

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

JANE ORBETON, SENIOR LEGISLATIVE ANALYST
CURTIS BENTLEY, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla>

MEMBERS:

SEN. KIMBERLEY C. ROSEN, CHAIR
SEN. DAVID C. BURNS
SEN. STAN GERZOFKY

REP. LORI A. FOWLE, CHAIR
REP. MICHEL A. LAJOIE
REP. JUSTIN M. CHENETTE
REP. CATHERINE M. NADEAU
REP. JAMES E. DAVITT
REP. CHARLOTTE WARREN
REP. RICKY D. LONG
REP. KAREN A. GERRISH
REP. TIMOTHY S. THERIAULT
REP. MICHAEL J. TIMMONS

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 1603

**An Act To Implement the Recommendations of the Criminal Law
Advisory Commission Relative to the Maine Criminal Code and Related
Statutes**

PUBLIC 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-566

This bill implements the recommendations of the Criminal Law Advisory Commission to make amendments to the Maine Criminal Code and related statutes. Specifically, the bill:

1. Amends the law on prohibited possession of firearms to remove a redundant reference in the case of a deferred disposition;
2. Amends the law on prohibited possession of firearms as a result of a domestic violence offense to add termination of the five-year prohibition period if at the conclusion of a deferred disposition period the court grants the State's motion to allow a person to withdraw the plea and the State dismisses the pending charging instrument with prejudice;
3. Adds penalties for possession of a firearm by a person designated as prohibited pursuant to the Maine Revised Statutes, Title 15, section 393, subsection 1, paragraphs F to J and subsection 1-B. These prohibition provisions were added by Public Law 2015, chapter 287, sections 3 and 5, but penalties for violations of them were not enacted. This bill makes a violation of paragraphs F to J a Class D crime. It makes a violation of subsection 1-B by a person at least 18 years of age a Class C crime;
4. Enacts a definition of "administration of juvenile justice" in Title 15, chapter 102 regarding the interception of wire and oral communications that is consistent with the Maine Juvenile Code;
5. Amends the definition of "administration of criminal justice" as used in certain laws regarding the interception of wire and oral communications by including under administration of criminal justice activities under the Intelligence and Investigative Record Information Act;
6. Amends the Class C sentencing provision for a person convicted of stalking who has one or more prior convictions to clarify that although the court continues to have discretion to impose any other authorized sentencing alternative, the court is required to impose a sentencing alternative that includes a term of imprisonment of at least one year;
7. Amends the Class B sentencing provision for a person convicted of stalking who has one or more prior convictions, at least one of which was for stalking two or more specific persons that are members of an identifiable group, to require the court in determining the basic term of imprisonment as the first step in the sentencing process to select a term of at least two years; and
8. Strikes redundant provisions requiring the court, in imposing a sentencing alternative for the crime of stalking, to consider whether the victim was being stalked by the person being sentenced.

Current law provides that for the purpose of imposing a sentence for certain crimes, if the defendant has two or more convictions for those crimes, the sentencing class for the crime is one class higher. This bill provides that an attempt to commit such crimes also results in a higher sentencing class.

Committee Amendment "A" (H-566)

This amendment strikes the bill and does the following.

Joint Standing Committee on Criminal Justice and Public Safety

1. The amendment designates the classes of crime in the subsections or paragraphs of the Maine Revised Statutes, Title 15, section 393 on prohibited possession of firearms to conform to the Maine Criminal Code drafting standards. The amendment repeals the subsection that does not conform to current drafting standards.
2. Like the bill, the amendment terminates the five-year period of prohibited possession of firearms when charges of violating the prohibition for domestic violence offenses are dismissed at the end of a period of deferred disposition.
3. Like the bill, the amendment defines or standardizes the use of certain terms and references to those terms in the laws governing interception of wire and oral communications to reference actions taken under the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act; the amendment also makes these changes in the laws governing the Department of Corrections.
4. Like the bill, the amendment amends the Class C sentencing provision for a person convicted of stalking who has one or more prior convictions to clarify that although the court continues to have discretion to impose any other authorized sentencing alternative, the court is required to impose a sentencing alternative that includes a term of imprisonment of at least one year.
5. Like the bill, the amendment amends the Class B sentencing provision for a person convicted of stalking who has one or more prior convictions, at least one of which was for stalking two or more specific persons that are members of an identifiable group, to require the court in determining the basic term of imprisonment as the first step in the sentencing process to select a term of at least two years.
6. Like the bill, the amendment strikes redundant provisions requiring the court, in imposing a sentencing alternative for the crime of stalking, to consider whether the victim was being stalked by the person being sentenced.

Current law provides that for the purpose of imposing a sentence for certain crimes, if the defendant has two or more convictions for those crimes, the sentencing class for the crime is one class higher. Like the bill, the amendment provides that an attempt to commit such crimes also results in a higher sentencing class.

Enacted Law Summary

Public Law 2015, chapter 470 amends the Maine Criminal Code as follows.

1. The law designates the classes of crime in the subsections or paragraphs of the Maine Revised Statutes, Title 15, section 393 on prohibited possession of firearms to conform to the Maine Criminal Code drafting standards.
2. The law terminates the five-year period of prohibited possession of firearms when charges of violating the prohibition for domestic violence offenses are dismissed at the end of a period of deferred disposition.
3. The law defines or standardizes the use of certain terms and references to those terms in the laws governing interception of wire and oral communications to reference actions taken under the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act.
4. The law makes these changes in the laws governing the Department of Corrections.
5. The law amends the Class C sentencing provision for a person convicted of stalking who has one or more prior convictions to clarify that although the court continues to have discretion to impose any other authorized sentencing alternative, the court is required to impose a sentencing alternative that includes a term of imprisonment of at least one year.

Joint Standing Committee on Criminal Justice and Public Safety

- 6. The law amends the Class B sentencing provision for a person convicted of stalking who has one or more prior convictions, at least one of which was for stalking two or more specific persons that are members of an identifiable group, to require the court in determining the basic term of imprisonment as the first step in the sentencing process to select a term of at least two years.
- 7. The law strikes redundant provisions requiring the court, in imposing a sentencing alternative for the crime of stalking, to consider whether the victim was being stalked by the person being sentenced.
- 8. The law raises the class of certain "attempt" crimes to a higher class in a manner that is consistent with the increase in class for second and subsequent convictions of those crimes.

LD 1614 Resolve, To Provide Funding for the County Jail Operations Fund

**RESOLVE 90
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-400
	ONTP	S-508 HAMPER J

This resolve was reported by a majority of the Joint Standing Committee on Criminal Justice and Public Safety pursuant to the Maine Revised Statutes, Title 34-A, section 1402, subsection 13 and was then referred back to committee for processing in the normal course.

This resolve provides funding for the operation of the State's county jails and regional jail in the amount of \$2,465,896 in fiscal years 2015-16 and 2016-17.

Committee Amendment "A" (S-400)

This amendment is the majority report of the committee. The amendment specifies that the funding is provided on a one-time basis. The amendment requires the Department of Corrections to make the distributions pursuant to the resolve prior to June 30, 2016 and prior to June 30, 2017 on the basis of the financial needs of each county jail and the regional jail. The amendment requires the department to determine the financial needs of the jails in cooperation with the Maine County Commissioners Association and the Maine Sheriffs' Association, taking into consideration the revenues and verified expenditures of each jail and the use of tax assessments by each county as a source of funding for the jail as allowed by current law.

Senate Amendment "B" To Committee Amendment "A" (S-508)

This amendment eliminates the proposed General Fund appropriation in fiscal year 2016-17 for the County Jail Operations Fund and reduces the General Fund appropriation to Medical Care - Payments to Providers by \$2,465,896 in fiscal year 2016-17 as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

Enacted Law Summary

Resolve 2015, chapter 90 provides General Fund funding for the operation of the State's county jails and regional jail in the amount of \$2,465,896 in fiscal years 2015-16 and reduces the General Fund appropriation to Medical Care - Payments to Providers by \$2,465,896 in fiscal year 2016-17 as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

Resolve 2015, chapter 90 was passed as an emergency measure effective April 29, 2016.