

# 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*

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.

*Joint Standing Committee on Criminal Justice and Public Safety*

2. It specifies that employees of the Bolduc Correctional Facility have the same power to search for and apprehend escapees as do deputy sheriffs.

**LD 697      An Act To Restore Public Safety Programs in the Department of Public Safety**

**PUBLIC 148  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE	OTP-AM	H-145
BURNS	OTP-AM	

The bill does the following:

1. Part A restores the inspection and certificate requirements for boilers located in structures used by schools or colleges for the purpose of housing classrooms, gymnasiums, auditoriums or dormitories. These provisions were discontinued by Public Law 2013, chapter 595, Part U, section 11.
2. Part B allows qualified private sector organizations or individuals to inspect amusement rides to ensure they are safe for the public. The bill assigns oversight responsibilities over the certification of qualified amusement ride inspectors to the Office of the State Fire Marshal. The bill also corrects cross-references.

**Committee Amendment "A" (H-145)**

This amendment is the majority report of the committee. The amendment deletes from the bill the provision related to inspection of steam boilers in schoolhouses. The amendment deletes from the bill reference to private certified inspectors for amusement rides and inserts inspectors employed by the Office of the State Fire Marshal. The amendment deletes from the bill the provisions on inspection decals that related to inspection by private sector inspectors and inserts provisions related to inspection by inspectors who are employed by the Office of the State Fire Marshal. The amendment specifies the application process for amusement rides and sets the fee at a level not to exceed \$100 per ride as established by the Commissioner of Public Safety by rule. The amendment specifies that the insurer that issues the liability insurance policy for operators of amusement rides, amusement shows and traveling circuses and amusement devices must be approved by the Commissioner of Public Safety. The amendment specifies the information required for an application for amusement rides and amusement shows.

**Committee Amendment "B" (H-146)**

This amendment is the minority report of the committee. The amendment deletes from the bill the provision related to inspection of steam boilers in schoolhouses. The amendment deletes from the bill reference to private certified inspectors for amusement rides and inserts inspectors employed by the Office of the State Fire Marshal. The amendment deletes from the bill the provisions on inspection decals that related to inspection by private sector inspectors and inserts provisions related to inspection by inspectors who are employed by the Office of the State Fire Marshal. The amendment specifies the application process for amusement rides and sets the fee at a level not to exceed \$50 per ride as established by the Commissioner of Public Safety by rule. The amendment specifies that the insurer that issues the liability insurance policy for operators of amusement rides, amusement shows and traveling circuses and amusement devices must be approved by the Commissioner of Public Safety. The amendment specifies the information required for an application for amusement rides and amusement shows.

**Enacted Law Summary**

Public Law 2015, chapter 148 specifies the application process for amusement rides and inspection process in the Office of the State Fire Marshal. It sets the fee at a level not to exceed \$100 per ride as established by the Commissioner of Public Safety by rule. It specifies that the insurer that issues the liability insurance policy for operators of amusement rides, amusement shows and traveling circuses and amusement devices must be approved by the Commissioner of Public Safety. It specifies the information required for an application for amusement rides