

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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

126<sup>TH</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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*

sentence alternative authorized for a Class E crime rather than solely a fine; and

6. Amends the crime of patronizing prostitution of a minor to include the Class C crime of patronizing prostitution of a mentally disabled person.

**Enacted Law Summary**

Public Law 2013, chapter 407 broadens the definition of "human trafficking offense" to include the Maine Criminal Code crimes of aggravated sex trafficking, sex trafficking and all other crimes in the Maine Revised Statutes, Title 17-A, chapters 11, 12 and 13 if accompanied by the withholding of government-issued immigration or identification documents or committed as part of a scheme to compel participation in prostitution or labor using specific types of threats.

It also makes changes in the Maine Criminal Code to address human trafficking and the subcategory of sex trafficking. Specifically, it:

1. Renames the crimes of aggravated promotion of prostitution and promotion of prostitution "aggravated sex trafficking" and "sex trafficking," respectively, in order to more accurately describe the defined criminal conduct;
2. Adds a provision to the crime of aggravated sex trafficking to include a victim who suffers from a mental disability;
3. Updates language in statute concerning aggravated sex trafficking regarding the terms "narcotic" and "alcoholic liquor;"
4. Amends the crime of sex trafficking to provide that a new violation after having been twice previously convicted of sex trafficking, engaging in prostitution, engaging a prostitute or patronizing prostitution of a minor, or attempts to commit those crimes or engaging in substantially similar conduct in another jurisdiction, constitutes a Class C crime;
5. Amends the crime of engaging in prostitution to permit the trial court at the time of sentencing to employ any sentence alternative authorized for a Class E crime rather than solely a fine; and
6. Amends the crime of patronizing prostitution of a minor to include the Class C crime of patronizing prostitution of a mentally disabled person.

**LD 1173**

**An Act To Repeal the Law Allowing Concealed Weapons in State Parks with Certain Exceptions**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY PRIEST	ONTP OTP	

This bill repeals the law that allows a person to whom a permit to carry a concealed firearm permit has been issued, either by this State or another state, to carry a concealed firearm in the buildings or parts of buildings and other public property that are under the jurisdiction of the Department of Agriculture, Conservation and Forestry, Division of Public Parks and Lands, including state parks and historic sites. This bill retains the exemptions in current law for:

1. An authorized federal, state or local law enforcement officer in the performance of the officer's official duties;

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- 2. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B; and
- 3. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C.

**LD 1182 An Act Regarding the Disposition of Firearms in State Custody**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE MASON G	ONTP	

This bill amends the provisions of law concerning the disposal of firearms and ammunition by the State to:

- 1. Include the disposition of firearms and ammunition acquired by the State or a political subdivision that are no longer needed or that are turned in by a member of the public;
- 2. Require all law enforcement agencies to transfer any forfeited or no longer needed firearms and ammunition to the Department of Public Safety;
- 3. Clarify that the Department of Public Safety may transfer firearms and ammunition to the Maine State Police Crime Laboratory or the Maine State Museum;
- 4. Require the Department of Public Safety to hold up to two firearm and ammunition auctions a year and require that only unsafe firearms or ammunition be destroyed or transferred to the Maine State Police Crime Laboratory or the Maine State Museum;
- 5. Place conditions on the auction of firearms and the use of the proceeds;
- 6. Make the State immune from liability for the sale of a firearm or ammunition at auction; and
- 7. Require the Department of Public Safety to keep records of the disposition of all firearms and ammunition disposed of pursuant to the provisions of this bill.

**LD 1183 An Act To Prohibit the Enforcement of Federal Law Placing Restrictions on Firearms or Ammunition**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill exempts from federal regulation firearms, firearm accessories and ammunition that are owned by residents of this State and kept exclusively in this State or that are made in this State and that remain in this State. It also prohibits the enforcement of any federal act, law, statute, rule, regulation or order that attempts to restrict or prohibit the ownership of a semi-automatic firearm or a magazine or that requires the registration of a firearm, a firearm accessory or ammunition. A violation is a Class C crime, punishable by a minimum of one year in prison.

**Committee Amendment "A" (H-219)**

This amendment is the minority report and incorporates a fiscal note.