

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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127TH LEGISLATURE

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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

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

<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

<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

Joint Standing Committee on Criminal Justice and Public Safety

Commission to conduct a continuing study of methods that may be used to predict the risk of recidivism and to develop a risk assessment method to be used for that purpose. The amendment also removes from the bill the duty to evaluate the plausibility, implementation and application of sex offender risk assessments. The amendment clarifies that the commission is the successor to the Sex Offender Risk Assessment Advisory Commission but is not the successor in every way to the powers, duties and functions of that commission.

Enacted Law Summary

Public Law 2015, chapter 86 moves the law establishing the Sex Offender Risk Assessment Advisory Commission from 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 law changes the commission's powers and duties by requiring the commission to study and offer amendments to the sex offender registration and notification laws and allowing the commission to accept funding.

LD 415 An Act To Promote the Safe Use and Sale of Firearms

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFKY	OTP-AM OTP-AM	

This bill creates the civil violation of the sale or transfer of a firearm to a prohibited person and strict liability Class E crime for a second or subsequent offense of selling or transferring a firearm to a prohibited person. The bill also creates an affirmative defense to prosecution under this new civil violation and crime that the seller or transferor of the firearm requested a federally licensed firearm dealer to conduct a computerized background check under the Federal Bureau of Investigation, National Instant Criminal Background Check System on the purchaser or transferee prior to the sale or transfer of the firearm and the background check indicated that the purchaser or transferee was not a prohibited person. The bill creates the Class D crime of the sale or transfer of a firearm to a prohibited person. A person is guilty of this crime if that person intentionally or knowingly sells or transfers a firearm to another person that the seller or transferor knows or believes is prohibited from possessing a firearm. The bill increases the fine from \$50 to \$1,000 for the civil violation of giving a false or fictitious name to a firearms dealer and makes the fine mandatory.

Committee Amendment "A" (H-474)

This amendment is the majority report of the committee. The bill proposes a mandatory \$500 fine for a person who sells or transfers a firearm to a prohibited person. The amendment changes the mandatory fine to a discretionary fine of up to \$500. The bill changes the fine in existing law in which it is a civil violation to give a false or fictitious name to a firearms dealer from a discretionary fine of \$50 to a mandatory fine of up to \$1,000; the amendment provides for a discretionary fine of up to \$1,000.

Committee Amendment "B" (H-475)

This amendment is the minority report of the committee and it replaces the bill. The amendment does the following.

1. It authorizes a person who is not prohibited from possessing a firearm to carry a concealed handgun without a permit.
2. It authorizes a person to possess a loaded pistol or revolver while in a motor vehicle or a trailer or other type of vehicle being hauled by a motor vehicle.
3. It makes the Chief of the State Police the sole issuing authority for permits to carry concealed handguns.