

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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STATE OF MAINE

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.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1113 An Act To Replace the Bail Code with a System of Validated Risk Assessment Tools ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the standards for preconviction release by eliminating cash bail and requiring a judge or justice when making bail determinations to consider validated risk assessment tools. The purpose of this bill is to shift the emphasis from cash to suitability for release based on risk, in order to ensure the defendant's appearance in court and to prevent the defendant from committing new crimes.

LD 1114 An Act To Protect Maine's Children from Sexual Abuse and Exploitation CARRIED OVER

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

This bill amends the law regarding solicitation of a child to commit a prohibited act and creates the crimes of exploitive travel and unlawful electronic transmission of an image or video depicting sexually explicit conduct. The bill also amends the criminal forfeiture provisions of the sexual exploitation of minors laws to include conveyances and money instruments as items in addition to computer equipment that may be subject to forfeiture proceedings.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 1135 An Act Regarding the Requirements for Sprinkler Systems in Townhouses INDEF PP

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

This bill requires the Office of the State Fire Marshal to inspect and approve all sprinkler system plans for townhouses constructed after January 1, 2016. The bill establishes a definition for the term "townhouse" that mirrors the definition used in the International Residential Code.

This bill was not referred to a committee.

LD 1155 An Act Concerning Electronic Monitoring and Increased Bail for Certain Crimes Involving Violence Accepted Majority (ONTP) Report

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill requires a minimum cash bail for defendants charged with certain crimes under the Maine Revised Statutes, Title 17-A. The bill requires a minimum cash bail of \$4,000 for a charge of assault under section 207, domestic violence assault under section 207-A, aggravated assault under section 208, elevated aggravated assault under section 208-B or elevated aggravated assault on a pregnant person under section 208-C. The bill requires a minimum cash bail of \$2,000 for a charge of criminal threatening under section 209, domestic violence criminal threatening under section 209-A, terrorizing under section 210, stalking under section 210-A, domestic violence terrorizing under section 210-B, domestic violence stalking under section 210-C, reckless conduct under section 211, domestic violence reckless conduct under section 211-A or aggravated reckless conduct under section 213. The bill provides that a defendant who is released on bail on a charge of a violation of Title 17-A, section 207, 207-A, 208, 208-B, 208-C, 209, 209-A, 210, 210-A, 210-B, 210-C, 211, 211-A or 213 must be required to participate in an electronic monitoring program, if an electronic monitoring program is available, and must be required to pay the full cost of participation in that program. The bill requires bail commissioners and judicial officers when setting preconviction bail for a defendant for an alleged violation of Title 17-A, section 207, 207-A, 208, 208-B, 208-C, 209, 209-A, 210, 210-A, 210-B, 210-C, 211, 211-A or 213, when feasible, to obtain information from the victim.

Committee Amendment "A" (H-436)

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

LD 1160 An Act To Make Possession of a Firearm with an Altered or Obscured PUBLIC 364
Serial Number a Class C Crime

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL DION	OTP-AM ONTP	S-165

This bill changes criminal simulation involving the possession or transportation of a firearm with the manufacturer's make, model or serial number altered, removed or obscured from a Class E crime to a Class C crime.

Committee Amendment "A" (S-165)

This amendment, which is the majority report of the committee, replaces the bill. Current law provides that a person who with the intent to defraud and to prevent detection alters or removes the manufacturer's make, model or serial number from a firearm commits the Class E crime of criminal simulation. To be guilty of that crime, the person must have committed the act with the intent to defraud and to prevent identification. This amendment changes the law to require either the intent to defraud or the intent to prevent identification, but not both, as elements of the crime. It also makes this crime a Class C crime as is provided for in the bill.

This amendment also provides that a person who possesses an altered firearm with the intent to defraud or to prevent identification or intentionally or knowingly transports such a firearm with the intent to defraud or to prevent identification commits the crime of criminal simulation.

Enacted Law Summary

Current law provides that a person who with the intent to defraud and to prevent detection alters or removes the manufacturer's make, model or serial number from a firearm commits the Class E crime of criminal simulation. To be guilty of that crime, the person must have committed the act with the intent to defraud and to prevent identification. Public Law 2015, chapter 364 requires either the intent to defraud or the intent to prevent identification, but not both, as elements of the crime and makes this crime a Class C crime.

Public Law 2015, chapter 364 also provides that a person who possesses an altered firearm with the intent to defraud or to prevent identification or intentionally or knowingly transports such a firearm with the intent to defraud