

# 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.

***Joint Standing Committee on Criminal Justice and Public Safety***

convene a broadly representative working group to collect data to determine the unmet needs for mental health services in the county jails. The amendment directs the Consumer Council System of Maine to report to the Joint Standing Committee on Criminal Justice and Public Safety on the need for mental health services in the county jails, the components and costs of current mental health service delivery and the estimated extent and costs of the unmet needs by February 1, 2016. The amendment authorizes the Consumer Council System of Maine to include in its report recommendations and possible sources of funding. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 127th Legislature.

**LD 658      An Act To Allow Text Messaging for Reporting Emergencies**

**Accepted Majority  
(ONTP) Report**

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

This bill directs the Public Utilities Commission, Emergency Services Communication Bureau to develop standards and procedures for public safety answering points to accept emergency text messaging from all wireless carriers in the State beginning July 1, 2016. This bill also amends the laws regarding confidentiality of audio recordings of E-9-1-1 calls to apply also to text messages.

**Committee Amendment "A" (H-158)**

This amendment is the minority report of the committee. The amendment changes the provision of the bill that requires the Public Utilities Commission, Emergency Services Communication Bureau to develop standards and procedures for the acceptance of text messages by all public safety answering points beginning July 1, 2016 to a provision that requires the bureau to develop standards and procedures for acceptance of text messages by the E-9-1-1 system and the acceptance of text messages by at least one public safety answering point from all cellular and wireless telecommunications service providers in the State as required by the Federal Communications Commission beginning July 1, 2017. The amendment changes the provisions of the bill regarding the confidentiality of text messages sent to the E-9-1-1 system to provide that all digital communications sent to the E-9-1-1 system are confidential, subject to the same exceptions that apply to the confidentiality of audio recordings of emergency calls.

**LD 679      An Act To Prohibit the Unauthorized Dissemination of Certain Private Images**

**PUBLIC 339**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE HILL	OTP-AM	H-430 S-331    HAMPER

This bill prohibits a person from intentionally displaying, distributing or offering a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in a sexual act if that person knows or should have known that the depicted person is 18 years of age or older, is identifiable and has not consented to the disclosure. A violation of this prohibition is a Class D crime.

**Committee Amendment "A" (H-430)**

This amendment provides a new title and replaces the bill. Like the bill, the amendment prohibits unauthorized distribution of certain private images, but changes the term "distribution" to "dissemination," adds as elements of the crime the dissemination's being done with the intent to harass, torment or threaten the depicted person or another person, knowingly instead of intentionally and in a manner in which there is no public or newsworthy purpose and adds masturbation to the definition of "sexual act." The amendment amends the law on protection from abuse

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procedure to allow a complaint to be filed by a victim of unauthorized dissemination of certain private images without regard to whether a criminal prosecution has occurred. The amendment removes from the exceptions proposed in the bill the lawful and common practices of law enforcement, reporting unlawful activity and dissemination when permitted or required by law or rule in legal proceedings.

**Senate Amendment "A" To Committee Amendment "A" (S-331)**

This amendment adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2015, chapter 339 prohibits unauthorized dissemination of certain private images. The law prohibits the dissemination of images that show a person in a state of nudity or engaged in a sexual act or engaged in sexual contact if the dissemination is done:

1. In a manner in which there is no public or newsworthy purpose;
2. With the intent to harass, torment or threaten; and
3. The actor knows or should have known that the person depicted is an adult, is identifiable from the image or from information displayed with the image and has not consented to the dissemination, display or publication of the images.

Chapter 339 amends protection from abuse procedure to allow a complaint to be filed by a victim of unauthorized dissemination of certain private images without regard to whether a criminal prosecution has occurred. It designates unauthorized dissemination of certain private images as a Class D crime. It provides exceptions for lawful and common practices of medical treatment, images that involve voluntary exposure in a public or commercial setting and interactive computer and information services as defined in 47 United States Code, Sections 153 and 230(f)(2).

**LD 688      An Act To Amend the Laws Related to the Bolduc Correctional Facility      PUBLIC 48**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN LONG	OTP-AM	S-23

This bill makes the following changes to the laws relating to the Bolduc Correctional Facility.

1. It repeals the statutory provision relating to the Maine State Prison minimum security unit. Because the Bolduc Correctional Facility was established in law in Public Law 2013, chapter 508, this provision is now superfluous.
2. It specifies that employees of the Bolduc Correctional Facility have the same power to search for and apprehend escapees as the employees of the other Department of Corrections facilities have.

**Committee Amendment "A" (S-23)**

This amendment clarifies that employees of the Bolduc Correctional Facility have the same power to search for and apprehend escapees as do deputy sheriffs.

**Enacted Law Summary**

Public Law 2015, chapter 48 makes the following changes to the laws relating to the Bolduc Correctional Facility.

1. It repeals the statutory provision relating to the Maine State Prison minimum security unit. Because the Bolduc Correctional Facility was established in law in Public Law 2013, chapter 508, this provision is now superfluous.