

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

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

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or critical infrastructure, on private or public property, on a private or public way or within a railroad right-of-way or energy infrastructure corridor. Intentional interference with business operations is a Class E crime, except that a person who refuses to stop interfering when ordered to do so by a law enforcement officer commits a Class D crime. If, at the time of the violation, the person has two or more prior Maine convictions for intentional interference with business operations, the person commits a Class C crime.

LD 1100 An Act To Expand Options for the Prevention of Domestic Violence

**Accepted Majority
(ONTP) Report**

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

This bill creates a gun violence restraining order to authorize a court to order a person to surrender that person's firearms and ammunition for a specific period of time when it has been proved that the person poses a danger of causing personal injury to that person or another person. The bill provides that:

1. A law enforcement officer may file for a temporary emergency gun violence restraining order, which expires in 21 days;
2. A law enforcement officer or a household or family member of the person may request an ex parte gun violence restraining order, which expires in 21 days. The court is required to hold a hearing to determine if a one-year order should be issued within 21 days;
3. A law enforcement officer or a household or family member of the person may request that a one-year gun violence restraining order be issued. The plaintiff must prove by clear and convincing evidence that the person poses a significant danger, that the order is necessary to prevent injury and that less restrictive alternatives have been tried or are inappropriate in the specific case;
4. The subject of a gun violence restraining order is required to surrender all firearms and ammunition in the person's possession to a law enforcement officer or to sell the firearms and ammunition to a federally licensed firearms dealer. If the firearms and ammunition are surrendered to a law enforcement agency, the firearms and ammunition must be returned to the person at the expiration of the gun violence restraining order; and
5. A person who possesses firearms or ammunition in violation of a gun violence restraining order commits a Class D crime. Part of the sentence must include the prohibition on possession of firearms and ammunition for an additional five years.

Committee Amendment "A" (H-441)

This amendment is the minority report of the committee. It adds an appropriations and allocations section.

LD 1112 An Act To Make Technical Changes to the Sex Offender Registration and Notification Acts of 1999 and 2013

PUBLIC 280

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

This bill amends the Sex Offender Registration and Notification Act of 1999 and the Sex Offender Registration and Notification Act of 2013 to make technical changes.