

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

August 2017

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STATE OF MAINE

128TH 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 First Regular Session of the 128th 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 FINAL 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 128th Legislature is Wednesday, November 1, 2017. 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 9 An Act To Prohibit the Creation of a Firearms Owner Registry

PUBLIC 175

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B	OTP-AM ONTP	H-87

This bill prohibits a government agency of this State or a political subdivision of this State from keeping a list or registry of privately owned firearms or a list or registry of the owners of those firearms. It provides exceptions for firearms that have been used in committing a crime of violence dangerous to human life and persons who have been convicted of a crime of violence dangerous to human life.

Committee Amendment "A" (H-87)

This amendment, which is the majority report of the committee, replaces the bill and provides that a government agency of the State or a political subdivision of the State may not keep or cause to be kept a comprehensive registry of privately owned firearms and the owners of those firearms within its jurisdiction.

Enacted Law Summary

Public Law 2017, chapter 175 provides that a government agency of the State or a political subdivision of the State may not keep or cause to be kept a comprehensive registry of privately owned firearms and the owners of those firearms within its jurisdiction.

LD 18 An Act To Make Exposing a Law Enforcement Officer to a Disorienting Substance a Crime

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B DAVIS P	ONTP OTP-AM	

This bill creates the crime of assault on a law enforcement officer through unlawful exposure. A person commits a Class D crime if the person intentionally, knowingly or recklessly exposes a law enforcement officer to any substance in a manner that could temporarily disable, disorient, impair the sight of or impair the breathing of the law enforcement officer; a person commits a Class C crime if the exposure could cause serious bodily injury or death to the law enforcement officer.

Committee Amendment "A" (H-88)

This amendment, which is the minority report of the committee, amends the bill by clarifying the new crime of assault on a law enforcement officer through unlawful exposure as follows.

1. It provides that the crime of assault on a law enforcement officer through unlawful exposure may occur either when the officer is in the performance of the officer's official duties or while off duty.
2. It expands the scope of the new crime by defining "law enforcement officer" to include corrections officers, corrections supervisors, forest rangers and marine patrol officers.
3. To better describe for the purposes of the Maine Criminal Code the conduct criminalized in the new crime, it clarifies that the unlawful exposure to a substance must be done in a manner that creates a substantial risk of a specified injury to a law enforcement officer.

Joint Standing Committee on Criminal Justice and Public Safety

This amendment was not adopted.

LD 42 An Act To Deter the Dealing of Dangerous Drugs

**Died Between
Houses**

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

This bill makes the illegal trafficking in a drug with or furnishing of a drug to a person when the injection, inhalation or ingestion of the drug by that person causes death a Class A crime of manslaughter.

Committee Amendment "A" (S-50)

This amendment, which is the majority report of the committee, clarifies the new Class A crime of illegal trafficking in a drug with or furnishing of a drug to another person when death is in fact caused by the use of the drug trafficked or furnished. It removes language stating that it is not a defense to prosecution of the new crime that the decedent contributed to the decedent's death by the decedent's use of or consent to the administration of a drug.

This amendment was not adopted.

LD 44 An Act To Lower the Age Requirement To Carry a Concealed Handgun

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E CEBRA R	ONTP OTP	

This bill lowers from 21 years of age to 18 years of age the age at which a person may carry a concealed handgun.

LD 54 An Act To Provide Compensation to a Corrections Officer Injured by a Patient or Prisoner

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R WOODSOME D	ONTP REF TO LCED	

This bill provides for a supplemental benefit paid to a corrections officer who is injured by the acts of a patient or prisoner of the jail, prison or state correctional facility where the corrections officer works if the injury qualifies the corrections officer for workers' compensation benefits. The amount of the supplemental benefit is the difference between the corrections officer's workers' compensation benefits and the corrections officer's regular salary. In addition, the work time the corrections officer misses is not chargeable against available sick leave credits.