

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 JUDICIARY

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 Judiciary

4. It adds to the standards for release on preconviction bail language that a defendant be required to submit to a random search for possession possession or use of alcohol or illegal drugs.
5. It amends post-conviction bail to specify standards for bail with respect to a motion to revoke probation. A judge or justice may deny or grant bail and, in determining whether to admit the defendant to bail, the judge or justice shall consider the nature of the circumstances of the crime for which the defendant was sentenced to probation and the nature of the alleged violation of and any records of prior violations of probation.
6. It repeals Title 15, section 1073-A, which provides that if a defendant violated a condition of bail then the person who posted the bail or the surety must have the bond released or all of the money returned, unless the person previously acted as surety for the same defendant and the defendant previously failed to comply with conditions.
7. It requires that in an initial proceeding on a probation violation for which a person is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance unless otherwise ordered by the court.
8. It allows the court to suspend all or part of the minimum mandatory fine for assault, certain drug crimes and operating a motor vehicle while a person's license is suspended or revoked, and it lists criteria that a court may consider in making the decision to suspend the fine.
9. It amends the amount of payment for community service that may be credited against the unpaid fine for offenders who have been sentenced to pay a fine and who have defaulted from no less than \$25 for every 8 hours to a rate equal to the current hourly minimum wage. It expands the opportunity for community service work for credit against unpaid fines to include Class C crime convictions. Current law allows public service work for credit against unpaid fines only for Class D and Class E crimes.
10. It requires counties to use at least a portion of the community corrections funds they currently receive under the Maine Revised Statutes, Title 34-A, section 1210-D to provide pretrial and conditional release programs when imposed as a condition of pretrial bail. The programs may be conducted by the counties or under a contract with one or more organizations that provide such supervision. The Supreme Judicial Court may adopt rules or orders that establish the requirements of the programs to ensure that defendants have substantially equal access to pretrial and conditional release across the State.

LD 1642 **An Act Regarding Stolen Valor**

PUBLIC 437

<u>Sponsor(s)</u> THIBODEAU M	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-454
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Public Law 2015, chapter 21 amended the law governing theft by deception to specifically include as deception false claims of being a veteran or a member of the Armed Forces of the United States or a state military force. This bill specifies instead that the intentional creation or reinforcement of a false impression that a person is such a veteran or member constitutes deception under this law. This bill also specifies that any fine imposed on such a person must be deposited in the Maine Military Family Relief Fund.

Committee Amendment "A" (S-454)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 437 amends the law governing theft by deception to specifically include as deception the

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intentional creation or reinforcement of a false impression of being a veteran or a member of the Armed Forces of the United States or a state military force. It also specifies that any fine imposed on such a person must be deposited in the Maine Military Family Relief Fund.

LD 1643 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 494
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-672

This bill corrects technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-672)

This amendment amends the bill to designate the contents of the bill as Part A. It makes technical corrections to the bill, makes several language changes to more accurately clarify corrections and adds retroactive application sections to two sections included in the printed bill. The amendment also adds additional corrections, some of which are substantive.

Enacted Law Summary

Public Law 2015, chapter 494 makes several technical and substantive corrections to the laws of Maine.

Part A consists of technical corrections included in the original bill, and Part B includes additional technical corrections.

Part C amends several laws to provide for notification to the appropriate authorities when contingencies occur that affect the effective date or repeal of specific laws.

Part D contains changes that are or may be considered substantive. Part D makes the following changes:

1. Corrects a clerical error that used the term “key employee” when the appropriate term is “key executive” with regard to a person applying for a license from the Gambling Control Board;
2. Corrects a conflict created by Public Law 2015, chapters 90, 127, 136, 245, 281 and 301, which affected the same subsection of law governing hunting licenses, combination licenses and fees, by incorporating the changes made by all six laws and corrects an inconsistency created by Public Law 2015, chapter 127, which removed the prohibition against hunting turkey by holders of small game licenses but not against holders of nonresident small game apprenticeship hunter licenses and nonresident three-day small game hunting licenses;
3. Corrects an inconsistency concerning the specific laws governing disqualifying offenses for an unlicensed assistive person who provides direct access services. The Maine Revised Statutes, Title 22, section 1812-J, subsection 7 provides that an employment ban based on a disqualifying offense for an unlicensed assistive person to provide direct access services is a lifetime ban. Title 22, section 9054 provides a process for an unlicensed assistive person who is banned from employment because of a disqualifying offense to request a waiver. Section D-3 corrects this inconsistency by removing the language in Title 22, section 1812-J, subsection 7 that states than an employment ban based on a disqualifying offense is a lifetime employment ban;
4. Removes youth camps from a list of facilities exempted from the laws requiring licensure because youth camps are required to be licensed as youth camps, although they are not required to be licensed as lodging places. It also corrects a clerical error;