

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

—
H.P. 1239 - L.D. 1795

**An Act To Amend the Maine Criminal Code and Related Statutes as
Recommended by the Criminal Law Advisory Commission**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, laws were enacted by the 128th Legislature that inadvertently omitted a cross-reference to the Maine Rules of Evidence in the law on service of process on foreign entities that are providers of electronic communication service and providers of remote computing service; repealed the option of prosecuting possession of up to 2 1/2 ounces of marijuana by persons under 18 years of age as a civil violation; and neglected to amend the Sex Offender Registration and Notification Act of 2013 to include a registration obligation for the new crime of gross sexual assault based on lack of acquiescence; and

Whereas, timely correction of these errors and omissions is necessary to the proper administration of the criminal laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §56, sub-§2, ¶C, as enacted by PL 2017, c. 144, §3, is amended to read:

C. A foreign entity provider shall verify the authenticity of records that it produces by providing an affidavit that complies with the requirements set forth in the Maine Rules of Evidence, Rule 902(11) if the foreign entity that is the provider of services is governed by the laws of another state and that complies with the requirements set forth in the Maine Rules of Evidence, Rule 902(12) if the foreign entity that is the provider of services is governed by the laws of a foreign country. Admissibility of

these records in a court in this State is governed by the Maine Rules of Evidence, Rule 803(6).

Sec. 2. 15 MRSA §3314, sub-§1, ¶G, as amended by PL 2009, c. 93, §12, is further amended to read:

G. Except for a violation of section 3103, subsection 1, paragraph H, the court may impose a fine, subject to Title 17-A, sections 1301 to 1304, except that there is no mandatory minimum fine amount. For the purpose of this section, juvenile offenses defined in section 3103, subsection 1, paragraphs B and C are ~~deemed Class E crimes~~ subject to a fine of up to \$1,000.

Sec. 3. 22 MRSA §2383, sub-§1-A, as enacted by PL 2017, c. 1, §20, is amended to read:

1-A. Marijuana possession by a person under 21 years of age. Except for possession of marijuana for medical use pursuant to chapter 558-C, a person who is under 21 years of age may not possess marijuana. A person who is ~~18, 19 or 20~~ under 21 years of age who possesses a usable amount of marijuana commits a civil violation for which a fine of not less than \$350 and not more than \$600 must be adjudged for possession of up to 1 1/4 ounces of marijuana and a fine of not less than \$700 and not more than \$1,000 must be adjudged for possession of over 1 1/4 ounces to 2 1/2 ounces of marijuana, none of which may be suspended. For the purposes of this section, marijuana has the same meaning as in Title 17-A, section 1101, subsection 1.

Sec. 4. 34-A MRSA §11273, sub-§15, ¶A, as amended by PL 2017, c. 65, §2, is further amended to read:

A. Title 17-A, chapter 11 including the following:

(1) Title 17-A, section 253, subsection 2, paragraph J, regardless of the age of the victim;

(1-A) Title 17-A, section 253, subsection 2, paragraph F, regardless of the age of the victim if the crime is committed on or after October 1, 2017;

(2) Title 17-A, section 253, subsection 2, paragraph K, regardless of the age of the victim;

(3) Title 17-A, section 253, subsection 2, paragraph L, regardless of the age of the victim;

(3-A) Title 17-A, section 253, subsection 2, paragraph M, regardless of the age of the victim, if the crime is committed on or after the effective date of this subparagraph;

(4) Title 17-A, section 255-A, subsection 1, paragraph J, regardless of the age of the victim;

(4-A) Title 17-A, section 255-A, subsection 1, paragraph L, regardless of the age of the victim if the crime is committed on or after October 1, 2017;

(5) Title 17-A, section 255-A, subsection 1, paragraph R-1, regardless of the age of the victim;

(6) Title 17-A, section 255-A, subsection 1, paragraph R-2, regardless of the age of the victim; and

(7) Title 17-A, section 258, subsection 1-A, if the victim had not attained 12 years of age;

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.