

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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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.

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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

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criminal and administrative penalties for operating while fatigued are consistent with criminal and administrative penalties for operating under the influence, including the application of those penalties to juveniles.

Committee Amendment "A" (H-144)

This amendment is the minority report of the committee. The amendment replaces the bill, which makes operating while fatigued a crime. The amendment instead adds operating while fatigued to the types of motor vehicle operation that are designated as failure to maintain control of a motor vehicle, which is a traffic infraction.

LD 1002 An Act Regarding the Electronic Monitoring Program

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP-AM	H-220

This bill includes a General Fund appropriation of \$500,000 in fiscal year 2015-16 and fiscal year 2016-17 for the State Board of Corrections to fund the increased use of electronic monitoring.

Committee Amendment "A" (H-220)

This amendment adds to the bill a requirement that a defendant ordered to participate in the electronic monitoring program must pay the costs of participation directly to the organization that provides electronic monitoring unless to do so would impose an undue hardship on the defendant.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.

LD 1013 An Act To Prevent the Shackling of Pregnant Prisoners and Pregnant Juveniles

PUBLIC 315

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL MAKER	OTP-AM ONTP	S-302

This bill prohibits the use of restraints on a pregnant prisoner or detainee except in extraordinary circumstances. When restraints are used, the corrections official must document the extraordinary circumstance that required the use of restraints. The bill clarifies that when a pregnant prisoner or detainee is admitted to a medical facility or birthing center, a corrections officer may not be present in the room during labor or childbirth unless specifically requested by medical personnel. The bill also requires the adoption of policies on the treatment of pregnant prisoners and detainees and requires that information about those policies be disseminated to all prisoners and detainees.

Committee Amendment "A" (S-302)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment clarifies that the Commissioner of Corrections establishes mandatory minimum standards for using restraints applicable to pregnant prisoners and pregnant juveniles in jails by adopting routine technical rules. The amendment clarifies that notice of the rules is provided only to female prisoners and female juveniles. The bill places responsibility for certain provisions on corrections officials, and the amendment makes those provisions applicable to the jail administrator in a jail and the chief administrative officer in a state correctional facility.

Enacted Law Summary