

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

JANE ORBETON, SENIOR LEGISLATIVE ANALYST
CURTIS BENTLEY, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

SEN. KIMBERLEY C. ROSEN, CHAIR
SEN. DAVID C. BURNS
SEN. STAN GERZOFKY

REP. LORI A. FOWLE, CHAIR
REP. MICHEL A. LAJOIE
REP. JUSTIN M. CHENETTE
REP. CATHERINE M. NADEAU
REP. JAMES E. DAVITT
REP. CHARLOTTE WARREN
REP. RICKY D. LONG
REP. KAREN A. GERRISH
REP. TIMOTHY S. THERIAULT
REP. MICHAEL J. TIMMONS

STATE OF MAINE

127TH LEGISLATURE

FIRST REGULAR SESSION



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

and appropriate" from the bill as it relates to the circumstances under which a juvenile participates in a program intended to increase community safety, hold the juvenile accountable and assist the juvenile in becoming a responsible and productive member of society. The amendment directs the Criminal Law Advisory Committee to review the laws regarding confidentiality and access to records of court proceedings pertaining to police records, juvenile community corrections officers' records and all other reports of social and clinical studies pertaining to juveniles and to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 with any recommendations and necessary legislation. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 127th Legislature. The amendment revises the procedure for the court to determine whether grounds for the use of restraints exist and adds to the grounds that past behavior of the juvenile presents a substantial risk that the juvenile's safety or the safety of others in the courtroom is threatened.

Committee Amendment "B" (H-236)

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment directs the Criminal Law Advisory Commission to review the laws regarding confidentiality and access to records of court proceedings pertaining to police records, juvenile community corrections officers' records and all other reports of social and clinical studies pertaining to juveniles and to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2016 with any recommendations and necessary legislation. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 127th Legislature.

LD 1057

Resolve, To Review and Report Recommendations on the Safety of Motorized Farm Rides Provided for a Fee to the Public

RESOLVE 32

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING KATZ	OTP-AM	H-234

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 and specifies that a hayride is included within the definition of an "amusement device" over which the Department of Public Safety, Office of the State Fire Marshal has licensing and inspection authority.

Committee Amendment "A" (H-234)

This amendment replaces the bill with a resolve. The resolve directs the State Fire Marshal and the Chief of the Maine State Police to work together as co-chairs to convene a broadly representative group of stakeholders to review methods of ensuring the safety of the public on motorized hayrides, pumpkin rides and other farm rides that are offered for a fee to the public on farms and rural land. The resolve requires the Office of the State Fire Marshal and the Maine State Police to prepare a report and submit it to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation by February 1, 2016. Following review of the report, the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation are authorized to separately submit legislation to the Second Regular Session of the 127th Legislature.

Enacted Law Summary

Resolve 2015, chapter 32 directs the State Fire Marshal and the Chief of the Maine State Police to work together as co-chairs to convene a broadly representative group of stakeholders to review methods of ensuring the safety of the public on motorized hayrides, pumpkin rides and other farm rides that are offered for a fee to the public on farms and rural land. The resolve requires the Office of the State Fire Marshal and the Maine State Police to prepare a report and submit it to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation by February 1, 2016. Following review of the report, the Joint Standing Committee

Joint Standing Committee on Criminal Justice and Public Safety

on Criminal Justice and Public Safety and the Joint Standing Committee on Transportation are authorized to separately submit legislation to the Second Regular Session of the 127th Legislature.

LD 1068 An Act To Require That Certain Active Duty Military Personnel Are Eligible for the Resident Application Fee for a Concealed Handgun Permit

PUBLIC 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R ROSEN	OTP-AM ONTP	H-153

This bill provides that a person on active duty in the United States Armed Forces who pays income taxes to this State and is otherwise qualified to be issued a permit to carry a concealed handgun is eligible for a permit issued by the Chief of the State Police upon payment of the application fee for a resident.

Committee Amendment "A" (H-153)

This amendment, which is the majority report of the committee, removes from the bill the requirement that a member of the United States Armed Forces pay income taxes to this State in order to pay a resident's application fee for a permit to carry a concealed handgun and instead requires that the member qualify as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules.

Enacted Law Summary

Public Law 2015, chapter 123 provides that a member of the Armed Services on active duty who qualifies as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules is eligible to pay the resident fee when applying for a permit to carry a concealed handgun.

LD 1071 An Act To Increase the Penalties for Vandalizing a Cemetery

Accepted Majority (ONTP) Report

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

This bill:

1. Amends the laws regarding damaging cemeteries and burial grounds by including damage to metal plaques, flags, flag holders, veteran's grave markers, vegetation and plants and adding damage created by an animal owned by or in the control of a person and by increasing the class of the crime from Class D to Class C;
2. Designates as a Class D crime a person's removing a flower, flag, flag holder or other memorial token from a burial ground without permission to do so or owning or controlling an animal that damages or destroys property in a cemetery or burial ground;
3. Adds metal plaques, flags, flag holders and veteran's grave markers to the crime of illegal possession or sale of gravestones;
4. Amends the restitution provisions in the law by expanding the list of authorized claimants to the crimes of interference with a cemetery or burial ground and illegal possession or sale of gravestones and removes from the consideration of the court the defendant's inability to pay; and