

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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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.

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work is supervised by a local sheriff or by a community confinement monitoring agency with which that sheriff has contracted.

9. It adds a person conducting research at a school of pharmacology to the list of persons who are authorized to possess, furnish and have control of scheduled or prescription drugs, controlled substances or hypodermic apparatuses.

LD 1439 An Act To Repeal Certain Maine Criminal Code Provisions Addressing PUBLIC 194
So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and
Instead To Define Them as Schedule W Drugs

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

This bill is proposed by the Criminal Law Advisory Commission. It repeals provisions criminalizing synthetic hallucinogenic drugs in chapter 45 of the Maine Criminal Code and in related provisions regarding asset forfeiture in the Maine Revised Statutes, Title 15 and regarding drug-related offenses in Title 22 and instead classifies these drugs as schedule W drugs. As schedule W drugs, they are treated the same as all other schedule W drugs for purposes of possession, trafficking and furnishing.

This bill also repeals an unnecessary provision of law that prohibits including a drug or substance in schedule W, X, Y or Z that is legally sold in the State without any federal or state requirements as to prescription and that is unaltered as to its form.

Enacted Law Summary

Public Law 2013, chapter 194 repeals provisions criminalizing synthetic hallucinogenic drugs in chapter 45 of the Maine Criminal Code and in related provisions regarding asset forfeiture in the Maine Revised Statutes, Title 15 and regarding drug-related offenses in Title 22 and instead classifies these drugs as schedule W drugs. As schedule W drugs, they are treated the same as all other schedule W drugs for purposes of possession, trafficking and furnishing.

Public Law 2013, chapter 194 also repeals an unnecessary provision of law that prohibits including a drug or substance in schedule W, X, Y or Z that is legally sold in the State without any federal or state requirements as to prescription and that is unaltered as to its form.

LD 1470 An Act To Develop Juvenile Assessment Centers ONTP

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

This bill develops guidelines for the establishment of juvenile assessment centers throughout the State. It provides that one center may be established in each prosecutorial district and that each center is responsible for providing collocated central intake and screening services for juveniles referred to the Department of Corrections. This bill directs centers to provide for the coordination and sharing of information among the participating agencies to facilitate the screening of and case processing for juveniles referred to the department and must provide a forum for the department to conduct predisposition assessments and evaluations of juveniles.

This bill establishes a juvenile assessment advisory board to govern each center and provides that the board must

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include representatives from the Department of Corrections; the county sheriff; the Department of Health and Human Services, Bureau of Child and Family Services; the district attorney; the State Police; municipal police departments; and county mental health organizations, and may include representatives from associations representing health service providers and associations of criminal defense lawyers and other state and local agencies serving juveniles.

LD 1491 An Act To Extend the Statute of Limitations on Certain Sex Crimes

PUBLIC 392

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DION	OTP-AM ONTP	S-209

This bill provides that a civil action based upon a sexual act that is committed or engaged in by an actor who has certain authority over the other person may be commenced at any time. It also extends to 10 years the statute of limitations on prosecutions for crimes involving unlawful sexual touching, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault if the actor has certain authority over the victim.

Committee Amendment "A" (S-209)

This amendment removes provisions of the bill regarding sexual acts committed by a person who has certain authority over the other person. It extends the statute of limitations period from six years to eight years for Class A, Class B and Class C sex crimes.

Enacted Law Summary

Public Law 2013, chapter 392 extends the statute of limitations period from six years to eight years for Class A, Class B and Class C sex crimes involving unlawful sexual contact or gross sexual assault.

LD 1493 An Act To Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-360

This bill implements the recommendations of the Criminal Law Advisory Commission to revise the criminal history record information laws, currently allocated to the Maine Revised Statutes, Title 16, chapter 3, subchapter 8.

Part A of this bill repeals chapter 3, subchapter 8, which includes sections 611 to 623, and enacts 2 new chapters within Title 16. The creation of 2 chapters allows for the separate treatment of the 2 mutually exclusive information-of-record categories of criminal history record information and intelligence and investigative record information. Their consolidated treatment in chapter 3, subchapter 8 resulted in significant confusion as to their differing meanings and applications.

1. This bill enacts Title 16, chapter 7, which:

- A. Designates, in section 701, the new chapter as the Criminal History Record Information Act;
- B. Outlines, in section 702, the chapter's scope and application, which had no counterpart in former subchapter 8. It makes clear that when criminal history record information is public information, the term "public criminal history record information" is used. Similarly, when criminal history record information is confidential, it is labeled as "confidential criminal history record information"; and