

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

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.

Joint Standing Committee on Criminal Justice and Public Safety

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.
7. It rewrites the law regarding filing copies of the proceedings in murder and felony murder cases. With respect to the records that must be assembled, the law 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 law 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.

LD 1647 An Act Relating to Penalties for Drug Offenses

**Died Between
Houses**

Sponsor(s)

CYRWAY S

Committee Report

ONTP
OTP-AM
OTP-AM

Amendments Adopted

The purpose of this bill is to ensure that Maine is in compliance with 23 United States Code, Section 159(a)(3)(A), a federal law that requires the withholding of federal funds unless a state provides for a mandatory six month revocation or suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act or a drug offense.

This bill does the following.

1. It requires a court to suspend for a minimum of 6 months the driver's license of a person convicted of a crime specified in the Maine Revised Statutes, Title 17-A, chapter 45, except for section 1116, which prohibits trafficking or furnishing imitation scheduled drugs.
2. If a person who is convicted of a crime specified in Title 17-A, chapter 45, except for section 1116, does not have a driver's license, or the person's driver's license is already suspended, it requires the court to delay the issuance or reinstatement of the license of that person for at least six months after the person applies for issuance or reinstatement of a driver's license.
3. It requires the Secretary of State, on receipt of an attested copy of a court record of a suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act or of a crime specified in Title 17-A, chapter 45, except for section 1116, to immediately record the suspension and send written notice of the suspension to the person whose license has been suspended. If that person does not have a driver's license or that person's driver's license is already suspended, the Secretary of State is required to delay the issuance or