

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

STAFF:

CURTIS BENTLEY, LEGISLATIVE ANALYST
ANNA BROOME, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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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

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;

Joint Standing Committee on Criminal Justice and Public Safety

4. Provides that operations and staffing of the commission are dependent on adequate funding, and that the commission must postpone its operations if funding and staffing levels are not sufficient to allow the commission to fully and effectively carry out its duties. The commission must notify the Legislature in writing at least 30 days prior to postponing activities that it no longer has sufficient funding to continue its work;
5. Provides that, if funding is not available for staffing support, the commission may request staffing assistance from the Legislative Council, subject to certain restrictions;
6. Provides an appropriation of \$155,000 in fiscal year 2013-14 and \$2,500 every year thereafter to contract for a chief counsel and staffing support; and
7. Repeals the Criminal Law Revision Commission on October 1, 2017.

Committee Amendment "A" (S-426)

This amendment strikes and replaces the appropriations and allocations section of the bill.

Senate Amendment "A" To Committee Amendment "A" (S-549)

This amendment removes the appropriations section that provides funds for staff for, and the per diem and expenses of Legislators serving on, the Criminal Law Revision Commission and replaces it with an allocation of Other Special Revenue Funds. This amendment also requires the Attorney General to seek outside funding for the work of the commission. The amendment provides for an effective date of July 1, 2015, or when the Attorney General is able to identify, and the State Controller to transfer, \$159,000 for this purpose to the Legislature, whichever occurs first. Any funds identified or received by the Attorney General for the Criminal Law Revision Commission on or after July 1, 2015, must be transferred by the State Controller to the Legislature, Criminal Law Revision Commission, Other Special Revenue Funds account established for the purposes of this Act.

This amendment also removes the emergency preamble and emergency clause.

LD 1782 An Act To Make Technical Amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and a Related Provision in the Maine Revised Statutes, Title 20-A

PUBLIC 507

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-427

This bill implements the recommendations of the Criminal Law Advisory Commission to make technical amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act enacted by Public Law 2013, chapter 267. Specifically, the bill makes changes to the Maine Revised Statutes, Title 16 as follows:

1. Amends section 703, subsection 2, paragraph E by replacing the phrase "indefinitely postponed" with the phrase "postponed for a period of more than one year";
2. Amends section 705, subsection 3 by replacing the incorrect term "use" in the final sentence with "employment";
3. Amends section 804 by adding the omitted words "is or" to conform with section 802, and includes the inadvertently omitted word "Maine" before the term "criminal justice agency";