

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

as a muzzle-loading firearm. This bill repeals the provisions in law allowing a person convicted of certain crimes that involve the use of a firearm against a person or any other dangerous person to obtain a permit to carry a nonconcealed firearm five years after the discharge of the person's sentence through an application process with the commissioner.

Committee Amendment "A" (H-336)

This amendment establishes that on or after January 1, 2018 the Commissioner of Public Safety may no longer authorize a person to own, possess or have control of a firearm if that person was convicted of certain Class A, Class B and Class C crimes involving the use of a firearm against a person or the use of any other dangerous weapon.

Enacted Law Summary

Public Law 2017, chapter 227 establishes that on or after January 1, 2018 the Commissioner of Public Safety may no longer authorize a person to own, possess or have control of a firearm if that person was convicted of certain Class A, Class B and Class C crimes involving the use of a firearm against a person or the use of any other dangerous weapon.

LD 1333 An Act To Enact the Drug Trafficking Offender Registration and Notification Act ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L CYRWAY S	ONTP	

This bill creates the Drug Trafficking Offender Registration and Notification Act, structured like the Sex Offender Registration and Notification Act of 2013, for the registration of persons convicted of certain drug trafficking offenses on or after October 1, 2017. This bill also suspends for the period of registration a registrant's rights against unreasonable searches under the United States Constitution, Amendment IV.

LD 1366 An Act To Protect Maine Consumers by Creating a White-collar Crime Registry ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A	ONTP	

This bill establishes the White-collar Crime Offender Registration Act, which creates a crime registry that requires offenders who commit certain criminal offenses involving fraud or theft to register with the Department of Public Safety, Bureau of State Police, State Bureau of Identification for 10 years to life depending on how many registrable offenses they commit. The bill requires the bureau to post the registry on a publicly accessible website and allows an offender to be removed from the registry if the offender meets various criteria or if the registrable offense has been pardoned or expunged.

LD 1387 An Act Regarding the Threatened Use of Force in the Crime of Robbery PUBLIC 157

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S BRADSTREET R	OTP-AM	S-160

This bill adds in the language setting out the crime of robbery in the element of threatened use of force the

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alternative element of intimidation, which the bill defines as direct or indirect threatening or placing in fear.

Committee Amendment "A" (S-160)

This amendment clarifies that the crime of robbery includes the threatened use of force and intentionally or knowingly placing a person present in fear of the imminent use of force. The amendment removes from the bill the use of the concept of intimidation.

Enacted Law Summary

Public Law 2017, chapter 157 includes in the crime of robbery the threatened use of force and intentionally or knowingly placing a person present in fear of the imminent use of force.

LD 1388 An Act To Prohibit the Falsification of Medical Records CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM ONTP	S-162

This bill provides that the falsification of health care records maintained by a health care provider with the intent to deceive another person is a Class D crime except that it is a Class C crime if any reliance on the falsification causes bodily injury or the impairment of a person's mental or behavioral condition.

Committee Amendment "A" (S-162)

This amendment is the majority report of the committee. The amendment specifies that the crime of falsifying health care records applies if a person intends to deceive a governmental entity, as well as another person. The amendment removes veterinary hospitals from the definition of "health care provider." The amendment requires that the type of bodily injury that is required to elevate the crime to Class C is serious bodily injury.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1389 An Act To Disburse Funds to the Maine Fire Protection Services Commission CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT T CYRWAY S		

This bill authorizes the disbursement of the full \$2,000 appropriation to be paid to the Maine Fire Protection Services Commission by September 1st in each year of the 2017-2019 biennium.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1390 An Act To Enhance the Rights of Families of Missing Persons and Homicide Victims Accepted Majority (ONTP) Report

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