

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

- 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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S	ONTP OTP-AM OTP-AM	

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

Joint Standing Committee on Criminal Justice and Public Safety

reinstatement of that person's license for the period specified by the court.

4. It increases the minimum period of suspension for a person convicted of operating under the influence of intoxicants, including scheduled drugs, who has no prior convictions for operating under the influence within a 10-year period, from 150 days to 180 days.

Committee Amendment "A" (S-425)

This amendment is one of two minority reports of the committee. The bill increases the driver's license suspension period from 150 days to 180 days for a person who is convicted of operating under the influence and who has no previous operating under the influence convictions within the prior 10 years. The amendment makes the change from 150 to 180 days in two other provisions of operating under the influence law.

This amendment also adds an allocation for the cost of computer programming necessitated by the changes made to the bill.

This amendment was not adopted.

Committee Amendment "B" (S-426)

This amendment is one of two minority reports of the committee. The bill increases the driver's license suspension period from 150 days to 180 days for a person who is convicted of operating under the influence and who has no previous operating under the influence convictions within the prior 10 years. This amendment makes the change from 150 to 180 days in two other provisions of operating under the influence law. The amendment adds to several provisions of the bill an exception based on compelling circumstances found by the court. In the case of a drug conviction under Title 17-A, chapter 45, this exception could negate the suspension completely. In the case of an operating under the influence conviction, this exception could decrease the suspension period to 150 days.

This amendment adds an allocation for the cost of computer programming necessitated by the changes made to the bill.

This amendment was not adopted.

LD 1662 An Act To Require Background Checks for Gun Sales

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

This bill was not referred to committee.

This initiated bill requires a background check before a firearm sale or transfer between individuals not licensed as firearm dealers. If neither party to a sale or transfer has a federal firearms license, the parties meet at a licensed firearm dealer, who conducts a background check on the transferee and completes the sale or transfer as though selling or transferring from the dealer's own inventory. Exceptions to the background check requirement are made for transfers between family members, while the parties are hunting or sport shooting, for emergency self-defense, in the presence of the transferor and in other circumstances.