to authorize a court to order a person to surrender that person's firearms and ammunition for a specific period of time when it has been proved that the person poses a danger of causing personal injury to that person or another person. The bill provides that:

1. A law enforcement officer may file for a temporary emergency gun violence restraining order, which expires in 21 days;
2. A law enforcement officer or a household or family member of the person may request an ex parte gun violence restraining order, which expires in 21 days. The court is required to hold a hearing to determine if a one-year order should be issued within 21 days;
3. A law enforcement officer or a household or family member of the person may request that a one-year gun violence restraining order be issued. The plaintiff must prove by clear and convincing evidence that the person poses a significant danger, that the order is necessary to prevent injury and that less restrictive alternatives have been tried or are inappropriate in the specific case;
4. The subject of a gun violence restraining order is required to surrender all firearms and ammunition in the person's possession to a law enforcement officer or to sell the firearms and ammunition to a federally licensed firearms dealer. If the firearms and ammunition are surrendered to a law enforcement agency, the firearms and ammunition must be returned to the person at the expiration of the gun violence restraining order; and
5. A person who possesses firearms or ammunition in violation of a gun violence restraining order commits a Class D crime. Part of the sentence must include the prohibition on possession of firearms and ammunition for an additional five years.

Committee Amendment "A" (H-441)

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

**LD 1112 An Act To Make Technical Changes to the Sex Offender Registration
and Notification Acts of 1999 and 2013**

PUBLIC 280

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

This bill amends the Sex Offender Registration and Notification Act of 1999 and the Sex Offender Registration and Notification Act of 2013 to make technical changes.

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With respect to the Sex Offender Registration and Notification Act of 1999, the bill:

1. Amends the Act to provide that, with respect to individuals convicted in other jurisdictions, only those individuals convicted before September 18, 1999 may apply for relief from the registration requirement, in order to parallel the provision applicable to registrants with Maine convictions. The bill also amends the law to require persons found not criminally responsible to be included in reinstating the registration requirement;
2. Amends the Act to require registration of a person sentenced after September 17, 1999 for a crime added after that date to the Act;
3. Amends the Act to not require verifications to be sent if the verification requirement has been suspended and to change the time period from 90 days to three months in order to require only four verifications a year. The bill also amends the law to clarify that in-person verification should occur every five years on the anniversary of the initial registration;
4. Amends the Act to require verifications from lifetime registrants who move to Maine from other jurisdictions;
5. Amends the Act to begin the registration period only after the duty to register has occurred;
6. Amends the Act to allow the Department of Public Safety, State Bureau of Identification to suspend the verification requirement for a registrant who is incarcerated, incapacitated or hospitalized; and
7. Amends the Act to provide for notice if a custodian of records certification is challenged.

With respect to the Sex Offender Registration and Notification Act of 2013, the bill:

1. Amends the Act to make the crime of gross sexual assault against a person with intellectual disabilities or autism receiving services from a program of the Department of Health and Human Services a Tier II offense regardless of the age of the victim;
2. Amends the Act to include incest with prior convictions as a Tier III offense;
3. Amends the Act to clarify that the bureau's duty to collect and post information occurs after the initial registration form is received;
4. Amends the Act to not require verifications to be sent if the verification requirement has been suspended, to change the time period from 90 days to three months for Tier III registrants in order to require only four verifications a year and to change the time period from 180 days to six months for Tier II registrants;
5. Amends the Act to allow the bureau to suspend the verification requirement for a registrant who is incapacitated or hospitalized;
6. Amends the violations section in the Act to include cross-references to relevant provisions of the Sex Offender Registration and Notification Act of 1999; and
7. Amends the Act to provide for notice if a custodian of record certification is challenged.

Enacted Law Summary

Public Law 2015, chapter 280 amends the Sex Offender Registration and Notification Act of 1999 and the Sex Offender Registration and Notification Act of 2013 to make technical changes.

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With respect to the Sex Offender Registration and Notification Act of 1999, Chapter 280:

1. Amends the Act to provide that, with respect to individuals convicted in other jurisdictions, only those individuals convicted before September 18, 1999 may apply for relief from the registration requirement, in order to parallel the provision applicable to registrants with Maine convictions. It also amends the law to require persons found not criminally responsible to be included in reinstating the registration requirement;
2. Amends the Act to require registration of a person sentenced after September 17, 1999 for a crime added after that date to the Act;
3. Amends the Act to not require verifications to be sent if the verification requirement has been suspended and to change the time period from 90 days to three months in order to require only four verifications a year. The bill also amends the law to clarify that in-person verification should occur every five years on the anniversary of the initial registration;
4. Amends the Act to require verifications from lifetime registrants who move to Maine from other jurisdictions;
5. Amends the Act to begin the registration period only after the duty to register has occurred;
6. Amends the Act to allow the Department of Public Safety, State Bureau of Identification to suspend the verification requirement for a registrant who is incarcerated, incapacitated or hospitalized; and
7. Amends the Act to provide for notice if a custodian of records certification is challenged.

With respect to the Sex Offender Registration and Notification Act of 2013, Chapter 280:

1. Amends the Act to make the crime of gross sexual assault against a person with intellectual disabilities or autism receiving services from a program of the Department of Health and Human Services a Tier II offense regardless of the age of the victim;
2. Amends the Act to include incest with prior convictions as a Tier III offense;
3. Amends the Act to clarify that the bureau's duty to collect and post information occurs after the initial registration form is received;
4. Amends the Act to not require verifications to be sent if the verification requirement has been suspended, to change the time period from 90 days to three months for Tier III registrants in order to require only four verifications a year and to change the time period from 180 days to six months for Tier II registrants;
5. Amends the Act to allow the bureau to suspend the verification requirement for a registrant who is incapacitated or hospitalized;
6. Amends the violations section in the Act to include cross-references to relevant provisions of the Sex Offender Registration and Notification Act of 1999; and
7. Amends the Act to provide for notice if a custodian of record certification is challenged.

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LD 1113 An Act To Replace the Bail Code with a System of Validated Risk Assessment Tools ONTP

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

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

This bill proposes to amend the standards for preconviction release by eliminating cash bail and requiring a judge or justice when making bail determinations to consider validated risk assessment tools. The purpose of this bill is to shift the emphasis from cash to suitability for release based on risk, in order to ensure the defendant's appearance in court and to prevent the defendant from committing new crimes.

LD 1114 An Act To Protect Maine's Children from Sexual Abuse and Exploitation CARRIED OVER

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

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

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1135 An Act Regarding the Requirements for Sprinkler Systems in Townhouses INDEF PP

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

This bill requires the Office of the State Fire Marshal to inspect and approve all sprinkler system plans for townhouses constructed after January 1, 2016. The bill establishes a definition for the term "townhouse" that mirrors the definition used in the International Residential Code.

This bill was not referred to a committee.

LD 1155 An Act Concerning Electronic Monitoring and Increased Bail for Certain Crimes Involving Violence Accepted Majority (ONTP) Report

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

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This bill requires a minimum cash bail for defendants charged with certain crimes under the Maine Revised Statutes, Title 17-A. The bill requires a minimum cash bail of \$4,000 for a charge of assault under section 207, domestic violence assault under section 207-A, aggravated assault under section 208, elevated aggravated assault under section 208-B or elevated aggravated assault on a pregnant person under section 208-C. The bill requires a minimum cash bail of \$2,000 for a charge of criminal threatening under section 209, domestic violence criminal threatening under section 209-A, terrorizing under section 210, stalking under section 210-A, domestic violence terrorizing under section 210-B, domestic violence stalking under section 210-C, reckless conduct under section 211, domestic violence reckless conduct under section 211-A or aggravated reckless conduct under section 213. The bill provides that a defendant who is released on bail on a charge of a violation of Title 17-A, section 207, 207-A, 208, 208-B, 208-C, 209, 209-A, 210, 210-A, 210-B, 210-C, 211, 211-A or 213 must be required to participate in an electronic monitoring program, if an electronic monitoring program is available, and must be required to pay the full cost of participation in that program. The bill requires bail commissioners and judicial officers when setting preconviction bail for a defendant for an alleged violation of Title 17-A, section 207, 207-A, 208, 208-B, 208-C, 209, 209-A, 210, 210-A, 210-B, 210-C, 211, 211-A or 213, when feasible, to obtain information from the victim.

Committee Amendment "A" (H-436)

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

LD 1160 An Act To Make Possession of a Firearm with an Altered or Obscured PUBLIC 364
Serial Number a Class C Crime

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL DION	OTP-AM ONTP	S-165

This bill changes criminal simulation involving the possession or transportation of a firearm with the manufacturer's make, model or serial number altered, removed or obscured from a Class E crime to a Class C crime.

Committee Amendment "A" (S-165)

This amendment, which is the majority report of the committee, replaces the bill. Current law provides that a person who with the intent to defraud and to prevent detection alters or removes the manufacturer's make, model or serial number from a firearm commits the Class E crime of criminal simulation. To be guilty of that crime, the person must have committed the act with the intent to defraud and to prevent identification. This amendment changes the law to require either the intent to defraud or the intent to prevent identification, but not both, as elements of the crime. It also makes this crime a Class C crime as is provided for in the bill.

This amendment also provides that a person who possesses an altered firearm with the intent to defraud or to prevent identification or intentionally or knowingly transports such a firearm with the intent to defraud or to prevent identification commits the crime of criminal simulation.

Enacted Law Summary

Current law provides that a person who with the intent to defraud and to prevent detection alters or removes the manufacturer's make, model or serial number from a firearm commits the Class E crime of criminal simulation. To be guilty of that crime, the person must have committed the act with the intent to defraud and to prevent identification. Public Law 2015, chapter 364 requires either the intent to defraud or the intent to prevent identification, but not both, as elements of the crime and makes this crime a Class C crime.

Public Law 2015, chapter 364 also provides that a person who possesses an altered firearm with the intent to defraud or to prevent identification or intentionally or knowingly transports such a firearm with the intent to defraud

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or to prevent identification commits the crime of criminal simulation.

LD 1179 An Act To Prohibit Certain Payments with Respect to an Adoption

PUBLIC 233

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER DIAMOND	OTP-AM	H-241

This bill creates the Class C crime of selling a human being to another person in exchange for pecuniary gain or any other material benefit or consideration.

Committee Amendment "A" (H-241)

This amendment provides a new title for the bill, replaces the bill and prohibits, within the context of an adoption of a child, any payment that is not authorized under the Maine Revised Statutes, Title 18-A, section 9-306.

Enacted Law Summary

Public Law 2015, chapter 233 prohibits, within the context of an adoption of a child, any payment that is not authorized under the Maine Revised Statutes, Title 18-A, section 9-306. The law designates a payment made in violation of the prohibition as a Class D crime.

LD 1200 An Act To Create a Civil Cause of Action for Intentional Interference with Business Operations

Died Between Houses

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

This bill creates a civil cause of action for intentional interference with business operations. "Business operations" is defined to mean an activity engaged in with the object of gain, benefit or advantage, either direct or indirect, by a private entity. The bill provides that:

1. An individual is liable to a private entity for damages if the individual commits an act that hinders, impairs or obstructs or attempts to hinder, impair or obstruct the performance of business operations by the private entity;
2. An organization that promotes, advocates for or directs an individual to engage in the acts described in the bill is liable to the private entity in the same manner as the individual committing the act;
3. The private entity may recover damages by filing an action in court and may be awarded actual damages, a civil penalty and costs and fees, including reasonable attorney's fees; and
4. A person who knowingly uses the provisions in this bill to demand or extract money from an individual or organization that is not legally obligated to pay damages commits a Class E crime.

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LD 1243 An Act To Make the Law Regarding Critical Incident Stress Management Teams More Beneficial and Effective

PUBLIC 112

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

This bill amends the definition of "critical incident" to include employees of and emergency dispatchers for a criminal justice agency. The bill also allows the chief law enforcement officer of a law enforcement agency or the chief law enforcement officer's designee to designate critical incident stress management team members.

Enacted Law Summary

Public Law 2015, chapter 112 amends the definition of "critical incident," as it pertains to Critical Incident Stress Management Teams under the Maine Revised Statutes, Title 25, chapter 501, to include employees of and emergency dispatchers for a criminal justice agency. The law also allows the chief law enforcement officer of a law enforcement agency or the chief law enforcement officer's designee to designate critical incident stress management team members.

LD 1246 An Act To Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and Other Drugs

PUBLIC 346

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN DAVITT	OTP-AM OTP-AM	S-280 S-337 HAMPER

This bill strengthens laws regarding the manufacture and sale of methamphetamine and other drugs. It does the following:

1. Provides that possession of two grams or more of fentanyl or 90 or more individual containers containing fentanyl constitutes "trafficking";
2. Provides that possession of at least one gram but less than two grams of fentanyl or at least 45 but fewer than 90 individual containers of fentanyl constitutes "furnishing";
3. Establishes the crime of aggravated unlawful operation of a clandestine methamphetamine laboratory; and
4. Prohibits the unlawful possession of a scheduled drug containing fentanyl, seven grams or more of cocaine or two grams or more of cocaine in the form of cocaine base.

Committee Amendment "A" (S-280)

This amendment is the majority report of the committee. The amendment defines "fentanyl powder" and clarifies that the fentanyl for which the bill establishes the penalties is fentanyl powder. The amendment deletes from the bill the word clandestine in regard to the methamphetamine laboratories that are criminalized in the bill.

Committee Amendment "B" (S-281)

This amendment is the minority report of the committee. The amendment changes the title of the bill. The amendment defines "fentanyl powder" and clarifies that the fentanyl for which the bill establishes the penalties is fentanyl powder. The amendment deletes from the bill the word clandestine in regard to the methamphetamine laboratories that are criminalized in the bill. The amendment reduces possession of oxycodone in the form of pills,

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capsules, tablets, mixtures or substance in the aggregate less than 30 milligrams and possession of hydrocodone or hydromorphone from a Class C crime to a Class D crime.

Senate Amendment "A" To Committee Amendment "A" (S-337)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2015, chapter 346 strengthens laws regarding the manufacture and sale of methamphetamine and other drugs. It does the following:

1. Provides that possession of two grams or more of fentanyl powder or 90 or more individual containers containing fentanyl powder constitutes "trafficking";
2. Provides that possession of at least one gram but less than two grams of fentanyl powder or at least 45 but fewer than 90 individual containers of fentanyl powder constitutes "furnishing";
3. Establishes the crime of aggravated unlawful operation of a methamphetamine laboratory;
4. Prohibits and designates as a Class C crime the unlawful possession of a scheduled drug containing fentanyl powder, seven grams or more of cocaine or two grams or more of cocaine in the form of cocaine base; and
5. Authorizes a court to order as part of the sentence of a defendant restitution that to pay as an expense of emergency response the costs of a response to a suspected unlawful methamphetamine laboratory, including trained laboratory personnel and laboratory services.

**LD 1275 An Act Regarding Notice to the Public Pertaining to a Resident Person
Deported from Canada to the United States for Committing a Sex
Offense against a Child**

PUBLIC 76

Sponsor(s)

Committee Report

Amendments Adopted

This bill is reported out by the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Rule 353, after receipt of a report from the Commissioner of Public Safety submitted pursuant to Resolve 2013, chapter 97. The bill authorizes a law enforcement agency that obtains from the United States Customs and Border Protection written documentation that a person resident in the jurisdiction of the agency has been deported from Canada to the United States because the person was convicted in Canada of a sex offense against a child to provide notice to the public as determined by the agency to be appropriate to ensure the public safety. The bill states that neither the failure to perform the actions permitted by the bill nor the taking of actions in compliance with the bill subjects any state, municipal or county official or employee to liability in a civil action.

Enacted Law Summary

Public Law 2015, chapter 76 authorizes a law enforcement agency that obtains from the United States Customs and Border Protection written documentation that a person resident in the jurisdiction of the agency has been deported from Canada to the United States because the person was convicted in Canada of a sex offense against a child to provide notice to the public as determined by the agency to be appropriate to ensure the public safety. The law states that neither the failure to perform the actions permitted by the bill nor the taking of actions in compliance with the bill subjects any state, municipal or county official or employee to liability in a civil action.

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LD 1380 An Act To Legalize, Tax and Regulate Marijuana

**Accepted Majority
(ONTP) Report**

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

This bill addresses the use, possession, cultivation, manufacturing, testing, transportation and sale of marijuana and marijuana products.

The bill legalizes the possession of up to an ounce of marijuana for a person 21 years of age and older, taxes sales of marijuana and regulates the marijuana industry, which in the language of the bill is conducted by marijuana establishments. The bill does the following:

1. In Part A the bill imposes the marijuana excise tax of 15% on the sale or transfer of marijuana from a licensed commercial marijuana cultivation facility to a licensed retail marijuana store and to a licensed marijuana product manufacturing facility. The bill imposes a sales tax of 10% on marijuana and marijuana products sold at retail marijuana stores. The bill provides for the distribution of marijuana excise and sales tax revenues. The bill requires an annual report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and taxation matters on excise and sales tax receipts and the distribution of the revenues. The bill directs the Department of Administrative and Financial Affairs, Bureau of Revenue Services to review methods for ensuring that all nonexempt marijuana sold in the State is assessed and to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters and authorizes the committee to submit legislation to the First Regular Session of the 128th Legislature;

2. In Part B the bill updates the law relating to marijuana that generally prohibits possession of marijuana to exempt possession by certain people and of certain amounts from prosecution as a crime. The bill makes possession of up to two and one-half ounces of marijuana a civil violation for persons less than 21 years of age, punishable by a fine of up to \$100, with an option of court-ordered community service and possible expungement after one year. The bill legalizes possession of up to one ounce of marijuana by a person 21 years of age or older. The bill makes possession of over one ounce but under 2 1/2 ounces of marijuana by a person 21 years of age or older a civil violation, punishable by a fine of up to \$100, with an option of court-ordered community service and possible expungement after one year;

3. In Part C the bill enacts the Personal Use of Marijuana Act, allowing a person 21 years of age or older to use, purchase from a retail marijuana store or possess up to one ounce of marijuana or marijuana products and marijuana accessories. The bill allows a person 21 years of age or older to transfer or furnish, without remuneration, up to one ounce of marijuana and up to six marijuana seedlings to another person 21 years of age or older. The bill allows a person 21 years of age or older to possess, grow, cultivate or process up to six marijuana plants and to possess the marijuana products produced from the marijuana plants on the premises where the plants were grown. The bill allows a person 21 years of age or older to use marijuana in a nonpublic place, including a private residence. The bill allows a person 21 years of age or older to cultivate marijuana at home. The bill addresses the relationship of the provisions in the bill to state laws regarding marijuana, smoking tobacco products, operation of motor vehicles, watercraft, snowmobiles and all-terrain vehicles and hunting. The bill addresses marijuana under federal law and on federal property. The bill directs that a person who consumes or uses marijuana or marijuana products in accordance with the law may not be denied parental rights and responsibilities for a minor child because of that use unless the person's behavior creates an unreasonable danger to the health or welfare of the minor child. The bill provides similar protections with regard to the Child and Family Services and Child Protection Act;

4. In Part D the bill requires the Bureau of Alcoholic Beverages and Lottery Operations within the Department of

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Administrative and Financial Services to enforce the laws and rules relating to the manufacturing, processing, labeling, storing, transporting, testing and selling of marijuana and marijuana products by marijuana establishments and marijuana transportation providers and to administer the laws relating to licensure, regulation and collection of taxes from marijuana establishments. The bill specifies authorized activities for marijuana establishments, requirements for record keeping, restrictions on access for persons under 21 years of age, procedures for investigations, disciplinary procedures and procedures for license suspension. The bill establishes procedures for licensing marijuana establishments, which include commercial marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities and retail marijuana stores, and marijuana transportation providers. The bill specifies general licensing requirements for marijuana establishments and marijuana transportation providers and general operational requirements. The bill includes specific requirements for the manufacturing of solvent-based marijuana concentrate by marijuana product manufacturing facilities. The bill requires the bureau to adopt rules required for implementation and designates the rules as major substantive rules. The bill requires the bureau to issue an annual report that contains information on rulemaking, licensing and inspections and statistical data on youth consumption and perceptions of safety of marijuana, tobacco, alcohol and controlled substances. The bill authorizes the joint standing committees of the Legislature having jurisdiction over health and human services matters, taxation matters and alcoholic beverages matters to submit legislation to address issues related to the report. The bill contains provisions allowing for local control with regard to marijuana establishments, including allowing a sales tax of up to 2% on sales by retail marijuana stores of marijuana and marijuana products. The bill provides for licensure by default by a municipality if the bureau delays issuing licenses beyond January 30, 2018. The bill establishes the Marijuana Regulation and Licensing Fund to pay the bureau's expenses, allows researchers access to marijuana and provides for access to marijuana for participants in research. The bill provides rules of construction for the provisions regarding marijuana establishments and marijuana transportation providers, provides for the validity and enforceability of contracts and addresses professional licensure for professional occupations. The bill establishes the Marijuana Research Fund to provide research grants and the Low-income Marijuana Patient Access Program Fund to reimburse caregivers and dispensaries for the costs of providing medical marijuana to low-income persons. The bill requires the bureau to adopt major substantive rules by January 31, 2018. The bill requires the bureau to begin accepting and processing applications for marijuana establishments and marijuana transportation providers by January 1, 2018;

5. In Part E the bill protects property from forfeiture based on the personal use of marijuana law. The bill provides that the odor of marijuana alone does not create probable cause of criminal activity;

6. In Part F the bill amends the laws on the preparation of foods to allow for food containing marijuana and marijuana products to be prepared by marijuana establishments. The bill amends the Maine Food Law to include in the definition of "food establishment" a marijuana establishment that prepares edible marijuana or an edible marijuana product and provides that food containing marijuana produced by a marijuana establishment is not considered adulterated. The bill amends the law on adulterated food to specify that goods that contain marijuana and are prepared for sale in a retail marijuana establishment pursuant to the Maine Revised Statutes, Title 28-A, chapter 111 are not to be considered adulterated food. The bill enacts a new section in the Maine Food Law that imposes requirements on marijuana establishments that sell edible marijuana products with regard to the packaging and labeling of marijuana and marijuana products and prohibits misleading, false or deceptive advertising or advertising that is inconsistent with local laws and regulations in the municipality in which the marijuana establishment operates. The bill amends the law on employment of minors to require the director of the Bureau of Labor Standards in the Department of Labor to adopt rules prohibiting the employment of minors in marijuana establishments licensed pursuant to Title 28-A, chapter 111. The bill directs the Department of Labor, in consultation with the State Workforce Investment Board, to review and make recommendations on workforce development needs, including training and certification, and to report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters by April 1, 2017;

7. In Part G the bill amends the law on the criteria for issuing a permit to carry concealed handguns to provide that conduct allowed under the law on medical use of marijuana under Title 22, chapter 558-C and conduct allowed under the law on personal use of marijuana under Title 22, chapter 558-D may not be the basis for a finding of a

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lack of good moral character;

8. In Part H the bill establishes in Title 5, chapter 379 the Youth Marijuana Prevention and Control Advisory Council. The bill establishes the Youth Marijuana Prevention and Control Program to prevent youth from using marijuana and marijuana products except for the medical use of marijuana in accordance with Title 22, chapter 558-C. The program consists of a major media campaign, grants for community-based programs, procedures for monitoring and evaluating the program and, in conjunction with law enforcement and other state and federal agencies, increased law enforcement efforts to increase compliance with laws regarding the transportation, distribution and sale of marijuana and marijuana products. The bill provides for the duties of the Youth Marijuana Prevention and Control Advisory Council, which include advising the Department of Health and Human Services and working to ensure coordination of the program with nonprofit and community agencies, the department, the Department of Education and other state agencies. The bill specifies that the members of the advisory council are appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives. The bill requires that the initial appointments to the advisory council must be made by March 15, 2017 and that the first meeting of the advisory council must be held by April 15, 2017; and

9. In Part I the bill provides for a referendum to approve the legislation. This procedure requires that the bill, if passed into law and enacted, must be submitted to the voters of the State in a statewide election in November 2016.

Committee Amendment "A" (H-488)

This amendment, which is the minority report of the committee. It retains the structure of the bill that legalizes personal use of marijuana by adults 21 years of age and older, that establishes a system of regulation of marijuana establishments and marijuana transportation providers within the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and that imposes a tax of 10% on retail sales of marijuana and marijuana products. The amendment does the following:

1. It amends taxation provisions in the bill to provide the structure for the payment of taxes and administration by the Bureau of Revenue Services;
2. It corrects the confusing use of the term "minor" in the bill, which was intended to cover persons through 20 years of age, by referring to persons too young to be allowed personal use of marijuana as "underage persons";
3. It provides maximum penalties for underage persons with respect to the purchase, consumption and possession of marijuana and with respect to other prohibited acts related to marijuana. It allows a judge to assign an underage person to perform specified work for a public entity or charitable institution as an alternative to these penalties;
4. In the provisions on possession of marijuana it reduces from six to three the number of marijuana seedlings that a person may transfer to another person, clarifies that the limit of six plants applies to all plants and requires that the reasonable precautions that must be taken to keep marijuana plants from underage persons apply to storing and securing marijuana;
5. It amends the provision prohibiting marijuana sales from vending machines by allowing sales from vending machines inside a retail marijuana store;
6. It amends the provisions on applications for marijuana establishments and marijuana transportation providers to comply with the requirement that the location of the business be a municipality, unorganized place or plantation that has voted to allow such businesses and provides the option of that jurisdiction to limit the number of businesses;
7. It amends the provisions on operation of a retail marijuana store, a marijuana product manufacturing facility and a commercial marijuana cultivation facility;
8. It makes technical editing and typographic corrections in the bill;

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- 9. It amends the bill's labeling requirements for retail sales of marijuana and marijuana products;
- 10. It allows municipalities, unorganized places and plantations to impose a local marijuana sales tax of up to 2%;
- 11. It changes from 15% to 5% the excise tax imposed in the bill on marijuana that is sold or transferred from a commercial marijuana cultivation facility; and
- 12. It clarifies that the 10% sales tax on the retail sale of marijuana is in addition to the regular state sales tax.

LD 1387 An Act Regarding the State Board of Corrections

CARRIED OVER

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

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

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

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1401 An Act To Allow for and Regulate the Adult Use of Cannabis

**Accepted Majority
(ONTP) Report**

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

This bill reforms state marijuana laws by establishing an excise tax on marijuana, allowing the personal use and cultivation of cannabis and allowing, regulating and licensing certain commercial cannabis-related activities, while providing provisions to protect persons under 21 years of age, employers and schools.

Part A of the bill establishes a 10% sales tax on cannabis, which is in addition to the current sales and use tax. Revenue from the sales tax on cannabis is distributed on a monthly basis as follows:

- 1. Ten percent each to regulate cannabis establishments; to counties and municipalities, based on the ratio of sales of cannabis products in the municipality or county to the sales of cannabis products in the State; to the Fund for a Healthy Maine for the elderly low-cost drug program; to the Department of Education for school construction; to conduct research on cannabis; to the Department of Health and Human Services, Maine Center for Disease Control and Prevention for a public awareness campaign to reduce the use of cannabis by persons under 21 years of age and the use of alcohol and tobacco; and to the Department of Health and Human Services to obtain federal funding for MaineCare; and
- 2. The balance to the General Fund.

Part A directs the Department of Administrative and Financial Services, Bureau of Revenue Services to report annually, beginning January 30, 2017, 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

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cannabis that is sold in the State is assessed and to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters by February 15, 2017.

Part B removes the civil violation for possession of cannabis by adults 21 years of age and older and specifies a civil fine of at least \$100 for possession of cannabis by a person under 21 years of age; a judge may, as an alternative or in addition to the fine, assign the person to perform work for the State, a subdivision of the State, a public entity or a charity.

Part C of the bill establishes the Cannabis Regulation Act, which allows a person 21 years of age or older to possess, purchase and use cannabis within certain limits and to cultivate a limited amount of cannabis for personal use. It allows a person to possess cannabis paraphernalia and up to one ounce of cannabis. It allows a person to cultivate up to three cannabis plants and up to six seedlings, and to purchase up to one ounce of cannabis, cannabis paraphernalia and cannabis seedlings from someone who is licensed to sell these products. The bill imposes restrictions on cannabis use similar to those that apply to tobacco use regarding smoking in public places. It requires those cultivating cannabis to secure the cannabis from access by unauthorized persons and by minors.

Part C includes specific requirements for the operations of commercial cannabis-related activities regarding the location of operations, security measures, labeling and record keeping. It allows localities to limit, regulate or ban the issuance of cannabis-related licenses. It further limits the number of retail cannabis stores based on the size of the municipality. Enforcement and administration of the Cannabis Regulation Act is the responsibility of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, which is renamed the Bureau of Alcoholic Beverages, Cannabis and Lottery Operations. The bureau is required to adopt rules for the licensing and regulation of cannabis establishments; upon the adoption of such rules, each dispensary registered under the Maine Medical Use of Marijuana Act is granted a provisional license to operate a commercial cannabis cultivation facility, a cannabis product manufacturing facility and a retail cannabis store. Included in the rules must be a provision giving preference for licensing to a registered dispensary under the Maine Medical Use of Marijuana Act. A dispensary organized as a nonprofit corporation that reorganizes under the Maine Revised Statutes, Title 13-C is deemed to be the same dispensary for licensing purposes. Part C creates the Cannabis Regulation and Licensing Fund to provide a funding mechanism for regulation of commercial cannabis-related activities and the Cannabis Research Fund to fund research on cannabis; both funds are funded by revenue from the sales tax on cannabis.

Part C also amends the Maine Medical Use of Marijuana Act to remove the requirement that dispensaries be nonprofit corporations, remove the restriction on how much marijuana may be transferred by a primary caregiver for compensation, require a primary caregiver's cultivation facility to be open to reasonable inspection by the Department of Health and Human Services and cap the number of primary caregivers registered with the department at the number registered with the department on December 31, 2015.

Finally, Part C requires the Department of Agriculture, Conservation and Forestry to adopt rules regulating the use of pesticides in cannabis cultivation operations.

Part D renames the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services, the Bureau of Alcoholic Beverages, Cannabis and Lottery Operations.

Part E updates the exceptions to the laws restricting possession of marijuana in the Maine Criminal Code to reflect the use permitted by this legislation. Part E also provides that the odor of cannabis does not create probable cause of criminal activity.

Part F 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 Title 7 and Title 22 that are affected by the enactment of the Cannabis Regulation Act and amends Title 26 to prohibit the employment of a person under 21 years of age in an

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establishment licensed for commercial cannabis-related activities.

Part G provides that a person cannot be found to lack good moral character for personal, medical or commercial marijuana activities allowed by this legislation when that person is applying to obtain a permit to carry a concealed handgun.

Part H creates the Prevention and Control of Marijuana Use by Youth Program and its administering body, the Prevention and Control of Marijuana Use by Youth Advisory Council. The purpose of the program is to prevent persons under 21 years of age from using marijuana products. Part H also creates the Cannabis Research Fund, which is established to conduct research on cannabis.

Committee Amendment "A" (H-477)

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

LD 1413 An Act To Allow an Attorney To Speak or Provide a Written Statement PUBLIC 282
for a Victim at Sentencing

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG KATZ	OTP-AM ONTP	H-398

Current law provides that a victim may participate in the process of a defendant's sentencing and requires the court to consider any oral or written statement made by the victim to the court. This bill provides that the victim may have an attorney represent the victim and submit a written statement or speak on the victim's behalf during the sentencing process.

Committee Amendment "A" (H-398)

This amendment is the majority report of the committee. The amendment changes the title and removes from the bill the provision that provides that an attorney may represent the victim at a sentencing hearing. It retains and clarifies the provision of the bill that allows an attorney to submit a written statement or speak on the victim's behalf.

Enacted Law Summary

Public Law 2015, chapter 282 allows an attorney for a victim of a crime to submit a written statement or speak on the victim's behalf in the court sentencing procedure.

LD 1437 An Act To Establish Training Standards for Persons Investigating Died Between
Domestic Abuse Complaints Houses

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

This bill requires that an investigation of an alleged incident of domestic abuse must be conducted by a law enforcement officer who has met the training standards of a full-time law enforcement officer.

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LD 1440 An Act To Amend the Laws Regarding the Department of Corrections and Correctional Services

**PUBLIC 291
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN	OTP-AM	S-251

This bill authorizes law enforcement officers and juvenile community corrections officers to refer juveniles who commit minor offenses to diversion or restorative justice programs. In order to facilitate the effectiveness of these programs, the protection provided against admissibility in evidence for admissions made at other early stages of the juvenile justice process is provided for admissions made in connection with these diversion and restorative justice programs. An outdated reference to "community resolution teams" is also removed.

The bill adds to the protections of the victim notification statute by requiring victim notification of funeral and deathbed visits by prisoners, by adding to the definition of "victim" a person who has obtained from a court a protection from abuse order or received the court's approval for a protection from abuse agreement and by allowing victims to request notification directly from the Department of Corrections.

The bill allows a court to revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited as a condition of probation.

The bill clarifies that the exemption from the payment of a health care copayment for certain mentally ill or developmentally disabled prisoners applies only to health care addressing the mental illness or developmental disability and not to unrelated health care. These provisions apply to both jail and Department of Corrections prisoners. The bill also removes a provision that is outdated as a result of recently enacted statutes prohibiting anyone under 18 years of age from being incarcerated in an adult facility.

The bill removes language providing that certain positions in the Department of Corrections serve at the pleasure of the commissioner. The positions include facility heads and regional community corrections administrators.

The bill expands the arrest powers of probation officers so that, in addition to the other categories of offenders they may arrest, they are also authorized to arrest escapees from facilities of the Department of Corrections.

The bill repeals an outdated uniform interstate compact for juveniles.

The bill amends the provision of law requiring a court sentencing a juvenile bound over and convicted as an adult to imprisonment to commit the juvenile to a Department of Corrections juvenile facility until the person attains 18 years of age, with any imprisonment time remaining after the person attains 18 years of age to be served in an adult facility. Currently, this provision is limited to certain serious crimes. The bill eliminates the limitation, thus preventing a person who has not attained 18 years of age who commits a less serious crime from being incarcerated in an adult facility.

Committee Amendment "A" (S-251)

This amendment removes from the bill provisions related to juvenile community corrections officer duties, statements made during a diversion or restorative justice program, preliminary procedures in juvenile corrections, victim notification, revocation of probation and repeal of the Uniform Interstate Compact on Juveniles. The amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2015, chapter 291 does the following.

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1. It clarifies that the exemption from the payment of a health care copayment for certain mentally ill or developmentally disabled prisoners applies only to health care addressing the mental illness or developmental disability and not to unrelated health care. These provisions apply to both jail and Department of Corrections prisoners.
2. It repeals a provision that is outdated as a result of recently enacted statutes prohibiting anyone under 18 years of age from being incarcerated in an adult facility.
3. It repeals language providing that certain positions in the Department of Corrections serve at the pleasure of the commissioner. The positions include facility heads and regional community corrections administrators.
4. It expands the arrest powers of probation officers so that, in addition to the other categories of offenders they may arrest, they are also authorized to arrest escapees from facilities of the Department of Corrections.

Public Law 2015, chapter 291 was enacted as an emergency measure effective June 30, 2015.

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SUBJECT INDEX

Criminal History Record Information/DNA/Forensics

Not Enacted

LD 573	An Act To Provide for Annulment of Certain Arrest Records and Expungement of Certain Confidential Criminal History Record Information	ONTP
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Criminal Law

Enacted

LD 264	An Act To Restore the Right To Possess Certain Knives That Are Used by Many Citizens as Tools	PUBLIC 23
LD 431	An Act To Strengthen the Laws Prohibiting Stalking	PUBLIC 357
LD 679	An Act To Prohibit the Unauthorized Dissemination of Certain Private Images	PUBLIC 339
LD 1074	An Act To Make Damaging a Public Easement with a Motor Vehicle a Class E Crime	PUBLIC 258
LD 1179	An Act To Prohibit Certain Payments with Respect to an Adoption	PUBLIC 233

Not Enacted

LD 239	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 355	An Act To Extend the Statute of Limitations for the Prosecution of the Crime of Robbery	ONTP
LD 1071	An Act To Increase the Penalties for Vandalizing a Cemetery	Majority (ONTP) Report
LD 1096	An Act To Create the Crime of Intentional Interference with Business Operations	Majority (ONTP) Report
LD 1200	An Act To Create a Civil Cause of Action for Intentional Interference with Business Operations	Died Between Houses
LD 1380	An Act To Legalize, Tax and Regulate Marijuana	Majority (ONTP) Report
LD 1401	An Act To Allow for and Regulate the Adult Use of Cannabis	Majority (ONTP) Report

Criminal Procedure/Bail/Sentencing

Enacted

LD 150	Resolve, Requiring a Review of and a Report on Pretrial and Post-conviction Use of Batterers' Intervention Programs	RESOLVE 15
LD 512	An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code	PUBLIC 358

Not Enacted

LD 1113	An Act To Replace the Bail Code with a System of Validated Risk Assessment Tools	ONTP
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Department of Corrections

Enacted

LD 688	An Act To Amend the Laws Related to the Bolduc Correctional Facility	PUBLIC 48
LD 1440	An Act To Amend the Laws Regarding the Department of Corrections and Correctional Services	PUBLIC 291 EMERGENCY

Not Enacted

LD 1387	An Act Regarding the State Board of Corrections	CARRIED OVER
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Domestic Violence

Not Enacted

LD 1100	An Act To Expand Options for the Prevention of Domestic Violence	Majority (ONTP) Report
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Drugs

Enacted

LD 113	An Act To Reduce the Penalties for Certain Drug Offenses	PUBLIC 308
LD 729	An Act To Add Acetylfentanyl and Methylfentanyl Derivatives to the List of Schedule W Drugs	PUBLIC 330 EMERGENCY
LD 1246	An Act To Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and Other Drugs	PUBLIC 346

Not Enacted

LD 376	An Act To Provide a Source of Funding for Drug Abuse Resistance Education	Died Between Houses
LD 710	An Act Providing a Good Samaritan Defense to Individuals Reporting a Drug Overdose	Veto Sustained

Electronic Devices--Monitoring/Crimes/Disposal

Not Enacted

LD 1002	An Act Regarding the Electronic Monitoring Program	CARRIED OVER
LD 1155	An Act Concerning Electronic Monitoring and Increased Bail for Certain Crimes Involving Violence	Majority (ONTP) Report

Firearms/Concealed Firearms

Enacted

LD 600	An Act To Prohibit a Person Convicted of a Crime of Domestic Violence from Possessing a Firearm for a Period of 5 Years and To Better Align Maine Law with Federal Law Regarding Persons Prohibited from Possessing Firearms	PUBLIC 287
LD 652	An Act To Authorize the Carrying of Concealed Handguns without a Permit	PUBLIC 327
LD 868	An Act To Remove Limitations on Reciprocity for Concealed Handguns Permits	PUBLIC 144
LD 1068	An Act To Require That Certain Active Duty Military Personnel Are Eligible for the Resident Application Fee for a Concealed Handgun Permit	PUBLIC 123
LD 1160	An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime	PUBLIC 364

Not Enacted

LD 230	An Act To Allow a Person To Request a Pardon from the Governor for the Purpose of Restoring Gun Rights	Majority (ONTP) Report
LD 415	An Act To Promote the Safe Use and Sale of Firearms	Died Between Houses
LD 535	An Act To Amend the Laws Governing the Concealed Handguns Permit Application	Majority (ONTP) Report
LD 548	An Act To Provide a Concealed Handgun Permit for Active Military Members	ONTP
LD 823	An Act To Upgrade the Concealed Handgun Permit Law	CARRIED OVER

Fireworks

Not Enacted

LD 149	An Act To Protect Private Property and Livestock from Fireworks	Majority (ONTP) Report
LD 177	An Act To Protect Farm Animals from Noise from the Discharge of Fireworks and Explosives	Majority (ONTP) Report
LD 302	An Act To Encourage Responsible Consumer Fireworks Use	Died Between Houses

LD 324	An Act To Control Fireworks in Monhegan Island Plantation	Minority (ONTP) Report
LD 459	An Act To Protect the Environment from Fireworks Debris	Veto Sustained

Juveniles

Enacted

LD 263	An Act To Provide a Minor with a Defense to Prosecution in a Situation That Involves Risk of Alcohol Overdose	PUBLIC 154
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Not Enacted

LD 1029	An Act To Improve Maine's Juvenile Justice System	Veto Sustained
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Law Enforcement

Enacted

LD 375	An Act To Create a Blue Alert Program in Maine	PUBLIC 26
LD 1243	An Act To Make the Law Regarding Critical Incident Stress Management Teams More Beneficial and Effective	PUBLIC 112

Not Enacted

LD 534	An Act To Increase Crisis Intervention Training in the State	ONTP
LD 1437	An Act To Establish Training Standards for Persons Investigating Domestic Abuse Complaints	Died Between Houses

Maine Emergency Management Agency

Not Enacted

LD 549	Resolve, To Create the Task Force on Disaster Resiliency	ONTP
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OUI/OAS/Other MV Violations

Not Enacted

LD 69	An Act To Require Drug Testing of the Driver of a Motor Vehicle Involved in a Fatal Accident	Died On Adjournment
LD 458	An Act To Implement a Motor Vehicle Violation Electronic Citation Program	ONTP
LD 504	An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility	Report A (ONTP)
LD 988	An Act To Create the Crime of Operating While Fatigued	Majority (ONTP) Report

Prison/Jail/Inmate

Enacted

LD 186	An Act To Reverse Jail Consolidation	PUBLIC 335 EMERGENCY
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LD 1013 An Act To Prevent the Shackling of Pregnant Prisoners and Pregnant Juveniles PUBLIC 315

Not Enacted

LD 195 An Act Regarding County Jails CARRIED OVER

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

LD 657 An Act To Provide Enhanced Mental Health Services to the County Prison Population Died Between Houses

Public Safety/Emergency Medical Services

Enacted

LD 62 An Act To Require Notice to Municipalities of Certain Licensing and Registration Actions Taken by the Emergency Medical Services' Board PUBLIC 6

LD 623 An Act To Expand Maine's Carbon Monoxide Detectors Law PUBLIC 375

LD 624 An Act To Make a Technical Correction to the Law Establishing the State Trauma Prevention and Control Advisory Committee within the Field of Public Safety PUBLIC 30

LD 629 An Act Regarding Community Paramedicine Pilot Projects PUBLIC 92
EMERGENCY

LD 697 An Act To Restore Public Safety Programs in the Department of Public Safety PUBLIC 148
EMERGENCY

LD 818 An Act To Amend the Maine Emergency Medical Services Act of 1982 PUBLIC 82

LD 1057 Resolve, To Review and Report Recommendations on the Safety of Motorized Farm Rides Provided for a Fee to the Public RESOLVE 32

Not Enacted

LD 460 An Act To Restore Liability Insurance Requirements for Amusement Rides and Other Public Exhibitions ONTP

LD 599 An Act To Direct the Department of Public Safety To Establish a Public Safety Answering Point for the Passamaquoddy Indian Reservation at Indian Township Died Between Houses

LD 655 Resolve, To Study the Feasibility of a State Firefighter Training Facility CARRIED OVER

LD 658 An Act To Allow Text Messaging for Reporting Emergencies Majority (ONTP) Report

LD 748 An Act To Provide for Tiered Qualifications for Volunteer Firefighters in Certain Municipalities Leave to Withdraw

LD 971 An Act To Reinstate the State Fire Marshal's Authority To Inspect Amusement Rides ONTP

LD 1135 An Act Regarding the Requirements for Sprinkler Systems in Townhouses INDEF PP

Sex Offender Registration

Enacted

LD 379	An Act To Create the Sex Offender Management and Risk Assessment Advisory Commission	PUBLIC 86
LD 1112	An Act To Make Technical Changes to the Sex Offender Registration and Notification Acts of 1999 and 2013	PUBLIC 280

Sex Offenses -- Criminal

Enacted

LD 1275	An Act Regarding Notice to the Public Pertaining to a Resident Person Deported from Canada to the United States for Committing a Sex Offense against a Child	PUBLIC 76
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Not Enacted

LD 54	Resolve, To Ensure Notification to the Public of the Location in Maine of Persons Convicted in Foreign Countries of Crimes Relating to the Sexual Abuse of a Child	ONTP
LD 566	An Act To Protect Individuals from Breaches of Trust by Clergy Members	INDEF PP
LD 792	An Act To Protect Patients from Sexual Exploitation	Died Between Houses
LD 936	An Act To Protect Children from Sexual Predators, Sexual Abuse and Sexual Assault	ONTP
LD 1114	An Act To Protect Maine's Children from Sexual Abuse and Exploitation	CARRIED OVER

Sex Trafficking

Enacted

LD 651	An Act To Amend Maine's Sex Trafficking and Child Welfare Laws	PUBLIC 360
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Theft/Bad Checks

Enacted

LD 43	An Act To Specify That Theft by Deception Includes False Claims Regarding Military Service	PUBLIC 21
LD 310	An Act To Prevent Organized Retail Crime	PUBLIC 85

Not Enacted

LD 577	An Act To Amend the Laws Governing Penalties for Writing Bad Checks	ONTP
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Victim Rights

Enacted

LD 1413	An Act To Allow an Attorney To Speak or Provide a Written Statement for a Victim at Sentencing	PUBLIC 282
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