

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. GARRETT PAUL MASON, CHAIR
SEN. RODNEY L. WHITTEMORE
SEN. STAN GERZOFKY

REP. GARY E. PLUMMER, CHAIR
REP. DAVID C. BURNS
REP. RICKY D. LONG
REP. SUSAN E. MORISSETTE
REP. DEBORAH J. SANDERSON
REP. ANNE M. HASKELL
REP. STEPHEN P. HANLEY
REP. MICHAEL A. LAJOIE
REP. ANNA D. BLODGETT
REP. MICHAEL H. CLARKE

STAFF:

MARION HYLAN BARR, SENIOR ANALYST
ALYSON MAYO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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.

Joint Standing Committee on Criminal Justice and Public Safety

protections for minors, employers and schools.

Part C of the bill establishes the Community Policing Grant Program within the Department of Public Safety, which is funded by part of the revenue generated from the marijuana tax, to assist county and municipal law enforcement with community policing efforts. The Commissioner of Public Safety shall adopt rules for administering the program by December 1, 2011.

Part D of the bill removes the patient and primary caregiver registry system from the Maine Medical Use of Marijuana Act and repeals the provision requiring written certification from a physician for the medical use of marijuana as part of this registry system. It also repeals the requirement for patients, primary caregivers and dispensaries to keep marijuana in an enclosed, locked facility. Instead, it requires that the marijuana be secured from unauthorized access or from access by a person under 21 years of age. It allows dispensaries to acquire prepared marijuana or marijuana plants from persons licensed to cultivate or sell marijuana commercially. It updates the confidentiality and reporting requirements in the law to reflect the removal of the registry.

Part E of the bill updates the existing exceptions regarding possession of marijuana for medical use in the Maine Criminal Code.

Part F of the bill amends the existing laws on industrial hemp to allow a person to apply to the Department of Agriculture, Food and Rural Resources for a license to grow industrial hemp. It removes provisions in the law that make licensing of industrial hemp farming contingent upon federal action. This Part also updates various provisions of the Maine Revised Statutes, Title 7 and Title 22 that are affected by changes in terminology proposed to the Maine medical marijuana law in this bill.

Committee Amendment "A" (H-527)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment adds a referendum question and a contingent effective date section to the bill, requiring 2 things to happen before the legislation becomes effective:

1. The voters in the next general election in November vote in favor of the legislation; and
2. Federal law is amended to remove marijuana from the list of scheduled drugs.

The Secretary of State is required to certify the results of the referendum as well as when the federal law is changed. This legislation takes effect 30 days after the later of the 2 actions takes place.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-567)

This amendment removes from Committee Amendment "A" the requirement that the federal law must change to remove marijuana as a scheduled drug before the state law to legalize and tax marijuana may take effect. This amendment was not adopted.

LD 1463 An Act Regarding Offenses against an Unborn Child

**MINORITY
(ONTP) REPORT**

Sponsor(s)

PLOWMAN

Committee Report

OTP-AM MAJ
ONTP MIN

Amendments Adopted

Joint Standing Committee on Criminal Justice and Public Safety

This bill creates the new crimes of murder, felony murder, manslaughter, assault, aggravated assault and elevated aggravated assault against an unborn child. The penalties for these new crimes is consistent with penalties for the same offenses committed against persons as defined in Title 17-A, chapter 9.

The bill specifies that crimes against unborn children do not apply to an abortion to which the pregnant woman has consented, nor do they apply to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment. These crimes do not apply to the pregnant woman, but do not prohibit the prosecution of the crime of elevated aggravated assault on a pregnant person or any other crime.

For purposes of this bill, "unborn child" is defined as an individual of the human species from the state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life-supportive systems until birth.

Current law, Title 17-A §208-C, elevated aggravated assault on pregnant person, is a Class A crime, which specifies that a person is guilty of the crime if that person intentionally or knowingly causes serious bodily injury to a person the person knows or has reason to know is pregnant. For the purposes of this subsection, "serious bodily injury" includes bodily injury that results in the termination of a pregnancy.

Committee Amendment "A" (S-207)

This amendment is the majority report of the committee and makes two drafting changes. First, it strikes language "until birth" in the definition of "unborn child," as this language is not relevant to the rest of the definition. Second, it strikes redundant language in the crime of aggravated assault on an unborn child.

This amendment was not adopted.

LD 1484 An Act Regarding Retired Law Enforcement Officers' Retirement ONTP
Credentials

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

The bill permits a law enforcement agency to suspend or revoke any credential of an officer who has retired from that agency if the officer engages in conduct or is convicted of a crime that would have resulted in decertification of the officer if the officer was not retired.

LD 1489 An Act Regarding Regulation of Emergency Medical Services PUBLIC 271

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-223

This bill amends the laws relating to emergency medical services. The bill modifies certain definitions, updates some language and consolidates and expands the confidentiality provisions governing the records of the Emergency Medical Services' (EMS) Board, its committees, subcommittees and staff.