

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<sup>TH</sup> 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

127<sup>TH</sup> 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 Second Regular Session of the 127<sup>th</sup> 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 127<sup>th</sup> 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 1626      Resolve, Regarding Legislative Review of Portions of Chapter 4:  
Water-based Fire Protection Systems, a Late-filed Major Substantive  
Rule of the Department of Public Safety, Office of the State Fire  
Marshal**

**RESOLVE 70  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 4: Water-based Fire Protection Systems, a major substantive rule of the Department of Public Safety, Office of the State Fire Marshal that was filed outside the legislative rule acceptance period.

**Enacted Law Summary**

Resolve 2015, chapter 70 authorizes final adoption of portions of Chapter 4: Water-based Fire Protection Systems, a major substantive rule of the Department of Public Safety, Office of the State Fire Marshal.

Resolve 2015, chapter 70 was passed as an emergency measure effective March 29, 2016.

**LD 1628      An Act To Strengthen the Laws on Operating a Motor Vehicle under the  
Influence of Intoxicants**

**Died Between  
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP  
OTP-AM

This bill was reported by the committee pursuant to joint order, S.P. 631 and then referred back to the committee for processing in the normal course.

This bill contains the recommendations of the majority of the Working Group on Marijuana and Driving that was convened in 2015 by the Secretary of State. The bill does the following.

1. It establishes a permissible inference of operating under the influence of intoxicants when a person operates a motor vehicle and has a level of delta-nine-tetrahydrocannabinol, or THC, of five nanograms or more per milliliter of blood.
2. It establishes a permissible inference of operating under the influence of intoxicants when a person operates a motor vehicle and has a level of THC of two nanograms or more per milliliter of blood and an alcohol level of 0.05 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.
3. It establishes a 0.00 nanogram level for THC for a person under 21 years of age and provides an affirmative defense for marijuana use in compliance with the Maine Medical Use of Marijuana Act.
4. It permits a qualified law enforcement officer, without making an arrest, to request that a person who the officer reasonably believes has been operating under the influence take a preliminary breath test for alcohol level and allows the results to be used to determine whether there is probable cause to believe the person was operating under the influence.

**Committee Amendment "A" (S-420)**

***Joint Standing Committee on Criminal Justice and Public Safety***

This amendment is the minority report of the committee. This amendment clarifies that THC level is determined based on a milliliter of whole blood. This amendment provides funds to allow the Department of Public Safety to conduct drug testing.

This amendment was not adopted.

**LD 1632 An Act To Make Certain Statutory Changes in Light of the New Maine Rules of Unified Criminal Procedure**

**PUBLIC 431**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-565

This bill implements the recommendations of the Criminal Law Advisory Commission and makes the following changes to the Maine Revised Statutes.

1. It replaces all references and citations to the former Maine Rules of Criminal Procedure with references and citations to the new Maine Rules of Unified Criminal Procedure.
2. It repeals, amends or enacts provisions to provide that the Superior Court will no longer be called upon to exercise its jurisdiction to hear appeals and petitions from the District Court.
3. It removes the reference to Rule 42 of the Maine Rules of Criminal Procedure in the Maine Revised Statutes, Title 14, section 3142, subsection 3.
4. It replaces the word "judge" with the word "court" in certain provisions in Title 15 and Title 17-A because modern usage does not employ the word "judge" to refer simultaneously to both a justice and a judge. Instead, the word "court" is employed.
5. It removes references to Rule 16 of the Maine Rules of Criminal Procedure in certain provisions in Title 15 and Title 17-A.
6. It amends certain provisions in Title 15 to enhance clarity and consistency.

**Committee Amendment "A" (H-565)**

This amendment provides technical corrections to the bill and rewrites the proposed changes to the law regarding filing copies of the proceedings in murder and felony murder cases.

The amendment changes the requirements applicable to the assembling of records in cases in which a person is convicted of murder or felony murder. With respect to the records that must be assembled, the amendment repeals the requirement that a copy of the Maine Rules of Criminal Procedure, Rule 11 be included, requires inclusion of a transcript of the plea hearing and jury instructions and repeals the requirement that the charge of the presiding justice be included. The amendment makes the same changes in the law requiring the clerk of court to provide certain records to the Secretary of State for use by the Governor in a pardon hearing.

**Enacted Law Summary**

Public Law 2015, chapter 431 enacts the recommendations of the Criminal Law Advisory Commission. The law does the following.

1. It replaces all references and citations to the former Maine Rules of Criminal Procedure with references and citations to the new Maine Rules of Unified Criminal Procedure.