

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

This bill removes a requirement that an emergency medical services provider that conducts a community paramedicine pilot project work with an identified primary care medical director, have an emergency medical services medical director and collect and submit data and written reports to the board, in accordance with requirements established by the board. The bill also removes a provision limiting the number of pilot projects.

Committee Amendment "A" (S-32)

This amendment adds an emergency preamble and an emergency clause to the bill. The amendment removes the time limitation of three years for community paramedicine pilot projects. Like the bill, the amendment removes a provision limiting the number of pilot projects. Unlike the bill, the amendment does not strike the requirement that an emergency medical services provider that conducts a community paramedicine pilot project work with an identified primary care medical director, have an emergency medical services medical director and collect and submit data and written reports to the board, in accordance with requirements established by the board.

Enacted Law Summary

Public Law 2015, chapter 92 removes the time limitation of three years for community paramedicine pilot projects and the limit on the number of pilot projects.

Public Law 2015, chapter 92 was enacted as an emergency measure effective May 19, 2015.

LD 651

An Act To Amend Maine's Sex Trafficking and Child Welfare Laws

PUBLIC 360

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK DION	OTP-AM	S-96

This bill revises the criminal laws regarding sexual exploitation, prostitution and sex trafficking of minors by increasing the maximum age of the minors in various provisions to 18 years of age, clarifying under various provisions that it is not a defense that the minor gave consent and adding the crime of aggravated sex trafficking to the list of prior offenses that are used to enhance a charge of sex trafficking from a Class D to a Class C crime if a defendant has been convicted of two or more of the offenses. The bill also amends the Child and Family Services and Child Protection Act by adding to the definition of "abuse and neglect" various criminal offenses relating to sexual exploitation, prostitution and sex trafficking of minors and creating a rebuttable presumption of a parent's unwillingness or inability to protect a child from jeopardy in considering the termination of parental rights if a child for whom the parent was responsible is the victim of sexual exploitation, sex trafficking or aggravated sex trafficking.

Committee Amendment "A" (S-96)

This amendment changes the title and strikes most of the bill, retaining those sections that include references to aggravated sex trafficking, sex trafficking and prostitution of a minor or a person with a disability as crimes for which an enhanced charge applies. The amendment also retains the changes to the Child and Family Services and Child Protection Act. The amendment adds sexual exploitation of a minor, sex trafficking and aggravated sex trafficking to the list of aggravating factors in the child welfare laws.

Enacted Law Summary

Public Law 2015, chapter 360 adds the crime of aggravated sex trafficking to the list of prior offenses that are used to enhance a charge of sex trafficking from a Class D to a Class C crime if a defendant has been convicted of two or more of the offenses. The law amends the Child and Family Services and Child Protection Act by adding to the definition of "abuse and neglect" various criminal offenses relating to sexual exploitation, prostitution and sex trafficking of minors and by creating a rebuttable presumption of a parent's unwillingness or inability to protect a

Joint Standing Committee on Criminal Justice and Public Safety

child from jeopardy in considering the termination of parental rights if a child for whom the parent was responsible is the victim of sexual exploitation, sex trafficking or aggravated sex trafficking.

LD 652 An Act To Authorize the Carrying of Concealed Handguns without a Permit

PUBLIC 327

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY SHAW	ONTP OTP-AM	S-119 S-153 VOLK S-175 ROSEN S-174 BRAKEY

This bill authorizes a person who is not prohibited from possessing a firearm to carry a concealed handgun without a permit. This bill also authorizes a person to possess a loaded pistol or revolver while in a motor vehicle or a trailer or other vehicle being hauled by a motor vehicle.

Committee Amendment "A" (S-119)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section that deallocates funds to the Department of Public Safety due to the elimination of the permitting process.

Senate Amendment "B" To Committee Amendment "A" (S-153)

This amendment requires a person who is authorized under the bill to carry a concealed handgun without a permit to sign an acknowledgment that the person was provided a firearm safety brochure upon purchase of a handgun. A firearm safety brochure is currently required to be provided with every firearm sold. The amendment adds to the information provided in the firearm safety brochure information developed by the Department of Public Safety related to locations where handguns are prohibited and information concerning the use of handguns for self-defense. The amendment requires the purchaser to retain the acknowledgment. It also requires the Department of Public Safety to post a firearm safety brochure and the acknowledgment form and a list of certified safety programs on the department's publicly accessible website.

Senate Amendment "D" To Committee Amendment "A" (S-175)

Under the bill, a person who is not otherwise prohibited from carrying a firearm may carry a concealed handgun without a permit. This amendment incorporates the provisions of House Amendment "B" to Committee Amendment "A" and provides that a person who is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm may carry a concealed handgun without a permit.

Senate Amendment "C" To Committee Amendment "A" (S-174)

This amendment incorporates the provisions of House Amendment "A" to Committee Amendment "A" and provides that the duty of an individual to inform a law enforcement officer that the individual is carrying a concealed handgun applies only to an individual who does not have a valid permit to carry a concealed handgun that has been issued as provided in the Maine Revised Statutes, Title 25, chapter 252.

Enacted Law Summary

Public Law 2015, chapter 327 authorizes a person who is 21 years of age or older and is not prohibited from possessing a firearm to carry a concealed handgun without a permit. Additionally, chapter 327:

1. Provides that a person who is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces