

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.

Joint Standing Committee on Criminal Justice and Public Safety

concealing or stealing merchandise of the store. The amendment makes no changes to the substance of the law on unlawfully recording in a motion picture theater.

2. It establishes a new crime of organized retail theft. Organized retail theft is defined as a theft in which a person conspires with one or more other persons, either as a principal or as an accomplice, pursuant to a scheme or course of conduct to engage in theft from two or more retail stores for the purpose of selling the stolen merchandise or conducting fraudulent returns of the stolen merchandise. The amendment designates organized retail theft as a Class C crime.

Enacted Law Summary

Public Law 2015, chapter 85 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. This law 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 concealing or stealing merchandise of the store. The law makes no changes to the substance of the law on unlawfully recording in a motion picture theater.

Public Law 2015, chapter 85 also establishes a new crime of organized retail theft. Organized retail theft is defined as a theft in which a person conspires with one or more other persons, either as a principal or as an accomplice, pursuant to a scheme or course of conduct to engage in theft from two or more retail stores for the purpose of selling the stolen merchandise or conducting fraudulent returns of the stolen merchandise. The law designates organized retail theft as a Class C crime.

LD 324 An Act To Control Fireworks in Monhegan Island Plantation

Accepted Minority (ONTP) Report

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

This bill prohibits the use of consumer fireworks in Monhegan Island Plantation, except on July 4th, and requires the Monhegan Island Plantation fire safety official to inspect the proposed site of a fireworks display.

LD 355 An Act To Extend the Statute of Limitations for the Prosecution of the Crime of Robbery

ONTP

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

This bill extends the statute of limitations for prosecution of a Class A or Class B crime of robbery from six years to 12 years following commission of the crime.

LD 375 An Act To Create a Blue Alert Program in Maine

PUBLIC 26

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill creates the Blue Alert Program to notify the public through various state agencies and media outlets when a law enforcement officer has been killed or injured or is missing and the Department of Public Safety determines that public notification would be useful in apprehending a suspected offender or finding a missing officer.

Enacted Law Summary

Public Law 2015, chapter 26 creates the Blue Alert Program to notify the public through various state agencies and media outlets when a law enforcement officer has been killed or injured or is missing and the Department of Public Safety determines that public notification would be useful in apprehending a suspected offender or finding a missing officer.

LD 376	An Act To Provide a Source of Funding for Drug Abuse Resistance Education	Died Between Houses
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY LUCHINI	ONTP OTP-AM	

This bill requires the funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public to be used to fund educational programs taught by law enforcement officers that target prevention of substance abuse, violence or high-risk behavior and teach students good decision-making skills to help them lead safe and healthy lives. These educational programs are known as the Drug Abuse Resistance Education program.

Committee Amendment "A" (S-95)

This amendment is the minority report of the committee. The amendment replaces the bill, which proposes to require funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public to be used to fund drug abuse resistance education programs. The amendment imposes a surcharge of \$10 on all fines imposed by a court under the Maine Revised Statutes, Title 17-A, chapter 45, the laws on illegal possession of drugs. The amendment requires that the revenues from the surcharges be deposited in the DARE Fund to be used to fund DARE programs in schools. "DARE" is defined as an educational program taught by law enforcement officers to students in kindergarten to grade 12 that targets prevention of substance abuse, violence or high-risk behavior and teaches students good decision-making skills to help them to lead safe and healthy lives. The amendment also adds an appropriations and allocations section.

LD 379	An Act To Create the Sex Offender Management and Risk Assessment Advisory Commission	PUBLIC 86
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND FOWLE	OTP-AM	S-31

This bill moves the law establishing the Sex Offender Risk Assessment Advisory Commission from the Maine Revised Statutes, Title 17-A to Title 34-A and changes the name of the commission to the Sex Offender Management and Risk Assessment Advisory Commission. The bill also makes changes to the provisions of law regarding the commission's powers and duties by requiring the commission to study and offer amendments to the sex offender registration and notification laws and by allowing the commission to accept funding.

Committee Amendment "A" (S-31)

This amendment removes from the bill the duty of the Sex Offender Management and Risk Assessment Advisory