

# 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**

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

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

5. Expands the list of claimants who may bring a civil suit with treble damages for the illegal possession or sale of gravestones.

**Committee Amendment "A" (S-100)**

This amendment is the minority report of the committee. The amendment retains the provisions of the bill that make restitution mandatory in criminal cases involving interference with a cemetery or burial ground and illegal possession of gravestones. The amendment strikes from the bill the provision that removes from the consideration of the court the inability to pay of a person who commits these crimes. The amendment strikes from the bill the strict liability crime of removal of a flower, flag, flag holder or memorial token from a grave, tomb, monument or burial lot and the crime of owning or controlling an animal that destroys, mutilates, defaces, injures or removes any tomb, monument, gravestone, marker, metal plaque, flag, flag holder or veteran's grave marker or other structure or thing placed or designed as a memorial or to protect a memorial for the dead, or any portion or fragment of any such memorial, or any fence, railing, curb or other enclosure for the burial of the dead. The amendment maintains the designation in current law of interference with a cemetery or burial ground as a Class D crime. The amendment requires municipalities to repair and restore tombs, monuments, gravestones, markers and any fences, railings, curbs or other enclosures that have been damaged and for which repair and restoration have not been provided by a person or organization.

**LD 1074      An Act To Make Damaging a Public Easement with a Motor Vehicle a Class E Crime      PUBLIC 258**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS HARLOW	OTP-AM ONTP	S-209

This bill provides that a person who, as a result of operating a motor vehicle on a public easement in fact, damages or destroys crops, forest products, personal property or roads on that public easement commits a Class E crime.

**Committee Amendment "A" (S-209)**

This amendment is the majority report of the committee. The amendment strikes from the bill the definition of "public easement" and defines that term instead by reference to the Maine Revised Statutes, Title 23, section 3021, subsection 2 and provides a definition of "emergency responder." The amendment provides an exception for an emergency responder that is similar to the exception in current law for a law enforcement officer.

**Enacted Law Summary**

Public Law 2015, chapter 258 provides that a person who, as a result of operating a motor vehicle on a public easement in fact, damages or destroys crops, forest products, personal property or roads on that public easement commits a Class E crime. The law provides an exception for an emergency responder that is similar to the exception in current law for a law enforcement officer.

**LD 1096      An Act To Create the Crime of Intentional Interference with Business Operations      Accepted Majority (ONTP) Report**

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

This bill creates the crime of intentional interference with business operations, which is committed when a person intentionally hinders, impairs or obstructs or attempts to hinder, impair or obstruct the performance of a business operation, including damaging or rendering inoperable property of an organization, including buildings, equipment