

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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**  
126<sup>TH</sup> 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 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 Second Regular Session of the 126<sup>th</sup> 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*

the date the sentence is imposed.

**Enacted Law Summary**

Public Law 2013, chapter 604 amends the laws governing criminal operating under the influence to provide that the period of time for the calculation of a prior conviction for a Class B or C crime of operating under the influence is unlimited. It also changes the time from which a prior conviction is calculated from the date of the docket entry of conviction to the date the sentence is imposed.

**LD 1764**

**An Act To Implement Certain Recommendations of the Criminal Law  
Advisory Commission Relative to the Maine Bail Code, the Maine  
Juvenile Code and the Maine Criminal Code and Related Statutes**

**PUBLIC 519**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP	H-698

This bill implements the following Criminal Law Advisory Commission recommendations.

1. In regard to the prohibition on the possession of firearms for certain persons, it adds an exception to the prohibition for a person under a deferred disposition until sentence imposition.
2. In the laws concerning limitations on the authority of a bail commissioner to set bail for an alleged violation of a condition of release, it imposes the same limitations on the setting of post-conviction bail as previously imposed on the setting of preconviction bail for that alleged violation.
3. It makes a technical correction to the laws concerning competency of a juvenile.
4. It adds a justice of the peace to those judicial officers authorized to issue a warrant to obtain portable electronic device content information and to obtain location information and, as to the latter, grant an extension of the warrant.
5. In the laws concerning computer crimes in the Maine Criminal Code, it adds a definition for "criminal justice agency."
6. In the laws concerning deferred disposition in the Maine Criminal Code, it clarifies that preconviction bail applies to a person on a deferred disposition until sentence imposition notwithstanding the definition of "preconviction" for purposes of the Maine Bail Code.
7. It replaces an outdated directive to reflect recent changes made to the Maine Revised Statutes, Title 17-A, section 1304 regarding the proration of sentences for inmates committed to the custody of a sheriff for nonpayment of fines.

**Committee Amendment "A" (H-698)**

This amendment is the majority report and amends the provision of the bill regarding the prohibition on the possession of firearms by certain persons in cases involving a deferred disposition. The bill provides that in cases of deferred disposition, a person is deemed to have been convicted when the court imposes the sentence; however, this amendment provides that in cases involving certain crimes, including domestic violence crimes, the person is prohibited from possessing a firearm when the deferred disposition period begins and not at the point when the sentence is imposed.

**Enacted Law Summary**

Public Law 2013, chapter 519 implements the following Criminal Law Advisory Commission recommendations.

***Joint Standing Committee on Criminal Justice and Public Safety***

1. In regard to the prohibition on the possession of firearms for certain persons, it adds an exception to the prohibition for a person under a deferred disposition until sentence imposition, but it excludes from that exception cases involving certain crimes, including domestic violence crimes, in which case the person is prohibited from possessing a firearm when the deferred disposition period begins and not at the point when the sentence is imposed.
2. It provides that in cases involving certain crimes, including domestic violence crimes, the person is prohibited from possessing a firearm when the deferred disposition period begins and not at the point when the sentence is imposed.
3. In the laws concerning limitations on the authority of a bail commissioner to set bail for an alleged violation of a condition of release, it imposes the same limitations on the setting of post-conviction bail as previously imposed on the setting of preconviction bail for that alleged violation.
4. It adds a justice of the peace to those judicial officers authorized to issue a warrant to obtain portable electronic device content information and to obtain location information and, as to the latter, grant an extension of the warrant.
5. In the laws concerning computer crimes in the Maine Criminal Code, it adds a definition for "criminal justice agency."
6. In the laws concerning deferred disposition in the Maine Criminal Code, it clarifies that preconviction bail applies to a person on a deferred disposition until sentence imposition notwithstanding the definition of "preconviction" for purposes of the Maine Bail Code.
7. It replaces an outdated directive to reflect recent changes made to the Maine Revised Statutes, Title 17-A, section 1304 regarding the proration of sentences for inmates committed to the custody of a sheriff for nonpayment of fines.
8. It makes a technical correction to the laws concerning competency of a juvenile.

**LD 1765      An Act To Establish the Criminal Law Revision Commission**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	S-426 S-549 HILL

This bill is an emergency measure and:

1. Establishes the 13-member Criminal Law Revision Commission for the purpose of examining all criminal statutes within the Maine Revised Statutes, and the administration of those statutes to ensure their clarity and consistency, the proportionality of penalties to offenses and the effectuation of policy objectives;
2. Provides that the membership of the commission must include four members of the joint standing committee of the Legislature having jurisdiction over criminal justice matters, the Attorney General or a designee, a member of the judicial branch who is not a judge or a justice, the chair of the Criminal Law Advisory Commission or a designee, a member representing a statewide criminal defense association, a member representing a statewide prosecutors association, and two members appointed by the Governor. It also provides for two nonvoting members who are active or retired judges or justices;
3. Directs the commission to begin its work with the Maine Criminal Code before working on crimes outside of the Maine Criminal Code. It also requires the commission to report its findings and recommendations to the second regular session of each Legislature starting with the 127th Legislature and authorizes the commission to submit legislation to effectuate its recommendations;