

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th 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. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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evidence-based research, to develop its new system. The committee may introduce legislation to the 125th Legislature to implement its recommendations for a 3-tiered registration system. LD 1514, An Act to Amend the Sex Offender Registration Laws, was carried over to any special and/or regular session on the 125th Legislature as a vehicle for this purpose.

LD 750 An Act To Decriminalize Possession of 6 or Fewer Marijuana Plants ONTP

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

This bill amends the criminal possession statute and the civil possession statute to provide that a person may possess 6 or fewer marijuana plants. Possession of 6 or fewer plants is a civil violation subject to a fine of not more than \$250.

LD 754 An Act To Remove Criminal Penalties for Possession of up to 5 Ounces of Marijuana ONTP

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

Current law provides that a person who possesses 2 ½ ounces or less of marijuana commits a civil violation for which a fine of not more than \$1,000 must be adjudged. Specifically, a person who possesses up to 1 ¼ ounces is subject to a mandatory fine of not less than \$350 and not more than \$600, and a person who possesses over 1 ¼ ounces up to 2 ½ ounces is subject to a mandatory fine of not less than \$700 and not more than \$1,000. A person who now possesses more than 2 ½ ounces is guilty of a Class E crime.

This bill increases the amount of marijuana a person may possess as a civil violation and decreases the amount of the fines. Specifically, the bill provides that a person who possesses 5 ounces or less of marijuana commits a civil violation for which a fine of not more than \$250 must be adjudged. To be consistent, the bill also amends the Maine Medical Use of Marijuana Act by increasing the amount of marijuana a person may possess and have dispensed from 2 ½ ounces to 5 ounces.

LD 760 An Act To Establish an Animal Abuser Registry MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS SULLIVAN	ONTP MAJ OTP-AM MIN	

This bill creates an animal abuser registry. This bill requires a person convicted of animal cruelty under Title 17, section 1031, or convicted of a comparable offense in another state, to register as an animal abuser with the county sheriff where the abuser "is located" for a period of 15 years. The bill requires the county sheriff to gather

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information from an abuser and maintain that information on a registry. Sheriffs must also forward all registration information to the Department of Public Safety, State Bureau of Identification and must provide notice to all residences, schools, humane societies, animal shelters or any other business within a ½ mile radius of the animal abuser's residence or location. The bill requires the State Bureau of Identification to maintain a central registry of animal abusers, which SBI must make available in print as well as by phone and Internet.

Committee Amendment "A" (H-464)

This amendment replaces the bill with a resolve and is the minority report of the committee. The amendment directs the Department of Public Safety, State Bureau of Identification and the Department of Administrative and Financial Services, Office of Information Technology to determine, using existing criminal history record information, how to coordinate and implement an animal abuser registry accessible to the public that includes at a minimum the names and any aliases of the animal abusers; the dates of birth of the animal abusers; the offenses for which the animal abusers were convicted; and the dates and places of conviction. Recommendations regarding implementation must be made to the Joint Standing Committee on Criminal Justice and Public Safety by February 15, 2012. The committee may report out a bill to implement the recommendations.

This amendment was not adopted.

LD 773 An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills PUBLIC 436

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A MASON	OTP-AM	H-252

This bill amends the aggravated trafficking statute, Title 17-A, section 1105-A, to add trafficking in a quantity of 300 or more pills, capsules, tablets or units containing methamphetamine or amphetamine as an aggravated offense. This change would make the offense a Class A crime, the penalty for which includes a sentencing alternative of up to 30 years imprisonment. Current law makes this prohibited conduct a Class B crime with an available sentencing alternative of a period of imprisonment of up to 10 years.

Committee Amendment "A" (H-252)

This amendment replaces the bill and moves the intended prohibition to the existing provision of law regarding methamphetamine. The amendment, like the bill, makes trafficking in a quantity of 300 or more pills, capsules, tablets or units of methamphetamine or amphetamine an aggravated offense and a Class A crime. It also makes trafficking in 100 grams or more of amphetamine a Class A crime.

Enacted Law Summary

Public Law 2011, chapter 436 makes trafficking in a quantity of 300 or more pills, capsules, tablets or units of methamphetamine or amphetamine an aggravated offense and a Class A crime. It also makes trafficking in 100 grams or more of amphetamine a Class A crime. This change makes the offense a Class A crime, the penalty for which includes a sentencing alternative of up to 30 years imprisonment.