

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. KIMBERLEY C. ROSEN, CHAIR
SEN. DAVID C. BURNS
SEN. STAN GERZOFKY

REP. LORI A. FOWLE, CHAIR
REP. MICHEL A. LAJOIE
REP. JUSTIN M. CHENETTE
REP. CATHERINE M. NADEAU
REP. JAMES E. DAVITT
REP. CHARLOTTE WARREN
REP. RICKY D. LONG
REP. KAREN A. GERRISH
REP. TIMOTHY S. THERIAULT
REP. MICHAEL J. TIMMONS

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.

<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

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.

Joint Standing Committee on Criminal Justice and Public Safety

- 4. It extends the term of a permit to carry a concealed handgun from four to 10 years.
- 5. It removes the requirement that an applicant for a handgun permit have taken a handgun safety course within five years of the date of application.
- 6. It increases the application and renewal fees for a concealed handgun permit from \$35 to \$52.50 and from \$20 to \$52.50, respectively, for a resident. For a nonresident, the fee is increased from \$60 to \$120 for either an application or a renewal.
- 7. It requires the State Police to establish a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits. It provides that the centralized database may be used only by law enforcement agencies or law enforcement officers or by court order and that information about a permit holder or an applicant must be purged from the centralized database within five years after the permit expires or the appeal of a denial or a revocation has run.
- 8. It provides that a valid concealed handgun permit issued before January 1, 2017 is not subject to the provisions of this legislation, which apply to an application for a new concealed handgun permit or a renewal of valid concealed handgun permit received by the Chief of the State Police on or after January 1, 2017.
- 9. It adds an appropriations and allocations section.
- 10. It adds an effective date of January 1, 2017.

LD 431 An Act To Strengthen the Laws Prohibiting Stalking

PUBLIC 357

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS TIMMONS	OTP-AM	S-49

This bill expands the crime of stalking to include conduct directed at or concerning a group of persons. This new classification of stalking is a Class C crime, as opposed to a Class D crime for stalking a single individual. This bill also changes the escalation of criminal penalties for subsequent convictions of stalking, with one prior conviction for stalking or violation of a protective order sufficient to enhance penalties, as opposed to the current two prior convictions. Subsequent convictions are still a Class C crime, but the bill adds a mandatory minimum sentence of one year. Prior conviction of stalking a group of persons escalates the penalty to that for a Class B crime, with a mandatory minimum sentence of two years.

Committee Amendment "A" (S-49)

This amendment replaces the minimum sentence provision in the bill that applies to a person convicted of stalking for a second time or more times. The amendment replaces the minimum sentence for a second or subsequent conviction of stalking with a requirement that the court use a two-step process, first determining a base term of imprisonment of one year and then considering the fact of the stalking and aggravating and mitigating factors, including the impact on the victim, when determining the length of the term of imprisonment. The amendment replaces the minimum sentence provision in the bill that applies to a person convicted of stalking for a second time or more times, when the person stalked two or more persons of an identifiable group. The amendment requires the court to use a two-step process, first determining a base term of imprisonment of two years and then considering the fact of the stalking and aggravating and mitigating factors, including the impact on the victim, when determining the length of the term of imprisonment.

Enacted Law Summary

Public Law 2015, chapter 357 changes the laws on repeat offenses of stalking and expands the crime of stalking to