

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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 2013

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STATE OF MAINE

126TH 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 126th 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 126th Legislature is October 9, 2013. 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 382 An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time ONTP

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

This bill increases the amount of good time that may be deducted from a person's sentence for a crime committed on or after October 1, 2013. It applies deductions enacted by Public Law 1983, chapter 456 to persons who commit crimes on or after October 1, 2013. This bill makes no distinction as to the type of crime the person committed. It also includes a deduction of good time for a person's good conduct during detention, which was first enacted by Public Law 2003, chapter 711, but the bill doubles the maximum prior amount from 2 days to 4.

LD 456 An Act To Protect Farm Animals from Noise from the Discharge of Fireworks or Explosives ACCEPTED MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DICKERSON MAZUREK	ONTP OTP	

This bill prohibits the use of consumer fireworks or explosives, either loose or contained in a tube or other enclosure, within one mile of a field or pasture that contains livestock.

LD 478 An Act To Require a Local Permit for the Use of Fireworks ONTP

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

This bill provides that a person who wishes to use consumer fireworks must obtain a permit from the person with authority to issue a permit for open burning. The permit must be issued in the same manner as a permit for open burning is issued.

LD 498 An Act To Allow a Municipality To Prohibit a Sex Offender from Residing within 750 Feet of a Recreational Facility PUBLIC 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT KATZ	OTP-AM	H-169

This bill authorizes a municipality to enact an ordinance to prevent certain sex offenders from residing within 750 feet of a privately owned property where children are the primary users, such as an athletic field, park or recreational facility.

Committee Amendment "A" (H-169)

The bill allows a municipality to prohibit a sex offender from residing within 750 feet of privately owned property

Joint Standing Committee on Criminal Justice and Public Safety

where children are the primary users. This amendment applies the restriction to state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public instead of to privately owned property.

Enacted Law Summary

Public Law 2013, chapter 161 authorizes a municipality to prohibit a sex offender from residing within 750 feet of state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

LD 502 An Act To Allow County Jails To Apply Savings to Debt Service CARRIED OVER
without a Reduction in State Payments

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

This bill allows the county jails to apply savings from the county's correctional budget to jail debt service without a reduction in payments from the State Board of Corrections.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

This amendment, which is the majority report of the committee, provides clarification by replacing the term "efficiencies" with "reduced jail expenditures."

LD 526 An Act To Allow for the Disposition of Certain Items Confiscated from ONTP
Criminals Convicted of Sexual Exploitation of Minors

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

This bill amends the law concerning criminal forfeiture of equipment used in the sexual exploitation of minors by extending the period in which a motion may be filed for forfeiture of the equipment, allowing a representative of a law enforcement agency to bring the motion, expanding the list of electronic equipment that may be seized and allowing the representative of a law enforcement agency to recommend to the court the final disposition or use of the forfeited equipment.

LD 527 An Act To Protect Vulnerable Adults from Exploitation PUBLIC 414

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION CAIN	OTP-AM	H-189

This bill provides that dementia and other cognitive impairments are included in the concept of being manifestly unable to make a reasonable judgement regarding conduct that constitutes a crime when considering consent as a defense. It further provides that consent cannot be induced by "undue influence," which is defined to mean misuse or manipulation of a trusting relationship of a dependent person who has significant limitations and who is 60 years of age or older, an incapacitated adult or a dependent adult. Finally, the bill increases the crime of the misuse of entrusted property to a felony when the victim is 60 years of age or older, incapacitated or dependent and the value