

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 662 An Act Regarding Sexually Explicit Text Messaging by Minors

CARRIED OVER

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

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. 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 proposes to 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.

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).

LD 663 An Act To Change the Time Restriction on the Use of Fireworks

ONTP

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

This bill reduces the permissible hours when fireworks may be used from between the hours of 9:00 a.m. and 10:00 p.m. to between the hours of 9:00 a.m. and 9:00 p.m.

LD 664 An Act To Increase the Penalties for Crimes Involving Illegal or Prescription Drugs

ONTP

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

This bill doubles the maximum term of imprisonment and fine a person convicted of a crime may receive if the crime involved the theft of an illegal or prescription drug or the person committed the crime while under the influence of an illegal drug or a drug that the person was not legally authorized to possess.

LD 685 An Act To Require Investigation and Prosecution of Assaults by Law Enforcement Officers against Unarmed Individuals

ONTP

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill requires the Attorney General to prosecute all credible claims of assault by a law enforcement officer against an unarmed person, allows a law enforcement agency to investigate a claim of assault on an unarmed person by a law enforcement officer of another law enforcement agency and removes the immunity from personal civil liability from a law enforcement officer who assaults an unarmed person.

**LD 701 An Act To Amend the Laws Governing Probation and Remove
References to the Intensive Supervision Program of the Department of
Corrections**

PUBLIC 133

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY LONG	OTP-AM OTP-AM	S-44

This bill amends the laws governing the process for terminating the probation of certain persons. It also requires the termination of the probation of persons, other than domestic violence and sex offenders, who complete all probation requirements if at least one half of the probation period has been served.

It allows the Department of Corrections to impose fees on probationers seeking out-of-state travel permits. The fees must be used to defray costs associated with processing the applications, as well as to help pay for extraditing probationers who have left Maine without permission or failed to return to Maine as required by a travel permit.

It amends the laws governing alternatives to probation revocation proceedings regarding under what conditions these alternatives are available, what these alternatives are and the duties of a probation officer with respect to a person on probation who successfully completes alternatives to probation revocation proceedings.

It eliminates references to the Department of Corrections' Intensive Supervision Program.

Committee Amendment "A" (S-44)

This amendment is the majority report of the committee. The amendment removes the provisions of the bill regarding the termination of probation. It also removes language that authorizes a probation officer who has evidence of a probation violation to offer the defendant the opportunity to voluntarily go to jail for a period of time not to exceed 72 hours in lieu of terminating that person's probation.

Committee Amendment "B" (S-45)

This amendment is the minority report of the committee and adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 133 amends the laws governing the process for terminating the probation of certain persons. It also requires the termination of the probation of persons, other than domestic violence and sex offenders, who complete all probation requirements if at least one half of the probation period has been served.

It also allows the Department of Corrections to impose fees on probationers seeking out-of-state travel permits. The fees must be used to defray costs associated with processing the applications, as well as to help pay for extraditing probationers who have left Maine without permission or failed to return to Maine as required by a travel permit.

It amends the laws governing alternatives to probation revocation proceedings regarding under what conditions these alternatives are available, what these alternatives are and the duties of a probation officer with respect to a person on probation who successfully completes alternatives to probation revocation proceedings.

Public Law 2013, chapter 133 eliminates references to the Department of Corrections' Intensive Supervision