

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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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

House Amendment "A" To Committee Amendment "A" (H-385)

This amendment amends Committee Amendment "A" to remove the requirement that the State Police establish a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits.

This amendment also requires the Chief of the State Police to enter into reciprocity agreements with other states regarding recognition of concealed handgun permits. Public Law 2015, chapter 144 requires Maine to recognize a permit to carry a concealed handgun issued by another state. This amendment does not affect that.

This bill was reported out of committee, then committed back to the Joint Standing Committee on Criminal Justice and Public Safety and carried over to any special or regular session of the 127th Legislature by joint order, H.P. 998.

LD 868 An Act To Remove Limitations on Reciprocity for Concealed Handguns PUBLIC 144
Permits

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS MASTRACCIO	OTP ONTP	

Current law authorizes the Chief of the State Police to grant reciprocity to a permit to carry a concealed handgun issued from another state if the other state has substantially equivalent or stricter requirements for the issuance of a permit and the other state observes the same rules of reciprocity regarding a person issued a permit under Maine law.

This bill removes the authority of the Chief of the State Police to enter into reciprocity agreements and eliminates the required equivalency provisions and simply recognizes a concealed handgun permit issued to a person by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under Maine law.

Enacted Law Summary

Public Law 2015, chapter 144 removes the authority of the Chief of the State Police to enter into reciprocity agreements for concealed handgun permits with other states and eliminates the existing concealed handgun permit equivalency provisions and simply recognizes a concealed handgun permit issued to a person by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under Maine law.

LD 936 An Act To Protect Children from Sexual Predators, Sexual Abuse and ONTP
Sexual Assault

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND MAREAN	ONTP	

This bill does the following:

1. Raises to Class C the crime of sexual abuse of a minor who is either 14 or 15 years of age;
2. Raises to Class C the crime of visual sexual aggression against a child under 14 years of age;

Joint Standing Committee on Criminal Justice and Public Safety

- 3. Raises to Class C the crime of sexual misconduct with a child and changes the age of the victim to include children 14 years of age or younger. Current law applies only to children under 14 years of age;
- 4. Raises to Class C the crime of solicitation of a child to commit a prohibited act and changes the age of the victim to include children 14 years of age or younger. Current law applies only to children under 14 years of age;
- 5. Enacts a prohibition on traveling into, out of or within this State or attempting to travel for the purposes of illegal sexual acts involving a minor. The bill also prohibits transporting a minor, attempting to transport a minor or soliciting or enticing a minor to travel into, out of or within the State for illegal sexual purposes. Illegal sexual purposes include engaging in a sexual act with a minor, prohibited under the Maine Revised Statutes, Title 17-A, chapter 11; engaging in sexual exploitation of a minor, prohibited under Title 17-A, chapter 12; or engaging in sex trafficking or prostitution, prohibited under Title 17-A, chapter 35. The bill makes illegal traveling a Class B crime;
- 6. Expands current law on sexual exploitation of a minor that prohibits exhibiting uncovered or covered portions of the genitals, anus or pubic area to include uncovered or covered breasts or buttocks;
- 7. Raises to Class C the crime of possession of sexually explicit material showing a child under 16 years of age engaging in sexually explicit conduct; and
- 8. Expands forfeiture of assets for a violation of Title 17-A , chapter 12, sexual exploitation of a minor, to provide for forfeiture of all money, negotiable instruments, securities, personal property and accounts held in a financial institution or held in any other manner in the name of the defendant or in which the defendant has an ownership interest that are directly or indirectly proceeds of the violation.

LD 971 An Act To Reinstate the State Fire Marshal's Authority To Inspect ONTP
Amusement Rides

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	ONTP	

Public Law 2013, chapter 595, Part U, section 4 repealed the Maine Revised Statutes, Title 8, chapter 19, which governed the licensing of exhibitions, performances and amusement shows, including the authority of the Department of Public Safety, Office of the State Fire Marshal to inspect amusement shows and amusement devices. This bill restores the repealed language.

LD 988 An Act To Create the Crime of Operating While Fatigued Accepted Majority
(ONTP) Report

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

This bill creates the new crime of operating while fatigued. A person commits the crime of operating while fatigued if that person operates a motor vehicle while having been without sleep for a period of 24 consecutive hours; while having been without sleep for 24 consecutive hours and is in the state of sleep; or while the person's ability or alertness is so impaired by fatigue as to make it unsafe to begin or continue to operate a motor vehicle. The