

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

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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 504 An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility

**Accepted Report A
(ONTP)**

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

This bill makes it a Class C crime if a person who is required to maintain proof of financial responsibility operates a vehicle, or knowingly allows the operation of that vehicle, on a public way without such proof and that vehicle is involved in an accident that results in serious bodily injury while being operated on the public way. This bill also increases from a Class E to a Class D crime the penalty for such a person operating a vehicle or knowingly allowing the operation of a vehicle without proof of financial responsibility.

Committee Amendment "A" (H-154)

This amendment, which is a minority report of the committee, incorporates a fiscal note.

Committee Amendment "B" (H-155)

This amendment which is a minority report of the committee, incorporates a fiscal note. The amendment increases the minimum fine for failure to maintain financial responsibility from \$100 to \$250 and increases the maximum fine from \$500 to \$700.

LD 512 An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code

PUBLIC 358

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-86

This bill implements the following Criminal Law Advisory Commission recommendations respecting the Maine Criminal Code.

1. It elevates to Class A crimes in the Maine Revised Statutes, Title 17-A, section 208 those forms of bodily injury that result in serious permanent physical damage to a victim, while retaining as Class B crimes other forms of bodily injury.
2. It amends the definition of the term "public way" in Title 17-A, section 505 to cover public ways, including sidewalks, over which the public has a right to pass by foot and vehicle.
3. It amends Title 17-A, section 554 regarding endangering the welfare of a child by removing the requirement that the child victim be under 16 years of age and by adding the designation of the class of each crime to the appropriate paragraph.
4. It amends Title 17-A, section 1201 to specify that when a court sentences a person to a term of imprisonment for a sex offense followed by a period of supervised release, as authorized by Title 17-A, chapter 50, that person is not eligible for the imposition of a sentence alternative that includes a period of probation.
5. It repeals Title 17-A, section 1206, subsection 7-B regarding probation revocation hearings.

Joint Standing Committee on Criminal Justice and Public Safety

6. It amends Title 17-A, section 1231, subsection 6 regarding supervised release for sex offenders to make clear that, in the event the court revokes a period of supervised release and instead requires the person to serve time in prison, any remaining portion of the period of supervised release that is not required to be served in prison may not run during the time the person is in prison, and must resume after the person is released from prison.

7. It amends Title 17-A, section 1252, subsection 4-E regarding imprisonment for a conviction of gross sexual assault against a person under 12 years of age to stipulate that supervised release is required following the term of imprisonment.

Committee Amendment "A" (H-86)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 358 implements the following Criminal Law Advisory Commission recommendations respecting the Maine Criminal Code.

1. It elevates to Class A crimes in the Maine Revised Statutes, Title 17-A, section 208 those forms of bodily injury that result in serious permanent physical damage to a victim, while retaining as Class B crimes other forms of bodily injury.
2. It amends the definition of the term "public way" in Title 17-A, section 505 to cover public ways, including sidewalks, over which the public has a right to pass by foot and vehicle.
3. It amends Title 17-A, section 554 regarding endangering the welfare of a child by removing the requirement that the child victim be under 16 years of age and by adding the designation of the class of each crime to the appropriate paragraph.
4. It amends Title 17-A, section 1201 to specify that when a court sentences a person to a term of imprisonment for a sex offense followed by a period of supervised release, as authorized by Title 17-A, chapter 50, that person is not eligible for the imposition of a sentence alternative that includes a period of probation.
5. It repeals Title 17-A, section 1206, subsection 7-B regarding probation revocation hearings.
6. It amends Title 17-A, section 1231, subsection 6 regarding supervised release for sex offenders to make clear that, in the event the court revokes a period of supervised release and instead requires the person to serve time in prison, any remaining portion of the period of supervised release that is not required to be served in prison may not run during the time the person is in prison, and must resume after the person is released from prison.
7. It amends Title 17-A, section 1252, subsection 4-E regarding imprisonment for a conviction of gross sexual assault against a person under 12 years of age to stipulate that supervised release is required following the term of imprisonment.