

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

STAFF:

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

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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 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.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i>	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

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.

Joint Standing Committee on Criminal Justice and Public Safety

**LD 263 An Act To Provide a Minor with a Defense to Prosecution in a Situation
That Involves Risk of Alcohol Overdose**

PUBLIC 154

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER BRAKEY	OTP-AM OTP-AM	H-142

This bill provides a defense to prosecution for a crime related to the consumption of alcohol by a person under 21 years of age or refusal to provide proper identification for a minor who, in a situation that involved risk to the minor or another person of overdose from the consumption of alcohol, in good faith sought medical or emergency treatment or assistance for the minor or the other person or that the minor was the person for whom treatment or assistance was sought and the evidence of the crime is obtained as a result of the minor contacting emergency medical services or law enforcement. This bill does not provide a defense to a charge of operating a motor vehicle while under the influence of alcohol.

Committee Amendment "A" (H-142)

This amendment is the majority report of the committee and replaces the bill. The amendment provides a minor with a defense to prosecution under the alcoholic beverages laws applicable to minors when there is a risk of alcohol overdose and either:

1. The minor or someone else has in good faith sought medical or emergency treatment or assistance for the minor, or
2. The minor is the person for whom assistance was sought and the evidence of the violation is obtained as a result of the person contacting emergency medical services or law enforcement.

Committee Amendment "B" (H-143)

This amendment is the minority report of the committee and replaces the bill. The amendment provides a new title for the bill. The amendment provides immunity to a minor from prosecution under the alcoholic beverages laws applicable to minors when there is a risk of alcohol overdose. The bill proposes to provide a defense to prosecution for a minor when there is a risk of alcohol overdose.

Enacted Law Summary

Public Law 2015, chapter 154 provides a minor with a defense to prosecution under the alcoholic beverages laws applicable to minors when there is a risk of alcohol overdose and either:

1. The minor or someone else has in good faith sought medical or emergency treatment or assistance for the minor, or
2. The minor is the person for whom assistance was sought and the evidence of the violation is obtained as a result of the person contacting emergency medical services or law enforcement.

**LD 264 An Act To Restore the Right To Possess Certain Knives That Are Used
by Many Citizens as Tools**

PUBLIC 23

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill repeals the provision of law making possession or distribution of dangerous knives a Class D crime.

Enacted Law Summary

Public Law 2015, chapter 23 repeals the provision of law making possession or distribution of dangerous knives a Class D crime.

LD 302 An Act To Encourage Responsible Consumer Fireworks Use

Died Between Houses

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

This bill makes the following changes to the consumer fireworks law:

1. It prohibits the use of consumer fireworks whenever the Governor issues a proclamation prohibiting out-of-door fires.
2. It clarifies that the use of consumer fireworks may constitute loud and unreasonable noise under the disorderly conduct law pursuant to the Maine Revised Statutes, Title 17-A, section 501-A.

Committee Amendment "A" (S-39)

This amendment is the majority report of the committee. The amendment removes from the bill the provision related to disorderly conduct.

LD 310 An Act To Prevent Organized Retail Crime

PUBLIC 85

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK HOBBINS	OTP-AM	S-30

This bill makes the following a Class C crime:

1. The theft of retail merchandise by two or more people acting in concert, including an employee of a retail establishment; and
2. The altering, affixing or presenting of a false product code or sales receipt in order to obtain or exercise unauthorized control over merchandise from a retail establishment.

Committee Amendment "A" (S-30)

This amendment replaces the bill. This amendment does the following.

1. It repeals and replaces a provision of law that allows the owner or an agent of the owner of a store or motion picture theater to detain a person suspected of stealing from the store or unlawfully recording in a theater. Current law allows the owner or an agent of the owner to detain a person suspected of unlawfully concealing merchandise of the store or unlawfully recording in a movie theater. The amendment separates the store and movie theater provisions and allows the owner of a store or the agent of the owner to detain a person suspected of unlawfully