

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND 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 Second 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.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. 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 1476 An Act To Improve the Law Concerning Carbon Monoxide Detectors

**PUBLIC 396
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND G MAREAN D	OTP-AM	S-370

Under current law, carbon monoxide detectors required to be installed in educational facilities and units of multifamily dwellings; fraternity houses, sorority houses and dormitories affiliated with educational facilities; children's homes, shelters and residential care facilities licensed by the Department of Health and Human Services; and eating and lodging places must be powered either by the electrical service in the building and a battery or by a nonreplaceable 10-year battery. This bill allows a carbon monoxide detector installed in such a building to be powered by a battery other than a nonreplaceable 10-year battery if the detector uses a low-power radio frequency wireless communication signal or multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

Committee Amendment "A" (S-370)

This amendment replaces the bill. The amendment allows the use in certain buildings of a carbon monoxide detector that is powered by replaceable batteries if the detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

Enacted Law Summary

Public Law 2015, chapter 396 allows a carbon monoxide detector installed in certain buildings to be powered by a battery other than a nonreplaceable 10-year battery if the detector uses low-power radio frequency wireless communication, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel. The law clarifies that a carbon monoxide detector that is powered by replaceable batteries is allowed if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

Public Law 2015, chapter 396 was enacted as an emergency measure effective March 16, 2016.

LD 1487 An Act To Amend the Laws on Protection from Abuse, Protection from Harassment and Unauthorized Dissemination of Certain Private Images

**PUBLIC 410
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE L DIAMOND G	OTP-AM	H-545

This bill amends the protection from abuse laws and the laws concerning unauthorized dissemination of certain private images. The bill provides a process for sealing certain private images and any written information describing and directly pertaining to the images that are contained in court records. The bill adds unauthorized dissemination of certain private images to the definition of "abuse" for the purposes of the protection from abuse laws. The bill adds to the protection from abuse laws remedies pertinent to the unauthorized dissemination of certain private images.

Committee Amendment "A" (H-545)

This amendment replaces the bill.

This amendment replaces the title and does the following.

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1. In Part A it amends the laws concerning unauthorized dissemination of certain private images by providing that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

2. In Part B it amends the laws on protection from abuse by including in the definition of abuse the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

3. In Part C it amends the laws on protection from harassment by including in the definition of harassment the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

Enacted Law Summary

Public Law 2015, chapter 410 does the following.

1. In Part A it amends the laws concerning unauthorized dissemination of certain private images by providing that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

2. In Part B it amends the laws on protection from abuse by including in the definition of abuse the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

3. In Part C it amends the laws on protection from harassment by including in the definition of harassment the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It

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also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

Public Law 2015, chapter 410 was enacted as an emergency measure effective March 29, 2016.

LD 1516 An Act To Clarify the Authority of County Sheriffs To Grant Law Enforcement Powers

**PUBLIC 419
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M CUSHING A	OTP-AM ONTP	H-529

This bill allows a school resource officer to enforce laws relating to crimes committed on school premises and at other locations where that school's activities are occurring.

Committee Amendment "A" (H-529)

This amendment replaces the bill and changes the title. The amendment provides a process by which a trained municipal law enforcement officer may be appointed as a deputy sheriff, have the duties of a deputy sheriff to enforce the criminal laws and have the same privileges and immunities as when acting within the officer's own jurisdiction. The amendment requires an agreement between the municipality and the county that specifies the time period and purpose for which authorization is granted and liability between the sheriff's office and the municipal law enforcement agency.

Enacted Law Summary

Public Law 2016, chapter 419 provides a process by which a trained municipal law enforcement officer may be appointed as a deputy sheriff, have the duties of a deputy sheriff to enforce the criminal laws and have the same privileges and immunities as when acting within the officer's own jurisdiction. The law requires an agreement between the municipality and the county that specifies the time period and purpose for which authorization is granted and liability between the sheriff's office and the municipal law enforcement agency.

Public Law 2015, chapter 419 was enacted as an emergency measure effective March 31, 2016.

LD 1523 Resolve, To Provide Wage Parity for Supervisors of Law Enforcement Personnel and Other Law Enforcement Personnel

RESOLVE 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P NADEAU C	OTP-AM	S-383 H-663 DAVITT J

This resolve provides appropriations and allocations to increase by 5% the base salary of law enforcement supervisors in the Department of Agriculture, Conservation and Forestry, the Baxter State Park Authority, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Public Safety. This resolve also requires the Department of Administrative and Financial Services, Bureau of Human Resources to make a corresponding change to the bureau's rules governing compensation.

Committee Amendment "A" (S-383)

This amendment adds senior motor vehicle detectives and the Capitol Police sergeants to those law enforcement supervisors who will receive a 5% salary increase under the resolve.