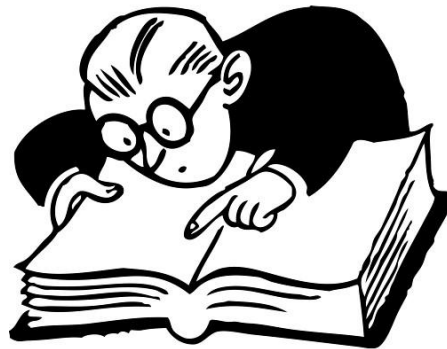


127th Legislature – Second Regular Session

New and Amended Public Laws Relevant to Law Enforcement Officers

Laws Effective July 29, 2016, unless otherwise noted

2016 NEW LAW UPDATE



**Maine Criminal Justice Academy
Maine Chiefs of Police Association
Maine Office of the Attorney General**

May 31, 2016

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This publication and the 2016 Case Law Update (to be released on August 31, 2016) constitute the training outline of the Maine Criminal Justice Academy for recertification training in law updates for the year 2016.

Preparer's Note

The Second Regular Session of the 127th Maine Legislature (the “short” or “emergency” session) convened on January 6, 2016, and adjourned on April 29, 2016. All new or changed laws take effect on July 29, 2016, unless passed as emergency measures (and so noted in the summary).

This document contains summaries of selected laws passed by the Legislature and believed to be of general interest and relevance to Maine law enforcement officers. If a particular law change or enactment listed in this document is of interest to the reader, both a statutory citation and a link to the chaptered law are provided so that the reader can review the entire text of the law for a more comprehensive understanding. This is highly recommended before any enforcement action is taken. There is also a reference to the LD that started it all. If a summary includes the actual language of a law that has been changed, new language is underlined and deleted language is crossed out.

As you know, there are many types of law enforcement officers in Maine and some statutes that may be of interest to only a specialized type of law enforcement have been left out to keep the length of this document manageable.

The summaries are those of the preparer and do not represent legal opinions of the Office of the Attorney General or interpretations by the Maine Criminal Justice Academy or the Maine Chiefs of Police Association.

The preparer wishes to recognize the assistance of District Attorney Geoffrey A. Rushlau (District VI – Knox, Lincoln, Sagadahoc, and Waldo counties), who reviewed this document and offered meaningful comments and suggestions.

Link to Chaptered Laws:

<http://legislature.maine.gov/ros/LawsOfMaine/#Law/127/R2/ACTPUB/438>

Link to LD's:

http://www.mainelegislature.org/legis/bills/bills_127th/billtexts/

Questions, suggestions, or other comments?

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Chapter 378 – LD 1537

An Act to Combat Drug Addiction through Enforcement, Prevention, Treatment and Recovery (Effective January 19, 2016)

The purpose of this bill is to address drug addiction by increasing the number of drug enforcement agents and by increasing the availability of prevention, treatment and recovery programs.

It provides funding for 10 MDEA agents.

It authorizes and funds grants to local law enforcement agencies and county jails located in geographically diverse communities throughout the State to fund projects designed solely to facilitate pathways to community-based treatment, recovery and support services.

It directs DHHS to provide grants to a substance abuse treatment entity to develop and operate a 10-bed social detoxification center located in the northern or eastern area of the State.

It provides funding for annual grants to the Maine Association of Substance Abuse Programs for the establishment and expansion of peer support recovery centers and the coordination and provision of substance abuse prevention and education in schools and communities.

It also provides funding to increase substance abuse residential treatment for the uninsured.

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC378.asp

Chapter 394 – LD 1114

An Act Regarding Sexual Exploitation of Children

The bill amends several parts of Chapter 12 of the Criminal Code, Maine’s child pornography law, to make the applicable ages similar to those in the sexual abuse laws. These changes are related to the conduct among some adolescents often referred to as “sexting.” First, as to sexual exploitation of a minor, the law that applies to the creation of sexually explicit material, the applicable age for a protected minor is reduced from under 18 to under 16. Second, if the minor is 14 or 15 and the other person is less than 5 years older, the law is not violated. This exception does not apply if the older person is the minor’s parent or legal guardian or has care or custody of the minor. If a minor under 18 engages in sexually explicit conduct due to compulsion or because of a threat, however, the exploitation law applies to that conduct.

The bill makes similar changes to the law on dissemination of sexually explicit material. The applicable age for protected persons is reduced from 18 to 16. The dissemination law does not apply with respect to a person depicted in the material if the minor is 14 or 15 and the person disseminating the material is less than 5 years older than the depicted person.

The bill makes a similar change to the law on possession of sexually explicit material. The law does not apply if the person depicted is 14 or 15 and the person possessing the material is less than 5 years older than the depicted person.

Finally, the bill amends the law on unauthorized dissemination of certain private images, often referred to as the “revenge porn” law, to remove the requirement that the person depicted be 18 years of age or older. It now will also apply to minors.

Amends 17-A MRSA §282, sub-§1

Amends 17-A MRSA §282, sub-§2, ¶A

Amends 17-A MRSA §284, sub-§1, ¶A

Amends 17-A MRSA §283, sub-§1, ¶A

Repeals 17-A MRSA §511-A, sub-§1, ¶A

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC394.asp

Chapter 407 – LD 622

An Act to Require Training of Mandated Reporters under the Child Abuse Laws

This bill requires all mandated reporters of suspected child abuse or neglect, which includes law enforcement officials, to complete training approved by DHHS at least once every 4 years.

Enacts 22 MRSA §4011-A, sub-§9

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC407.asp

Chapter 410 – LD 1487

An Act to Amend the Laws on Protection from Abuse, Protection from Harassment and Unauthorized Dissemination of Certain Private Images (Effective March 29, 2016)

This bill amends the laws concerning unauthorized dissemination of certain private images, often referred to as “revenge porn” laws, by providing that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

It amends the laws on protection from abuse (PFA) by including in the definition of abuse the unauthorized dissemination of certain private images.

It allows a court in ordering interim relief to enjoin a PFA defendant from engaging in the unauthorized dissemination of certain private images.

It allows a court in ordering final relief to order the PFA defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images.

It provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records of PFA cases are governed by rule or administrative order of the Supreme Judicial Court.

It amends the laws on protection from harassment (PFH) by including in the definition of harassment the unauthorized dissemination of certain private images.

It allows a court in ordering interim relief to enjoin a PFH defendant from engaging in the unauthorized dissemination of certain private images.

It allows a court in ordering relief to order the PFH defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images.

It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images.

It also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records of PFH cases are governed by rule or administrative order of the Supreme Judicial Court.

Enacts 17-A MRSA §511-A, sub-§5
Amends 19-A MRSA §4002, sub-§1, ¶¶E and F
Amends 19-A MRSA §4002, sub-§1, ¶G
Amends 19-A MRSA §4006, sub-§5, ¶¶E and F
Enacts 19-A MRSA §4006, sub-§5, ¶G
Amends 19-A MRSA §4007, sub-§1, ¶M
Amends 19-A MRSA §4007, sub-§1, ¶N
Enacts 19-A MRSA §4007, sub-§1, ¶¶O and P

Enacts 19-A MRSA §4008-A
Amends 5 MRSA §4651, sub-§2, ¶C
Amends 5 MRSA §4654, sub-§4, ¶F
Amends 5 MRSA §4654, sub-§4, ¶G
Enacts 5 MRSA §4654, sub-§4, ¶H
Amends 5 MRSA §4655, sub-§1, ¶¶E and F
Enacts 5 MRSA §4655, sub-§1, ¶¶G and H
Enacts 5 MRSA §4661

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC410.asp

Chapter 411 – LD 1526

An Act Regarding the Disclosure of Intelligence and Investigative Record Information

Current law allows a criminal justice agency to disclose intelligence and investigative record information to a sexual assault counselor or an advocate for victims of domestic or family violence only when a specific agreement exists between the counselor or advocate and the agency, and the agreement contains terms provided in the statute. This bill repeals these provisions regarding an agreement and places into law a list of requirements that must be met by a sexual assault counselor or an advocate who receives intelligence and investigative record information from a criminal justice agency.

Repeals 16 MRSA §806, sub-§3

Enacts 16 MRSA §806, sub-§4

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC411.asp

Chapter 419 – LD 1516

An Act to Clarify the Authority of County Sheriffs to Grant Law Enforcement Powers (Effective March 31, 2016)

This bill provides a process by which a trained fulltime municipal police officer may be appointed as a deputy sheriff. The provision requires an agreement between the municipality and the county that specifies the time period and purpose for which authorization is granted and liability between the sheriff's office and the municipal law enforcement agency.

Amends 30-A MRSA §2674

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC419.asp

Chapter 436 – LD 1639

An Act to Implement the Recommendations of the Intergovernmental Pretrial Justice Reform Task Force

Among other things, the bill includes the following:

Arraignment dates for all domestic violence crimes must be set within 5 weeks of the date of the bail order. This is actually a codification of a court directive that has been in effect since 2001. When an officer makes an arrest in a DV case, the court date must be within 5 weeks.

A bail commissioner is prohibited from imposing a bail condition of *random* searches to enforce a prohibition on the possession, use or excessive use of alcohol or illegal drugs. Bail commissioners will still be able to impose a condition of a search based upon articulable suspicion. A judge may still impose a random search condition for drugs and alcohol, but this condition may only be imposed if specific facts are provided to the judge to support the imposition of the condition. Other types of random search conditions may still be imposed by a bail commissioner.

The bill changes the standards for releasing defendants on bail who are charged with violation of probation, and requires accelerated hearings if they are not released on bail.

The bill allows judges to deviate from mandatory fines in drug cases, assault cases, and operating after suspension cases.

Amends 15 MRSA §1023, sub-§4, ¶D
Amends 15 MRSA §1023, sub-§4, ¶E
Enacts 15 MRSA §1023, sub-§4, ¶¶F and G
Amends 15 MRSA §1026, sub-§3, ¶A
Enacts 15 MRSA §1051, sub-§2-A
Amends 15 MRSA §1073, 3rd ¶

Repeals 15 MRSA §1073-A
Amends 17-A MRSA §1205-C, sub-§§4 and 5
Enacts 17-A MRSA §1302, sub-§3
Amends 17-A MRSA §1304, sub-§3, ¶A
Amends 34-A MRSA §1210-D, sub-§2, ¶C
Enacts 34-A MRSA §1210-D, sub-§2-A

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC436.asp

Chapter 437 – LD 1642

An Act Regarding Stolen Valor

Public Law 2015, chapter 2, 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.

Amends 17-A MRSA §354, sub-§2, ¶A
Enacts 17-A MRSA §1306

Amends 37-B MRSA §158

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC437.asp

Chapter 443 – LD 1531

An Act to Protect Victims of Human Trafficking

This bill provides that victims of aggravated sex trafficking and sex trafficking are eligible to file for protection from abuse orders and protection from harassment orders.

It amends the definition of "harassment" to include a single act or course of conduct that includes a violation of the Title 17-A, section 852, aggravated sex trafficking, or section 853, sex trafficking.

It amends the protection from harassment laws to include – both in an interim *ex parte* order and a permanent order – a prohibition against a defendant destroying, transferring, or tampering with a plaintiff's passport or other immigration document. A violation of a permanent order in this regard is treated as a violation of a court order, which may be pursued as contempt.

It amends the Maine Criminal Code to provide that sex trafficking is a crime for which probation may be included as part of a sentence.

It amends the protection from abuse laws (1) to include in the definition of "abuse" the actions of engaging in aggravated sex trafficking and sex trafficking, (2) clarifies that a victim of aggravated sex trafficking or sex trafficking may file a complaint seeking a protection from abuse order, and (3) that with regard to conduct described as aggravated sex trafficking or sex trafficking, the court may order the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship.

Amends 5 MRSA §4651, sub-§2, ¶C

Amends 5 MRSA §4654, sub-§4, ¶F

Amends 5 MRSA §4654, sub-§4, ¶G

Enacts 5 MRSA §4654, sub-§4, ¶H

Amends 5 MRSA §4655, sub-§1, ¶¶E and F

Enacts 5 MRSA §4655, sub-§1, ¶G

Amends 5 MRSA §4659, sub-§1

Amends 17-A MRSA §1201, sub-§1, ¶A-1

Amends 19-A MRSA §4002, sub-§1, ¶¶E and F

Enacts 19-A MRSA §4002, sub-§1, ¶G

Amends 19-A MRSA §4005, sub-§1

Amends 19-A MRSA §4006, sub-§5, ¶¶E and F

Enacts 19-A MRSA §4006, sub-§5, ¶G

Amends 19-A MRSA §4007, sub-§1, ¶M

Amends 19-A MRSA §4007, sub-§1, ¶N

Enacts 19-A MRSA §4007, sub-§1, ¶O

Amends 19-A MRSA §4011, sub-§2

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC443.asp

Chapter 470 – LD 1603

An Act to Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes

This bill designates which specific sub-sections or paragraphs of Title 15, Section 393, on prohibited possession of firearms, are Class C crimes and which are Class D crimes. Because penalty provisions are now clear, it will be possible to enforce the prohibitions enacted in 2015, including those for domestic violence defendants.

The bill terminates the five-year period of prohibited possession of firearms for domestic violence defendants when charges are dismissed at the end of a period of deferred disposition.

It defines or standardizes the use of certain terms and references to those terms in the laws governing interception of wire and oral communications to reference actions taken under the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act; the bill also makes these changes in the laws governing the Department of Corrections.

It amends the Class C sentencing provision for a person convicted of stalking who has one or more prior convictions to clarify that, although the court continues to have discretion to impose any other authorized sentencing alternative, the court is required to impose a sentencing alternative that includes a term of imprisonment of at least one year.

It amends the Class B sentencing provision for a person convicted of stalking who has one or more prior convictions, at least one of which was for stalking two or more specific persons that are members of an identifiable group, to require the court to select a term of at least 2 years.

Finally, current law provides that for the purpose of imposing a sentence for certain crimes, if the defendant has two or more convictions for those crimes, the sentencing class for the crime is one class higher. The bill provides that an attempt to commit such crimes also results in a higher sentencing class.

Amends 15 MRSA §393, sub-§1

Amends 15 MRSA §393, sub-§1-A

Amends 15 MRSA §393, sub-§1-B

Repeals 15 MRSA §393, sub-§8,

Repeals 15 MRSA §709, sub-§1-A

Enacts 15 MRSA §709, sub-§1-C

Amends 15 MRSA §709, sub-§4-B,

Amends 15 MRSA §712, sub-§2

Amends 15 MRSA §712, sub-§3

Amends 15 MRSA §713, sub-§2

Amends 17-A MRSA §210-A, sub-§1, ¶C

Amends 17-A MRSA §210-A, sub-§1, ¶E

Amends 17-A MRSA §1252, sub-§4-A

Amends 34-A MRSA §1001, sub-§10-A

Repeals 34-A MRSA §1001, sub-§19

Enacts 34-A MRSA §1001, sub-§22

Amends 34-A MRSA §1214, sub-§4

Amends 34-A MRSA §1216, sub-§1, ¶D

Amends 34-A MRSA §3011, sub-§1

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC470.asp

Chapter 471 – LD 1683

An Act to Increase Penalties for the Use of Violence against Firefighters

This bill establishes the Class C crime of assault on a firefighter who is providing emergency services, and specifies that the current crime of assault on an emergency medical care provider does not apply to a firefighter.

Amends 17-A MRSA §752-C, sub-§2

Enacts 17-A MRSA §752-E

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC471.asp

Chapter 485 – LD 1541

An Act to Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs

This bill raises the class of crime for the illegal importation of scheduled drugs from a Class C crime to a Class B crime if the drug is a schedule W drug, and from a Class D crime to a Class C crime if the drug is a schedule X, Y or Z drug.

It also creates the crime of aggravated illegal importation of scheduled drugs. Under the new crime, which is based on the crime of aggravated trafficking of scheduled drugs, certain aggravating factors, such as a prior conviction, using a child under 18 years of age to assist with the illegal importation, or the quantity of drugs being imported, raise the class of crime by one class.

It adds aggravated illegal importation of a scheduled drug to the crimes that may result in the forfeiture of firearms.

Amends 15 MRSA §3314, sub-§6
Amends 17-A MRSA §1118, sub-§2
Enacts 17-A MRSA §1118-A

Amends 17-A MRSA §1158-A, sub-§1, ¶A
Amends 17-A MRSA §1252, sub-§5-A

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC485.asp

Chapter 488 – LD 1646

An Act to Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program

This bill, among other things, makes the following changes to the laws governing the Controlled Substances Prescription Monitoring Program (PMP), and the prescribing and dispensing of opioid medication and other drugs.

It provides immunity from liability to the prescriber for disclosure of information to the PMP.

It allows DHHS to provide prescription monitoring information to and receive prescription monitoring information from a Canadian province.

It clarifies that staff in hospitals and pharmacies are authorized to access the PMP insofar as the access relates to a patient's prescription.

It establishes a fine for dispensers who fail to submit prescription monitoring information to PMP of \$250 per incident, not to exceed \$5,000 per calendar year.

It provides that upon the initial prescription of a benzodiazepine or an opioid medication to a person and every 90 days for as long as the prescription is renewed, a prescriber must check prescription monitoring information maintained by the PMP for records related to that person. A prescriber who violates this provision is subject to a fine of \$250 per incident, not to exceed \$5,000 per calendar year.

It requires dispensers to check the prescription monitoring information for out-of-state individuals, for out-of-state prescribers, for individuals paying cash, and if an individual has not had a prescription for an opioid medication in the previous 12 months. A dispenser who violates this provision is subject to a fine of \$250 per incident, not to exceed \$5,000 per calendar year.

It provides that the failure of a health care provider who is a prescriber or dispenser to check the prescription monitoring information or to submit prescription monitoring information to DHHS as required by law is grounds for discipline.

It requires that a health care provider who is a prescriber of opioid medication or a veterinarian who is a prescriber of opioid medication must complete three hours every two years of continuing education related to opioid medication prescribing practices.

It sets limits, beginning January 1, 2017, on the supply of opioid medication that may be prescribed to a patient to 7 days for acute pain and 30 days for chronic pain.

It sets limits on the amount of opioid medication that may be prescribed to no more than 100 morphine milligram equivalents for new prescriptions beginning on July 29, 2016. For patients who have prescriptions that total over 100 morphine milligram equivalents on July 29, 2016, the prescribing limit is 300 morphine milligram equivalents; those patients must be tapered to a level of no more than 100 morphine milligram equivalents by July 1, 2017.

It establishes statutory exceptions to opioid medication limits and requires DHHS to adopt rules for other exceptions. The rules must be adopted by January 1, 2017.

It clarifies that opioid medication limits do not apply to health care professionals directly administering medication to a patient in an emergency room setting, inpatient hospital setting, long-term care setting, or residential care setting.

It requires prescribers to electronically prescribe opioid medication if the capability exists. A prescriber who does not have the capability for electronic prescribing must seek a waiver from the DHHS listing the reasons why the prescriber is unable to electronically prescribe. Pharmacists must be able to receive electronic prescriptions of opioid medication or seek a waiver.

It requires pharmacists and veterinarians who prescribe opioid medication to register with the PMP.

It authorizes pharmacists to partially fill prescriptions of schedule II controlled substances upon request from the patient.

Enacts 22 MRSA §7246, sub-§§1-A, 1-B and 1-C

Amends 22 MRSA §7246, sub-§5

Amends 22 MRSA §7249, sub-§4

Amends 22 MRSA §7250, sub-§4, ¶G

Amends 22 MRSA §7250, sub-§4, ¶H

Enacts 22 MRSA §7250, sub-§4, ¶¶I and J

Amends 22 MRSA §7250, sub-§4-A

Amends 22 MRSA §7251, sub-§1

Enacts 22 MRSA §§7253 and 7254

Amends 32 MRSA §2105-A, sub-§2, ¶H

Amends 32 MRSA §2105-A, sub-§2, ¶I

Enacts 32 MRSA §2105-A, sub-§2, ¶J

Enacts 32 MRSA §2210

Amends 32 MRSA §2591-A, sub-§2, ¶M

Amends 32 MRSA §2591-A, sub-§2, ¶N

Enacts 32 MRSA §2591-A, sub-§2, ¶O

Enacts 32 MRSA §2600-C

Amends 32 MRSA §3282-A, sub-§2, ¶¶Q and R

Enacts 32 MRSA §3282-A, sub-§2, ¶S

Enacts 32 MRSA §3300-F

Amends 32 MRSA §3656, sub-§§3 and 4

Enacts 32 MRSA §3656, sub-§5

Enacts 32 MRSA §3657

Amends 32 MRSA §4864, sub-§12, ¶D

Amends 32 MRSA §4864, sub-§13

Enacts 32 MRSA §4864, sub-§15

Enacts 32 MRSA §4878

Enacts 32 MRSA §13702-A, sub-§20-A

Enacts 32 MRSA §13756

Enacts 32 MRSA §13786-B

Enacts 32 MRSA §13786-C

Enacts 32 MRSA §18308

Amends 32 MRSA §18325, sub-§1, ¶¶N and O

Enacts 32 MRSA §18325, sub-§1, ¶P

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC488.asp

Chapter 492 – LD 1685

An Act to Clarify That Buprenorphine Is a Scheduled Drug

This bill provides that buprenorphine, the narcotic ingredient in Suboxone, is a schedule W drug.

Amends 17-A MRSA §1102, sub-§1, ¶I

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC492.asp

Chapter 496 – LD 1554

An Act to Resolve Inconsistencies in the Drug Laws

This bill repeals two conflicting versions of Title 17-A, section 1107-A, subsection 1, paragraph B. The bill resolves the conflict and enacts a new version.

Under the new version of Section 1107-A(1)(B), possession of more than 200 milligrams of Heroin, Oxycodone, Hydrocodone, Hydromorphone, Methamphetamine, and Fentanyl Powder is a Class C crime. Possession of more than 2 grams of cocaine or cocaine base is also a Class C crime.

Possession of smaller amounts of these drugs is a Class C crime if the person has been previously convicted of trafficking, furnishing or operation of a methamphetamine laboratory, or aggravated version of those three offenses. Otherwise, possession of smaller amounts is a Class D crime. Previous convictions do not raise the class for possession under Section 1107-A(1)(B). However, changes to Section 1107-A(1)(A) enacted in 2015 were not affected by the new legislation. Possession of more than 14 grams of cocaine, 14 grams of methamphetamine or 4 grams of cocaine base remains a Class B crime if the person has any prior drug convictions, including for possession.

In addition, the bill amends the definitions of furnishing heroin and furnishing fentanyl powder so that possession of 200 milligrams of either drug, rather than 2 grams, is defined as furnishing. Because of a recent Maine Supreme Court decision, it appears this weight means only the pure drug, with no cutting agents included in meeting the threshold. Other drug crimes classified according to weight are based on the entire amount, including cutting agents.

Finally, the bill reduces the amounts of cocaine, methamphetamine and narcotic drugs other than heroin, which, if possessed, support an inference of furnishing.

Amends 17-A MRSA §1101, sub-§18, ¶C

Amends 17-A MRSA §1101, sub-§18, ¶D

Amends 17-A MRSA §1106, sub-§3, ¶B

Amends 17-A MRSA §1106, sub-§3, ¶E

Amends 17-A MRSA §1106, sub-§3, ¶¶F and G

Repeals and Enacts in its place 17-A MRSA §1107-A, sub-§1, ¶B

Enacts 17-A MRSA §1107-A, sub-§1, ¶B-1

Amends 17-A MRSA §1107-A, sub-§1, ¶C

Amends 17-A MRSA §1107-A, sub-§4

Enacts 17-A MRSA §1348-A, sub-§5

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC496.asp

Chapter 497 – LD 1689

An Act to Protect Children from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes (Effective April 29, 2016)

This bill directs DHHS to adopt rules that will be effective on September 1, 2017, to require criminal background checks for all family child care providers and all child care staff members whose activities involve the care or supervision of children for a child care facility or a family child care provider and all adults who have unsupervised access to children who are cared for or supervised by a child care facility or family child care provider.

Amends 22 MRSA §7702-A, sub-§3, ¶C

Amends 22 MRSA §8302-A, sub-§1

Amends 22 MRSA §8302-A, sub-§2

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC497.asp

Chapter 508 – LD 1547

An Act to Facilitate Access to Naloxone Hydrochloride

This bill establishes a fund for bulk purchases of naloxone hydrochloride for use by first responders.

It directs the Maine Board of Pharmacy to establish by rule procedures and standards for authorizing pharmacists to dispense naloxone hydrochloride. The rules must establish adequate training requirements and protocols for dispensing naloxone hydrochloride by prescription drug order or standing order or pursuant to a collaborative practice agreement.

It clarifies current law to allow first responders to obtain the naloxone hydrochloride that they are authorized to administer.

It provides criminal, civil and professional disciplinary immunities for persons who, acting in good faith and with reasonable care, possess, store, prescribe, dispense or administer naloxone hydrochloride in accordance with the governing law.

Enacts 22 MRSA §2353, sub-§1, ¶D

Amends 22 MRSA §2353, sub-§2

Amends 22 MRSA §2353, sub-§3

Enacts 22 MRSA §2353, sub-§5

Enacts 32 MRSA c. 117, sub-c. 11-A

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC508.asp

Chapter 509 – LD 1540

An Act to Protect All Students in Elementary or Secondary Schools from Sexual Assault by School Officials

This bill removes the age limit, now 18, on the victim of the crime of unlawful sexual contact, unlawful sexual touching or gross sexual assault when the victim is a student at an elementary, secondary or special education school and the actor is a person at the school who has authority over the student. The bill also specifies that when a person is convicted of a sexual offense involving a student victim, the person is subject to strict scrutiny in a court's determination of contact with or the residence of their own child, even when the student victim is 18 or older. Under current law, strict scrutiny only applies to sexual crimes with a victim under 18.

Amends 17-A MRSA §253, sub-§2, ¶F

Amends 17-A MRSA §255-A, sub-§1, ¶¶K and L

Amends 17-A MRSA §260, sub-§1, ¶F

Amends 19-A MRSA §1653, sub-§6-A

http://legislature.maine.gov/legis/bills/bills_127th/chapters/PUBLIC509.asp