

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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 502

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

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

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.

Committee Amendment "A" (S-374)

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

LD 662

An Act Regarding Sexually Explicit Text Messaging by Minors

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO TUTTLE	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to prohibit sexually explicit text messaging, also known as sexting, by a minor in a manner different from the prohibition in current law. Sexting is the act of recording, copying or transmitting images, photographs or videos of a person's breasts, genitals, anus or pubic area using a telephone, computer, camera, memory device or other piece of electronic equipment. Sexting is a practice that is common and widespread among minors in the State, with minors sexting images of themselves and of other minors with and without consent of the persons who are the subjects of the images. The current provisions in the criminal law that prohibit sexting images of a minor do not except minors, even minors who transmit images of themselves, and potentially subject minors prosecuted for sexting to being listed on the sex offender registry for life.

This bill would create exceptions or other avenues in the law to discourage sexting by minors and provide educators and other adults with tools to prevent sexting and to punish minors short of treating them as sexual predators or serious criminals as current law does.

Committee Amendment "A" (H-586)

This amendment is the minority report. It directs the Criminal Law Advisory Commission to study the legal and policy ramifications of a minor texting a sexually explicit image of that minor or another minor. It also requires the commission to report its findings, recommendations and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2015.