

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> 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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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 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