

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 1243 An Act To Make the Law Regarding Critical Incident Stress Management Teams More Beneficial and Effective

PUBLIC 112

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BURNS PICKETT | OTP | |

This bill amends the definition of "critical incident" to include employees of and emergency dispatchers for a criminal justice agency. The bill also allows the chief law enforcement officer of a law enforcement agency or the chief law enforcement officer's designee to designate critical incident stress management team members.

Enacted Law Summary

Public Law 2015, chapter 112 amends the definition of "critical incident," as it pertains to Critical Incident Stress Management Teams under the Maine Revised Statutes, Title 25, chapter 501, to include employees of and emergency dispatchers for a criminal justice agency. The law also allows the chief law enforcement officer of a law enforcement agency or the chief law enforcement officer's designee to designate critical incident stress management team members.

LD 1246 An Act To Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and Other Drugs

PUBLIC 346

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ROSEN DAVITT | OTP-AM OTP-AM | S-280 S-337 HAMPER |

This bill strengthens laws regarding the manufacture and sale of methamphetamine and other drugs. It does the following:

1. Provides that possession of two grams or more of fentanyl or 90 or more individual containers containing fentanyl constitutes "trafficking";
2. Provides that possession of at least one gram but less than two grams of fentanyl or at least 45 but fewer than 90 individual containers of fentanyl constitutes "furnishing";
3. Establishes the crime of aggravated unlawful operation of a clandestine methamphetamine laboratory; and
4. Prohibits the unlawful possession of a scheduled drug containing fentanyl, seven grams or more of cocaine or two grams or more of cocaine in the form of cocaine base.

Committee Amendment "A" (S-280)

This amendment is the majority report of the committee. The amendment defines "fentanyl powder" and clarifies that the fentanyl for which the bill establishes the penalties is fentanyl powder. The amendment deletes from the bill the word clandestine in regard to the methamphetamine laboratories that are criminalized in the bill.

Committee Amendment "B" (S-281)

This amendment is the minority report of the committee. The amendment changes the title of the bill. The amendment defines "fentanyl powder" and clarifies that the fentanyl for which the bill establishes the penalties is fentanyl powder. The amendment deletes from the bill the word clandestine in regard to the methamphetamine laboratories that are criminalized in the bill. The amendment reduces possession of oxycodone in the form of pills,

Joint Standing Committee on Criminal Justice and Public Safety

capsules, tablets, mixtures or substance in the aggregate less than 30 milligrams and possession of hydrocodone or hydromorphone from a Class C crime to a Class D crime.

Senate Amendment "A" To Committee Amendment "A" (S-337)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2015, chapter 346 strengthens laws regarding the manufacture and sale of methamphetamine and other drugs. It does the following:

1. Provides that possession of two grams or more of fentanyl powder or 90 or more individual containers containing fentanyl powder constitutes "trafficking";
2. Provides that possession of at least one gram but less than two grams of fentanyl powder or at least 45 but fewer than 90 individual containers of fentanyl powder constitutes "furnishing";
3. Establishes the crime of aggravated unlawful operation of a methamphetamine laboratory;
4. Prohibits and designates as a Class C crime the unlawful possession of a scheduled drug containing fentanyl powder, seven grams or more of cocaine or two grams or more of cocaine in the form of cocaine base; and
5. Authorizes a court to order as part of the sentence of a defendant restitution that to pay as an expense of emergency response the costs of a response to a suspected unlawful methamphetamine laboratory, including trained laboratory personnel and laboratory services.

**LD 1275 An Act Regarding Notice to the Public Pertaining to a Resident Person
Deported from Canada to the United States for Committing a Sex
Offense against a Child**

PUBLIC 76

Sponsor(s)

Committee Report

Amendments Adopted

This bill is reported out by the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Rule 353, after receipt of a report from the Commissioner of Public Safety submitted pursuant to Resolve 2013, chapter 97. The bill authorizes a law enforcement agency that obtains from the United States Customs and Border Protection written documentation that a person resident in the jurisdiction of the agency has been deported from Canada to the United States because the person was convicted in Canada of a sex offense against a child to provide notice to the public as determined by the agency to be appropriate to ensure the public safety. The bill states that neither the failure to perform the actions permitted by the bill nor the taking of actions in compliance with the bill subjects any state, municipal or county official or employee to liability in a civil action.

Enacted Law Summary

Public Law 2015, chapter 76 authorizes a law enforcement agency that obtains from the United States Customs and Border Protection written documentation that a person resident in the jurisdiction of the agency has been deported from Canada to the United States because the person was convicted in Canada of a sex offense against a child to provide notice to the public as determined by the agency to be appropriate to ensure the public safety. The law states that neither the failure to perform the actions permitted by the bill nor the taking of actions in compliance with the bill subjects any state, municipal or county official or employee to liability in a civil action.