MAINE STATE LEGISLATURE

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STATE OF MAINE

127TH LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

August 2015

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STATE OF MAINE
127ᵀᴴ LEGISLATURE
FIRST REGULAR SESSION

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 127ᵗʰ 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. An appendix provides a summary of relevant session statistics.

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 127ᵗʰ Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

LD 113   **An Act To Reduce the Penalties for Certain Drug Offenses**   **PUBLIC 308**

Sponsor(s)	Committee Report	Amendments Adopted
KATZ	OTP-AM	S-269
DION	ONTP	
	OTP-AM	

This bill amends the Maine Criminal Code by striking language that defines as trafficking or furnishing the possession of a certain amount of heroin and all permissible inferences based on possession of schedule W or X drugs. This bill also downgrades felony-level trafficking, furnishing, possession and hypodermic needles offenses.

Committee Amendment "A" (S-268)

This amendment is one of three reports of the committee. The amendment changes the title of the bill and reduces possession of oxycodone in a quantity of less than 30 milligrams or hydrocodone or hydromorphone from a Class C crime to a Class D crime. The amendment defines "fentanyl powder." The amendment classifies as Class C crimes possession of fentanyl powder, cocaine in a quantity of seven grams or more and cocaine base in a quantity of two grams or more.

Committee Amendment "B" (S-269)

This amendment is one of three reports of the committee. The amendment reduces unlawful possession of certain schedule W drugs from a Class B crime to a Class D crime and of certain other schedule W drugs from a Class C crime to a Class D crime when there is no prior drug conviction in Maine or another jurisdiction. The amendment directs the court in sentencing a person for a Class D drug offense to consider imposing a sentencing alternative that includes medical and mental health treatment for addiction, when appropriate.

Enacted Law Summary

Public Law 2015, chapter 308 reduces unlawful possession of certain schedule W drugs from a Class B crime to a Class D crime and of certain other schedule W drugs from a Class C crime to a Class D crime when there is no prior drug conviction in Maine or another jurisdiction. The drugs for which the first offense of possession is reduced from Class B to Class D are cocaine in the quantity of more than 14 grams, cocaine base in the quantity of more than four grams and methamphetamine in the quantity of more than 14 grams. The drugs for which the first offense of possession is reduced from Class C to Class D are heroin, methamphetamine, oxycodone, hydrocodone and hydromorphone. The law directs the court in sentencing a person for a Class D drug offense to consider imposing a sentencing alternative that includes medical and mental health treatment for addiction, when appropriate.

LD 149   **An Act To Protect Private Property and Livestock from Fireworks**   **Accepted Majority (ONTP) Report**

Sponsor(s)	Committee Report	Amendments Adopted
HEAD	ONTP	
	OTP	

This bill prohibits the use of consumer fireworks where noise from the fireworks would disturb livestock or poultry or within one-quarter mile of a property where livestock or poultry are present without the consent of that property's owner, and prohibits a person from allowing debris from the use of consumer fireworks to enter or land on the property of a person who has not given consent for the debris to enter or land on the property.