

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
SECOND REGULAR SESSION



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

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

June 2012

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:

CURTIS BENTLEY, LEGISLATIVE 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
SECOND 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 Second 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.

<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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. 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 1728 An Act To Strengthen the Integrity of Nonresident Concealed Handgun Permits

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	ONTP MAJ OTP MIN	

This bill prohibits authorities that issue permits to carry concealed handguns from issuing such a permit to an applicant for a Maine nonresident permit who lives in a state that also issues concealed handgun permits and whose laws on such permits are substantially equivalent to or less restrictive than Maine law if the applicant applied for and was denied a concealed handgun permit by the applicant's state of residence.

LD 1731 An Act To Combat Human Sex Trafficking

PUBLIC 672

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM MAJ OTP-AM MIN	S-502 S-601 ROSEN R

This bill creates the Sex Offender Registration and Notification Act of 2012, which is applicable to persons sentenced on or after September 1, 2012. The Act maintains registration and notification provisions but adds to these processes a tiering system and the development and application of risk assessment.

Offenders are classified by offense as Tier I, Tier II or Tier III offenders and must register for 10 years, for 25 years or for life, respectively.

The bill adopts the same penalties for failure to comply with requirements of registration and adopts the same notification process as exists in the Sex Offender Registration and Notification Act of 1999.

Part B eliminates the computer crimes unit program in the Department of Public Safety, Bureau of State Police and instead establishes the Maine Computer Crimes Unit within the Department of Public Safety, Bureau of State Police. The new Maine Computer Crimes Unit is given all the investigative and enforcement powers of the Bureau of State Police and is required to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters

Part C increases by one class of crime, for all those offenses that are not currently Class A crimes, the penalty for the crimes of sexual exploitation of a minor, dissemination of sexually explicit material and possession of sexually explicit material.

Part D requires the Department of Public Safety, Bureau of State Police, State Bureau of Identification to include on the sex offender registry website a description of the sexual assaults that are prohibited by the Maine Criminal Code and the punishment for those crimes.

Part E amends the crime of aggravated promotion of prostitution to provide other examples of behavior engaged in or actions taken, such as confiscating a person's passport or threatening to have a person deported, for the purpose of

Joint Standing Committee on Criminal Justice and Public Safety

compelling that person to engage in or continue to engage in prostitution. The purpose of these additional examples is to ensure that the statute prohibits so-called sex trafficking. Aggravated promotion of prostitution is a Class B crime.

Committee Amendment "A" (S-502)

This amendment is the majority report and strikes and replaces the title and bill, except that it retains the changes proposed in the bill regarding the crime of aggravated promotion of prostitution. It provides a General Fund appropriation of \$346,676 in fiscal year 2012-13 for the computer crimes unit program within the Department of Public Safety, Bureau of State Police for one Forensic Analyst position and for contracted detective services and operating costs.

It also requires the Commissioner of Public Safety to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013 regarding the expenditures of funds provided by this Act. It authorizes that committee to report out legislation to the First Regular Session of the 126th Legislature regarding matters contained in the report.

Senate Amendment "A" To Committee Amendment "A" (S-601)

This amendment removes the General Fund appropriation because this funding was already provided in Public Law 2011, chapter 655.

Enacted Law Summary

Public Law 2011, chapter 672 amends the crime of aggravated promotion of prostitution to provide a number of other examples of behavior engaged in or actions taken, such as confiscating a person's passport or threatening to have a person deported, for the purpose of compelling that person to engage in or continue to engage in prostitution. Aggravated promotion of prostitution is a Class B crime.

LD 1737 An Act Regarding the Interception of Oral or Wire Communications of Residents of State Correctional Facilities and Jails PUBLIC 507

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

This bill makes the following changes to the law regarding the interception of oral and wire communications of residents of state correctional facilities and county and regional jails.

1. The bill resolves a possible conflict regarding the authority of Department of Corrections' investigative officers and jail investigative officers by adding to the definitions of those terms language referring to the administration of criminal justice. It also removes the word "county" in referring to jail investigative officers in recognition of the recent establishment of a regional jail, which is not operated by any one county.
2. The bill defines "administration of juvenile criminal justice" to reconcile current law with changes made by Public Law 2009, chapter 93, which allowed the Department of Corrections to intercept phone calls of residents of its juvenile correctional facilities.
3. The bill strikes the term "necessary incident" and replaces it with "related" to avoid an overly strict interpretation of the circumstances under which phone calls may be intercepted, disclosed or used or the contents thereof admitted into court.
4. The bill also provides that the contents of oral and wire communications intercepted by these investigative