

127th Legislature – First Regular Session

New and Amended Public Laws Relevant to Law Enforcement Officers

Laws Effective October 15, 2015, unless otherwise noted

2015 NEW LAW UPDATE

THE
REVISED STATUTES
OF THE
STATE OF MAINE,

**Maine Criminal Justice Academy
Maine Chiefs of Police Association
Maine Office of the Attorney General**

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*This publication and the 2015 Case Law Update constitute the training outline of the
Maine Criminal Justice Academy for recertification training in law updates for the year 2015.*

Preparer's Note

The First Regular Session of the 127th Maine Legislature convened on December 3, 2015, and adjourned on July 16, 2015. There were 1,455 LD's presented of which 442 were successful in some form, resulting in 377 public laws, 11 private and special laws, and 54 resolves enacted. All new or changed laws take effect on October 15, 2015, unless passed as emergency measures (and so noted in the summary).

This document is not a compendium of all laws passed by the Legislature, but selected ones believed to be of general interest and relevance to Maine law enforcement officers. If a particular law change or enactment listed in this document is of interest to the reader, both a statutory citation and a link to the chaptered law are provided so that the reader can review the entire text of the law for a more comprehensive understanding. This is highly recommended before any enforcement action is taken. There is also a reference to the LD that started it all. If a summary includes the actual language which has been changed, new words are underlined and deleted words are crossed out. As you know, there are many types of law enforcement officers in Maine and some statutes that may be of interest to only a specialized type of law enforcement have been left out to keep the length of this document manageable.

The summaries are those of the preparer and do not represent legal opinions of the Office of the Attorney General or interpretations by the Maine Criminal Justice Academy or the Maine Chiefs of Police Association.

The preparer wishes to recognize the assistance of District Attorney Geoffrey A. Rushlau (District VI – Knox, Lincoln, Sagadahoc, and Waldo counties), who reviewed this document and offered meaningful comments and suggestions.

Link to Chaptered Laws:

<http://www.mainelegislature.org/ros/LOM/LOMDirectory.htm>

Link to LD's:

http://www.mainelegislature.org/legis/bills/bills_127th/billtexts/

Questions, suggestions, or other comments?

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Chapter 21 – LD 43

An Act to Specify that Theft by Deception Includes False Claims Regarding Military Service

This bill creates the criminal offense of false claims of military service status by amending the theft by deception statute to include for purposes of deception false claims of being a veteran or a member of the U.S. Armed Forces or a state military force.

Amends 17-A MRS §354, sub-§2, ¶A

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC21.asp

Chapter 23 – LD 264

An Act to Restore the Right to Possess Certain Knives that are used by Many Citizens as Tools

This bill repeals 17-A MRS §1055, which formerly prohibited the manufacture, possession or distribution of dangerous knives. A “dangerous knife” was any knife that had a blade that opened automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife that had a blade that opened or fell or was ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement.

Note that a limited number of knives are still illegal under the concealed weapons law. Specifically, 25 MRS §2001-A(B) provides that a person may not wear under the person's clothes or conceal about the person's person a slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person.

Repeals 17-A MRS §1055

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC23.asp

Chapter 26 – LD 375

An Act to Create a Blue Alert Program in Maine

This bill creates the Blue Alert Program to notify the public through various state agencies and media outlets when a law enforcement officer is 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. The Blue Alert Program must be developed and implemented by the Department of Public Safety using existing resources and activated when a law enforcement officer is been killed or injured or is missing in the line of duty, provided there is sufficient information available regarding the law enforcement officer's last known location or physical description of an offender or vehicle involved, and the department determines that public notification may aid in apprehending a suspected offender who poses an imminent threat to the public or to law enforcement personnel or locating a missing law enforcement officer.

Enacts 25 MRS c. 260

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC26.asp

Chapter 31 – LD 37

An Act Regarding Emergency Lights on a Vehicle Used by a Member of a Municipal or Volunteer Fire or Emergency Medical Services Department

The municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use one red or combination red and white flashing auxiliary light mounted ~~as near as practicable above the front registration plate on the front of the vehicle, behind the rearview mirror~~ in the windshield or on the dashboard at the front of the vehicle or 2 flashing red or combination red and white auxiliary lights mounted on the front of the vehicle above the front bumper and below the hood and one red auxiliary light mounted in the rear window area. The light or lights may be displayed but may be used only while the member is en route to or at the scene of a fire or other emergency. A light mounted on the dashboard or ~~behind the rearview mirror~~ in the windshield must be shielded so that the emitted light does not interfere with the operator's vision. The use of lights may be revoked at any time by the fire chief.

Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle red or combination red and white ~~combination~~ flashing auxiliary lights and red auxiliary lights of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer firefighters, when authorized by the chief official of the emergency medical service. The use of lights may be revoked at any time by the chief official of the emergency medical service.

Amends 29-A MRS §2054, sub-§2, ¶C

Amends 29-A MRS §2054, sub-§2, ¶F

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC31.asp

Chapter 32 – LD 196

An Act to Ensure the Safety of Public Service Vehicles

This bill makes the following changes to the motor vehicle laws:

(1) "Public service vehicle" means a vehicle used to assist members of the public or law enforcement officers with disabled vehicles or to remove debris from a roadway, or a vehicle used to construct, maintain, inspect or repair utility infrastructure, including, but not limited to, electricity, water, sewer, cable, telephone, gas and natural gas infrastructure. "Public service vehicle" includes a wrecker.

(2) A vehicle engaged in highway maintenance or in emergency rescue operations by emergency management and public safety agencies and a public ~~utility~~ emergency service vehicle may be equipped with auxiliary lights that emit an amber light.

(3) A vehicle may be equipped with a spotlight. Only spotlights on authorized emergency vehicles, highway maintenance vehicles and public ~~utility~~ service vehicles may be used on a public way, except any vehicle may use a spotlight in cases of necessity when other lights required by law fail to operate.

(4) Stationary vehicles. The operator of a vehicle passing a stationary authorized emergency vehicle using an emergency light or a stationary ~~wrecker~~ public service

vehicle using its authorized lights, with due regard to the safety and traffic conditions, shall pass in a lane not adjacent to that of the authorized emergency vehicle or ~~wrecker~~ public service vehicle, if possible, or if passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle or ~~wrecker~~ public service vehicle at a careful and prudent speed reasonable for passing the authorized emergency vehicle or ~~wrecker~~ public service vehicle safely. A violation of this subsection is a traffic infraction for which a minimum fine of \$250 must be adjudged.

Enacts 29-A MRS §2054, sub-§1, ¶I-1

Amends 29-A MRS §2054, sub-§2, ¶C

Amends 29-A MRS §2054, sub-§2, ¶G

Amends 29-A MRS §2054, sub-§9

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC32.asp

Chapter 51 – LD 288

An Act to Amend the Requirement of When Headlights Must Be Used

This bill expands the time of day during which vehicles must use headlights to the period from sunset to sunrise. Formerly, headlights were required to be used during the period 1/2 hour after sunset to 1/2 hour before sunrise.

Amends 29-A MRS §2067, sub-§1, ¶A

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC51.asp

Chapter 62 – LD 339

An Act to Clarify that the Telephone Number 9-1-1 is the Only Number Advertised or Promoted for Emergency Response Services

This bill clarifies that the telephone number 9-1-1 is the primary number that can be lawfully advertised or promoted for emergency response services. A publisher of a directory of Maine telephone numbers must include in a conspicuous portion of the directory the telephone number 9-1-1 as the primary telephone number to request emergency services. A violation of either provision is a civil offense. A person alleged to have violated the statute must be provided an opportunity to respond to a notification of violation prior to the filing of an action.

Amends 25 MRS §2932, sub-§1

Amends 25 MRS §2932, sub-§5

Amends 25 MRS §2932, sub-§2

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC62.asp

Chapter 76 – 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

The bill authorizes a law enforcement agency that obtains from the U.S. 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.

Enacts 25 MRS c. 409

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC76.asp

Chapter 85 – LD 310

An Act to Prevent Organized Retail Crime

This bill rewrites the law regarding detention of shoplifters. First, it separates the provision regarding ordinary theft of store merchandise from the provision regarding unauthorized recording in a movie theater. Second, it clarifies that detention is authorized both for concealment of merchandise and for other kinds of theft, such as persons or groups that steal merchandise but make no effort to conceal the merchandise. It also creates the Class C crime of Organized Retail Theft, which is defined as committing two or more two or more thefts of retail merchandise, either as a principal or an accomplice, pursuant to a scheme or course of conduct by two or more persons involving thefts from two or more retail stores for the purpose of selling the stolen merchandise or conducting fraudulent returns of the stolen merchandise.

Repeals and Enacts in its place 17 MRS §3521

Enacts 17-A MRS §363

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC85.asp

Chapter 112 – LD 1243

An Act to Make the Law Regarding Critical Incident Stress Management Teams More Beneficial and Effective

This bill amends the definition of "critical incident" to include criminal justice agency employees and dispatchers. The bill also allows the chief law enforcement officer or designee to designate critical incident stress management teams, which is a team composed that is trained, in accordance with standards established by the Commissioner of Public Safety, to assist and provide support to any person employed by the team's own agency or another criminal justice agency who has been involved in a critical incident that may affect, or has affected, the person's work performance or general well-being.

Amends 25 MRS §4201, sub-§§1 and 2

Enacts 25 MRS §4201, sub-§3

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC112.asp

Chapter 113 – LD 737

An Act to Amend the Laws Regarding Learner's Permits and Intermediate Licenses

This bill amends the laws that prohibit drivers with learner's permits and intermediate licenses from using cell phones to also prohibit the use of other kinds of handheld electronic devices. It adds a definition of "operate" and "using" for purposes of these laws, and also amends the existing law of the use of electronic devices by all drivers to include those definitions. It authorizes the use of decals on vehicles to identify a driver as having an intermediate license.

Amends 29-A MRSA §1304, sub-§1, ¶I
Amends 29-A MRSA §1311, sub-§1, ¶C
Enacts 29-A MRSA §1311, sub-§3-A
Enacts 29-A MRSA §2116, sub-§1, ¶B-1
Amends 29-A MRSA §2116, sub-§1, ¶C

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC113.asp

Chapter 154 – LD 263

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

This bill allows minors accused of possession or use of alcohol, or accused of refusal to provide identification while on licensed premises, to claim in court that the charge came about as a result of evidence obtained because of a report of an alcohol overdose. The new law specifically states that the defense is not available in a prosecution for OUI.

Enacts 28-A MRSA §2051, sub-§6
Enacts 28-A MRSA §2087, sub-§3

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC154.asp

Chapter 164 – LD 1301

An Act to Improve the Safety of Vulnerable Users in Traffic and to Clarify the Responsibilities of Bicyclists and Pedestrians

This bill amends the motor vehicle laws as follows.

(1) It creates a vulnerable user law to protect people on public ways who are not in motor vehicles. A "vulnerable user" is defined as a person on a public way who is more vulnerable to injury than a person in an automobile, truck or other similar motor vehicle and includes, but is not limited to a pedestrian, including a person on or within a public way engaged in work or the provision of emergency or roadside assistance, a person riding, guiding or leading an animal upon or within a public way, a person being guided by a service animal upon or within a public way, or a person lawfully on or within a public way, crosswalk or shoulder portion of the public way who is lawfully operating, riding, using, holding or otherwise on or in a bicycle, or a device that is an extension of a bicycle such as an extend-a-bike, a bicycle trailer or a child's bicycle seat, a motorized bicycle or tricycle, including an electric-assisted bicycle, a farm tractor or similar vehicle designed primarily for farm use, a skateboard, roller skates, in-line skates, a scooter, a moped, a horse-drawn carriage, an electric personal assistive mobility device, a wheelchair, a Segway, or roller skis.

(2) It requires the inclusion in driver education courses an understanding of the skills necessary to operate a vehicle safely in a situation in which a motorcycle or vulnerable user is sharing the road.

(3) It says that a driver must not only yield the right-of-way to a pedestrian in a crosswalk, but also one who has shown visible intent to enter the crosswalk.

(4) The Class E crime of driving past a yield sign and colliding with a vehicle or a pedestrian now includes colliding with a bicyclist. If no collision, it's a traffic infraction.

(5) The bill also makes it clear that a bicyclist, roller skier, or other nonmotorized traffic must yield to a pedestrian, obey all traffic control devices, stop at stop signs, and comply with one-way traffic regulations.

Enacts 29-A MRS §101, sub-§91-A

Repeals and Enacts in its place 29-A MRS §1351, sub-§4

Amends 29-A MRS §2056, sub-§4

Amends 29-A MRS §2057, sub-§10

Amends 29-A MRS §2057, sub-§10-A

Amends 29-A MRS §2063, sub-§7

Enacts 29-A MRS §2063, sub-§§10 to 13

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC164.asp

Chapter 176 – LD 1175

An Act to Amend Maine's Motor Vehicle Statutes

This bill makes texting and use of handheld telephones while driving an infraction for the purposes of Maine's commercial motor safety laws; makes an infraction of federal regulations regarding rest breaks, logbook information and filing of drivers' records of duty status for the purposes of Maine's commercial motor safety laws; requires vehicles to be equipped with brake lights; restricts persons operating vehicles from being able to view a television, screen or other device capable of receiving or showing visual content. "Visual content" does not include content displayed on a device that was installed for the effective or safe operation of a motor vehicle or on a GPS device; repeals the provision of law prohibiting persons from riding in a trailer that is being towed by a wrecker or a vehicle using a tow bar; and prohibits persons from attaching or displaying on a registration plate a registration validation sticker issued for another vehicle.

Amends 29-A MRS §558-A, sub-§2, ¶A

Enacts 29-A MRS §1905-B

Amends 29-A MRS §1921

Amends 29-A MRS §2061, sub-§1

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC176.asp

Chapter 217 – LD 1438

An Act to Include Muzzle-loading Firearms, Bows and Crossbows as Dangerous Weapons for Purposes of Protection from Abuse Orders

Current law authorizes the court to prohibit a defendant who is subject to a protection from abuse order from possessing a firearm or other dangerous weapon during the duration of the order. This bill amends that law to specifically include bows and crossbows and muzzle-loading firearms.

Amends 19-A MRS §4006, sub-§2-A

Amends 19-A MRS §4007, sub-§1, ¶A-1

Amends 19-A MRS §4007, sub-§1-A

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC217.asp

Chapter 218 – LD 1434

An Act to Amend the Laws Governing Law Enforcement's Access to Certain Persons in Hospitals and Mental Health Facilities

This bill requires that hospitals make a good faith effort to cooperate with law enforcement agencies when wishing to make service of a protection from an abuse order, or requesting that a hospital provide notice to the law enforcement agency when a person is to be released from the hospital so that the law enforcement agency may arrest the person. The hospital is also required to provide notice of release if the person was transported to the hospital by the law enforcement agency.

Enacts 22 MRS §1711-C, sub-§6, ¶E-2

Enacts 22 MRS §1726

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC218.asp

Chapter 240 – LD 470

An Act to Allow Children's Residential Care Facilities to Ensure Safety of Residents

Staff of a children's home or children's residential care facility may search a resident's backpack or travel bag upon the resident's return to the facility if there are reasonable grounds for suspecting that the backpack or travel bag contains misappropriated articles or items that would endanger the health or safety of residents. A search must be reasonably related to the objectives of the search. Staff may confiscate any items found in the resident's possession that are misappropriated or that pose a health or safety risk. (“Children’s home” and “children’s residential care facility” are defined terms in 22 MRS § 8101.)

Enacts 22 MRS § 8108

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC240.asp

Chapter 274 – LD 1342

An Act to Prohibit Unauthorized Custody Transfers of Children

The bill adds a prohibition to the Abandonment of Child statute for a parent or other custodian of a child from transferring the child to a non-relative without court approval and with the intent that the transfer be permanent. It is a Class D crime if the child is less than 18 years of age, a Class C crime if the child is less than 6 years of age.

Amends 17-A MRSA §553, sub-§1

Enacts 17-A MRSA §553, sub-§5

Amends 18-A MRSA §9-303, sub-§(a)

Enacts 18-A MRSA §9-304, sub-§(h)

Amends 18-A MRSA §9-308, sub-§(a)

Repeals and Replaces 18-A MRSA §9-313

Enacts 22 MRSA §4011-A, sub-§8

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC274.asp

Chapter 287 – 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

This bill amends Maine law prohibiting the possession of firearms to conform to federal law. It adds the following persons to the list of persons who may not possess firearms: fugitives from justice, 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), 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), persons who have been discharged from the United States Armed Forces under dishonorable conditions, persons who have renounced United States citizenship, and persons who have been convicted or adjudicated in any court of or found not criminally responsible by reason of insanity of committing a crime of domestic violence designated as a Class D crime under section 207-A (domestic violence assault), 209-A (domestic violence criminal threatening), 210-B (domestic violence terrorizing), 210-C (domestic violence stalking), 211-A (domestic violence reckless conduct), or an equivalent crime of that jurisdiction. The prohibition for a conviction of domestic violence offenses is five years, except in certain circumstances of a juvenile in which case the prohibition is for three years or until that person reaches 18 years of age, whichever is later.

Amends 15 MRS §393, sub-§1, ¶D

Amends 15 MRS §393, sub-§1, ¶E

Enacts 15 MRS §393, sub-§1, ¶¶F to J

Amends 15 MRS §393, sub-§1-A

Enacts 15 MRS §393, sub-§1-B

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC287.asp

Chapter 306 – LD 1272

An Act to Strengthen the Protections for Senior Citizens in the State (effective July 6, 2015)

This bill amends the purposes of the criminal sentencing provisions to specifically reference the factor of a victim's ability to self-protect due to age. It defines "dependent person" as a person who is wholly or partially dependent upon other persons for care or support because the person suffers from a significant limitation in mobility, vision, hearing or mental functioning or is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. It specifically includes financial exploitation in the definition of "abuse." It defines "endanger" for purposes of the crime of "endangering the welfare of a dependent person as including a failure to act only when the defendant has a legal duty to protect the health, safety or mental welfare of the dependent person. A legal duty may be inferred if the defendant has assumed responsibility in whole or in part for the care of the dependent person. It defines "financial exploitation as the use of deception, intimidation, undue influence, force or other unlawful means to obtain control over the property of a dependent adult for another's profit or advantage. "Undue influence" means the misuse of real or apparent authority or the use of manipulation by a person in a trusting, confidential or fiduciary

relationship with a person who is a dependent adult or an incapacitated adult. The original bill proposed providing funds for one detective position and one prosecutor position in the Attorney General's Office to investigate and prosecute financial exploitation of elders, but the funds were not appropriated.

Amends 17-A MRS §555, sub-§1

Repeals and Enacts in its place 17-A MRS §555, sub-§2

Amends 17-A MRS §1151, sub-§8, ¶A

Amends 22 MRS §3472, sub-§1

Enacts 22 MRS §3472, sub-§9-A

Enacts 22 MRS §3472, sub-§16

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC306.asp

Chapter 307 – LD 25

An Act to Regulate Domestic Unmanned Aerial Vehicle (Drone) Use

This bill regulates unmanned aerial vehicles (drones) by law enforcement agencies. The bill requires approval of the acquisition of an unmanned aerial vehicle by the governing body overseeing the law enforcement agency. The agency's operation of a drone must fully comply with all FAA requirements and guidelines. Additionally, an agency may not use an unmanned aerial vehicle before adopting standards that meet, at a minimum, the standards set forth in the law (described below). Unless pursuant to a recognized exception to the warrant requirement, an agency may not use a drone for criminal investigations without a warrant. However, an agency may use a drone for a search and rescue operation when necessary to alleviate an immediate danger to any person or for training exercises related to such uses, or for purposes other than the investigation of crime, including, but not limited to, aerial photography for the assessment of accidents, forest fires, and other fire scenes, flood stages and storm damage, or for an emergency use approved by the chief administrative officer of the agency or the Governor. In no case may a weaponized unmanned aerial vehicle be used or its use facilitated by a state or local law enforcement agency in this State. An agency may not use a drone to conduct surveillance of private citizens peacefully exercising their constitutional rights of free speech and assembly.

Minimum standards for law enforcement. The Board of Trustees of the Maine Criminal Justice Academy, in consultation with the Office of the Attorney General, shall establish minimum standards for written policies and protocols for use of drones. The standards must include at a minimum (1) training and certification requirements for a person operating an unmanned aerial vehicle, (2) requirements for prior authorization for the use of an unmanned aerial vehicle by the chief administrative officer of the law enforcement agency seeking to use such a vehicle, (3) approval by the Attorney General or District Attorney for the appropriate jurisdiction for the deployment of an unmanned aerial vehicle for criminal investigation purposes, (4) restrictions on the use of night vision technology, high-powered zoom lenses, video analytics, facial recognition technology, thermal imaging and other such enhancement technology, (5) procedures to minimize the inadvertent audio or visual recording of private spaces of third parties who are not under investigation, (6) procedures for destroying any unnecessary audio or visual recordings

without further duplication or dissemination, (7) recommended minimum altitudes and speeds at which an unmanned aerial vehicle may be flown in order to minimize the invasion of privacy of third parties who are not under investigation, (8) methods to minimize the number of unmanned aerial vehicles deployed at any one time in any one area or at any one event, (9) procedures to avoid hazards to persons and property on land and in the air due to the operation of unmanned aerial vehicles, (10) methods for tracking and recording the flight of each unmanned aerial vehicle, (11) requirements for regular statistical reporting of all uses of unmanned aerial vehicles, including the purposes, the results and the duration of such uses, to the appropriate governmental bodies, and (12) accountability of a law enforcement agency for any mistake in deployment or misuse of an unmanned aerial vehicle.

Data collection. On or before July 1, 2016 and July 1st of each subsequent year, the Commissioner of Public Safety shall submit to the Legislature a report containing the number of instances in which an unmanned aerial vehicle has been deployed by any law enforcement agency in the State with summary descriptions of the number of deployments for investigative purposes, the general nature of those investigations, and the number of search warrants sought, and the number of search warrants obtained for the deployment of unmanned aerial vehicles.

Enacts 25 MRS Pt. 12, c. 551

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC307.asp

Chapter 308 – LD 133

An Act to Reduce the Penalties for Certain Drug Offenses

This bill makes drug possession a felony only when there is a prior drug conviction; otherwise, possession is a Class D crime. More specifically, the bill 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 bill 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.

Note that while officers may still arrest a person for misdemeanor drug possession without a warrant, the change in class could affect whether bail violators must be held until their first court appearance.

Amends 17-A MRSA §1107-A, sub-§1, ¶A

Amends 17-A MRSA §1107-A, sub-§1, ¶B

Enacts 17-A MRSA §1152, sub-§2-D

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC308.asp

Chapter 327 – LD 652

An Act to Authorize the Carrying of Concealed Handguns without a Permit

This change in law allows a person who is not otherwise prohibited from possessing a firearm to carry a concealed handgun in the State of Maine without a permit. This law also authorizes a person to possess a loaded pistol or revolver while in a motor vehicle, trailer or other vehicle being hauled by a motor vehicle. “Concealed carry” without a permit is limited to people who are 21 or older, unless a person is 18 years of age or older, and is on active duty in the Armed Forces of the United States or the National Guard, or has been honorably discharged from the Armed Forces or the National Guard, and is not otherwise prohibited from carrying a firearm. A person who is 18-20 years old and without the referenced military qualifications must have a permit to carry concealed. The law does not otherwise change where a person may carry or who may possess a firearm. It will still be illegal to possess a firearm in the following places, with some very limited exceptions:

- Courthouses (17-A MRS §1058)
- State Parks (12 MRS §1803(6 & 7) and Bureau of Parks and Lands Rules Chapter 1)
- Acadia National Park (12 MRS §756)
- Schools (20-A MRS §6552)
- Federal buildings (18 U.S.C. §930)
- State Capitol area (25 MRS §2904 & DPS Rule Chapter 41)
- Private property when prohibited by the property owner.
- Establishments licensed for on-premises consumption of liquor, if the premises are posted. Note that even if there is no posted prohibition, it is illegal to carry on these premises while under the influence of intoxicating liquor or drugs. (17-A MRS §1057)

There will be some circumstances in which an optional handgun permit will authorize the permittee to carry concealed in certain locations or during an activity when an unpermitted person could not:

- Acadia National Park (permit required; 12 MRS §756)
- State Parks (permit required; open carry not permitted; 12 MRS §1803(7))
- Regular archery hunting-deer only (permit required; 12 MRS §11403)
- Employees’ vehicles on work premises (permit required; vehicle must be locked and firearm must not be visible; 26 MRS §600)

If a person is carrying a concealed handgun without a permit, that person has a duty, when coming into contact with any law enforcement officer during a routine stop, detention or arrest, to immediately inform the officer that the person is carrying a concealed handgun. A person who fails to do so commits a civil violation for which a fine of not more than \$100 may be adjudged.

Amends 12 MRS §11212, sub-§1, ¶B

Enacts 25 MRS §2001-A, sub-§2, ¶A-1

Enacts 25 MRS §2001-A, sub-§3

Enacts 25 MRS §2003-A

Enacts 25 MRS §2004, sub-§5

Amends 25 MRS §2012, sub-§1, ¶A

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=49922>

Chapter 330 – LD 729

An Act to Add Acetylfentanyl and Methylfentanyl Derivatives to the List of Schedule W Drugs (effective June 12, 2015)

This bill adds to the list of Schedule W drugs any methylfentanyl derivatives.

Amends 17-A MRSA §1102, sub-§1, ¶1

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC330.asp

Chapter 339 – LD 679

An Act to Prohibit the Unauthorized Dissemination of Certain Private Images

This bill prohibits a person from disseminating a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in a sexual act or sexual contact 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. For purposes of this new law, a “sexual act” or “sexual contact” is as currently defined in statute, but also includes certain other acts or simulated acts, such as semen upon a clothed or unclothed body, urination within a sexual context, bondage or sadomasochism in any sexual context, and masturbation. The bill also amends the law on 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.

Enacts 17-A MRSA §511-A

Amends 19-A MRSA §4005, sub-§1

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC339.asp

Chapter 346 – LD 1246

An Act to Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and Other Drugs

This bill strengthens laws regarding the manufacture and sale of methamphetamine and other drugs. It provides that possession of 2 grams or more of fentanyl or 90 or more individual containers containing fentanyl constitutes "trafficking," and that possession of at least one gram but less than 2 grams of fentanyl or at least 45 but fewer than 90 individual containers of fentanyl constitutes "furnishing." The bill also prohibits the unlawful possession of a scheduled drug containing fentanyl, 7 grams or more of cocaine, or 2 grams or more of cocaine in the form of cocaine base. Finally, the bill establishes the Class B crime of unlawful operation of a methamphetamine lab, as well as the Class A crime of aggravated unlawful operation of a methamphetamine lab. Each of these new crimes can include actions which have not yet produced methamphetamine, but are intended to do so. The factors that constitute “aggravated” include prior felony drug offenses, using firearms in furtherance of an offense, operating a lab within 1,000 feet of a school or a safe zone, involving a child who is less than 18 years of age, operating a lab in the residence of a child who is less than 18 years of age, operating the lab in a multi-unit residential building or in a room offered to the public for overnight accommodations, or death or serious bodily injury caused from the operation of the lab.

Amends 17-A MRSA §1101, sub-§17
Amends 17-A MRSA §1101, sub-§18
Enacts 17-A MRSA §1101, sub-§24
Enacts 17-A MRSA §1105-E
Amends 17-A MRSA §1107-A, sub-§1, ¶B
Enacts 17-A MRSA §1124
Amends 17-A MRSA §1322, sub-§3, ¶C-2

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC346.asp

Chapter 358 – LD 512

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

This bill implements, among others, the following CLAC recommendations:

- (1) Elevates to Class A crimes in 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) 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) 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.

Amends 17-A MRS §208
Repeals and Enacts in its place 17-A MRS §505, sub-§2
Amends 17-A MRSA §554

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC358.asp

Chapter 364 – LD 1160

An Act to Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime

This bill changes the criminal simulation statute 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. Conviction of this new provision of Criminal Simulation can occur when removal is either to defraud or to prevent identification. The remaining provisions require both intent to defraud and intent to prevent identification.

Amends 17-A MRSA §705

http://www.mainelegislature.org/legis/bills/bills_127th/chapters/PUBLIC364.asp