

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> 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

127<sup>TH</sup> 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 127<sup>th</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 127<sup>th</sup> 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.

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bank from which the check is issued or \$400 if there are insufficient funds to pay the check.

This bill increases the civil penalty for issuing a check that is dishonored to twice the face amount of the check or \$500, whichever is less.

This bill also imposes a service charge of \$30 or 5% of the face amount of the check, whichever is greater, and removes the interest penalty. The penalty for issuing a second dishonored check to the same payee is increased to the lesser of three times the face value of the check and \$1,000 if the person does not have an account at the bank from which the check is issued or \$750 if there are insufficient funds to pay the check.

**LD 599      An Act To Direct the Department of Public Safety To Establish a Public Safety Answering Point for the Passamaquoddy Indian Reservation at Indian Township      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA	REF TO EUT / ONTP ONTP	

This bill directs the Public Utilities Commission, Emergency Services Communications Bureau to identify and establish a public safety answering point within the Passamaquoddy Indian Reservation at Indian Township to serve persons located within Indian Township.

**LD 600      An Act To Prohibit a Person Convicted of a Crime of Domestic Violence from Possessing a Firearm for a Period of 5 Years and To Better Align Maine Law with Federal Law Regarding Persons Prohibited from Possessing Firearms      PUBLIC 287**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT BURNS	OTP-AM ONTP	H-389

This bill amends Maine law prohibiting the possession of firearms to better conform the law to federal law. This bill adds the following persons to the list of persons who may not possess firearms:

1. Fugitives from justice;
2. Persons who are unlawful users of or are addicted to any controlled substance and as a result are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3);
3. Aliens who are illegally or unlawfully in the United States or who were admitted under nonimmigrant visas and who are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5);
4. Persons who have been discharged from the United States Armed Forces under dishonorable conditions;
5. Persons who have renounced United States citizenship; and
6. Persons who have been convicted in any court of a crime of domestic violence designated as a Class D or Class E crime or an equivalent crime of that jurisdiction.

**Committee Amendment "A" (H-389)**

This amendment, which is the majority report of the committee, modifies the provision in the bill regarding a

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prohibition on the possession of a firearm by a person convicted of a crime of domestic violence. This amendment provides that a person convicted or adjudicated of a Class D crime of domestic violence is prohibited from possessing a firearm for five years from the date of the conviction or adjudication. The prohibition expires at the end of the five-year period unless the person is convicted of any subsequent crime during the five-year period.

**Enacted Law Summary**

Public Law 2015, chapter 287 adds the following persons to the list of persons who may not possess firearms:

1. Fugitives from justice;
2. Persons who are unlawful users of or are addicted to any controlled substance and as a result are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3);
3. Aliens who are illegally or unlawfully in the United States or who were admitted under nonimmigrant visas and who are prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5);
4. Persons who have been discharged from the United States Armed Forces under dishonorable conditions;
5. Persons who have renounced United States citizenship; and
6. Persons who have been convicted or adjudicated of a Class D crime of domestic violence within the previous five year period, calculated from the date of the conviction or adjudication. The prohibition expires at the end of the five-year period unless the person is convicted of any subsequent crime during the five-year period.

**LD 623      An Act To Expand Maine's Carbon Monoxide Detectors Law**

**PUBLIC 375**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND TIMMONS	OTP-AM	S-290

This bill adds existing single-family dwellings, hotels, motels, inns, bed and breakfasts, certain other lodging places, fraternity houses, sorority houses, dormitories and child care facilities to the list of structures required to install carbon monoxide detectors, which may be powered by a nonreplaceable ten-year battery. In the event of any construction of, addition to, restoration of or conversion of a building to one of these structures, the owner is required to install a carbon monoxide detector that is powered by both the electrical service in the building or dwelling and by battery.

**Committee Amendment "A" (S-290)**

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

1. It requires carbon monoxide detectors in all fraternity houses, sorority houses and dormitories affiliated with educational facilities, children's homes, shelters and residential care facilities licensed by the Department of Health and Human Services and eating and lodging places and lodging places.
2. It requires carbon monoxide detectors in all educational facilities, but it exempts dormitories and other buildings of educational facilities that meet National Fire Protection Association standards.
3. It defines "educational facility" to mean public and private postsecondary institutions and child care facilities.
4. It specifies which types of power sources for carbon monoxide detectors may be used in which buildings.