

STATE OF MAINE  
129<sup>TH</sup> 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 2019

**MEMBERS:**

SEN. SUSAN A. DESCHAMBAULT, CHAIR  
SEN. MICHAEL E. CARPENTER  
SEN. KIMBERLEY C. ROSEN

REP. CHARLOTTE WARREN, CHAIR  
REP. JANICE E. COOPER  
REP. PINNY BEEBE-CENTER  
REP. LOIS GALGAY RECKITT  
REP. VICTORIA E. MORALES  
REP. BRADEN SHARPE  
REP. RICHARD A. PICKETT  
REP. PATRICK W. COREY  
REP. CHRIS A. JOHANSEN  
REP. DANNY EDWARD COSTAIN

**STAFF:**

JANE ORBETON, SENIOR LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/legis/opla/>



*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 18      An Act To Ensure Proper Prosecution of Crimes Involving Domestic  
Violence and Enhance Protection of Victims of Domestic Violence**

**PUBLIC 412  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L CARPENTER M	OTP-AM	H-175

This bill creates the crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person. The bill also makes violation of a protection from abuse order a Class C crime if the person has two or more prior convictions for violating a protection from abuse order.

**Committee Amendment "A" (H-175)**

This amendment amends the bill by changing the crime of domestic violence aggravated assault to create the Class A variant of aggravated assault that is consistent with the existing crime of Class A aggravated assault under the Maine Revised Statutes, Title 17-A section 208, subsection 1, paragraph A-1, when the defendant causes bodily injury to another that causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ. The amendment adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the predicates that may be used to elevate existing domestic violence crimes. The amendment also adds reference to the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the definition of "family or household members" under Title 19-A, chapter 101, which concerns protection from abuse. The amendment makes one nonsubstantive, grammatical correction to the provision of the bill on repeat violations under the protection from abuse law. The amendment adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the mandatory arrest provisions of Title 19-A, section 4012, subsection 5 and repeals reference to a violation of Title 17-A, section 208 that has occurred between members of the same family or household as unnecessary following inclusion in the subsection of the newly created crimes.

**Enacted Law Summary**

Public Law 2019, chapter 412 creates a Class A variant of aggravated assault that is consistent with the existing crime of Class A aggravated assault under the Maine Revised Statutes, Title 17-A section 208, subsection 1, paragraph A-1, when the defendant causes bodily injury to another that causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ. The law adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the predicates that may be used to elevate existing domestic violence crimes. The law adds reference to the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the definition of "family or household members" under Title 19-A, chapter 101, which concerns protection from abuse. The law makes one nonsubstantive, grammatical correction to the provision of the bill on repeat violations under the protection from abuse law. The law adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the mandatory arrest provisions of Title 19-A, section 4012, subsection 5. The law repeals an unnecessary reference to a violation of Title 17-A, section 208.

Public Law 2019, chapter 412 was enacted as an emergency measure effective June 20, 2019.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 44      An Act Regarding the Maine Criminal Code**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-104

This bill contains the following provisions.

1. In Part A it amends the crime of endangering the welfare of a child by enacting in the Maine Revised Statutes, Title 17-A, section 554, subsection 1, paragraph D a new Class C crime for the reckless violation of a duty of care or protection that results in death or serious bodily injury to the child. It amends the crime of endangering the welfare of a child under Title 17-A, section 554, subsection 1, paragraph C to cover recklessly violating a duty of care or protection.
2. In Part B it amends the crime of gross sexual assault against a person under 12 years of age or under 14 years of age, both of which are Class A crimes, by requiring that the actor be at least three years older than the other person.
3. In Part C it amends Title 15, section 393 to recognize that convictions in the tribal courts of the Passamaquoddy Tribe and the Penobscot Nation are disqualifying domestic violence convictions for the purposes of the prohibition against firearms created by Title 15, section 393, subsection 1-B. It makes Title 15, section 393 more consistent with the Maine Criminal Code by using the phrase "another jurisdiction" to reference the courts defined by that term.
4. In Part D, in response to *State v. LeBlanc-Simpson*, 2018 ME 109, it clarifies that a judicial officer in issuing a written release order under Title 15, section 1026, subsection 2-A or 3 must inform a defendant of the conditions of release, that the conditions take effect and are fully enforceable immediately and that failure to appear or comply with conditions may result in revocation of bail and additional criminal penalties. The bill provides that a condition of release takes effect and is fully enforceable immediately as of the time the judicial officer sets the condition, unless the bail order expressly excludes a condition of release from immediate applicability, if the defendant is advised of the conditions and that failure to appear or comply with the conditions may subject the defendant to revocation of bail and additional criminal penalties.
5. In Part E it amends the probation statutes to reflect the current practice of the Department of Corrections with respect to calculating the period of probation. A probationer receives credit for a full day of probation on the day probation commences, regardless of the time of day, and receives no credit for a day on which probation is tolled. The period of probation ends when the final day of the probation period ends.

**Committee Amendment "A" (H-104)**

This amendment clarifies that the notice required by the bill in order for a condition of release to take effect immediately may be provided by a judicial officer, a law enforcement officer or an employee of a county or regional jail or a correctional facility having custody of the defendant. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 64      An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense**

**PUBLIC 99**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-105

This bill sets the minimum amount of time a person convicted of animal cruelty may not own, possess or have on the person's premises an animal as five years for a Class D crime and 15 years for a Class C crime and makes a violation of these time periods a Class D crime. This bill also provides that a person may petition the court to reduce the amount of time that the person may not own, possess or have on the person's premises an animal upon a showing that the person does not present a danger to animals and meets other criteria.

**Committee Amendment "A" (H-105)**

This amendment replaces the bill and changes the title. The amendment authorizes the court in a proceeding for a violation of cruelty to animals to impose conditions, including but not limited to prohibiting ownership or possession of an animal or having an animal on the defendant's premises and prohibiting employment that involves the care of or other contact with animals. The amendment provides that an intentional or knowing violation of a court order issued pursuant to the provisions of the amendment is a Class D crime. The amendment provides a procedure for a defendant to obtain a court order modifying the conditions or restrictions set in a court order.

**Enacted Law Summary**

Public Law 2019, chapter 99 authorizes the court in a proceeding for a violation of cruelty to animals to impose conditions, including but not limited to prohibiting ownership or possession of an animal or having an animal on the defendant's premises and prohibiting employment that involves the care of or other contact with animals. The law provides that an intentional or knowing violation of a court order issued pursuant to the provisions of this law is a Class D crime. The law provides a procedure for a defendant to obtain a court order modifying the conditions or restrictions set in a court order.

**LD 67      An Act To Ensure Access to Justice for Victims of Sexual Assault**

**PUBLIC 483**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E MOONEN M	OTP-AM	S-72

This bill amends the Maine Criminal Code to extend from 8 years to 20 years the statute of limitations applicable to prosecutions for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault. These changes apply only to those Class A, Class B and Class C crimes of unlawful sexual contact or gross sexual assault committed on or after the effective date of this legislation or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this legislation. The bill also makes a number of technical corrections to the provisions of the Maine Criminal Code governing statutes of limitations to provide additional clarity within those provisions.

**Committee Amendment "A" (S-72)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2019, chapter 483 amends the Maine Criminal Code to extend from 8 years to 20 years the statute of

*Joint Standing Committee on Criminal Justice and Public Safety*

limitations applicable to prosecutions for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault. These changes apply only to those Class A, Class B and Class C crimes of unlawful sexual contact or gross sexual assault committed on or after September 19, 2019 or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to September 19, 2019. The law makes a number of technical corrections to the provisions of the Maine Criminal Code governing statutes of limitations to provide additional clarity within those provisions.

**LD 94      An Act To Prohibit the Dissemination of Obscene Material by Public Schools      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ARATA A CYRWAY S	ONTP	

This bill removes public schools from the institutional exceptions to the law prohibiting the dissemination of obscene material to minors.

**LD 113      An Act To Exclude Antique Tractors from the Laws Governing Motor Vehicle Racing      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHANSEN C	ONTP	

This bill excludes antique tractors from regulation under the motor vehicle racing laws.

**LD 128      An Act To Reopen the Downeast Correctional Facility      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MOORE M	ONTP	

This bill requires the Department of Corrections to reopen the Downeast Correctional Facility. The facility must remain open and operational, and the bill permits the closure of the facility only if legislation approving the closure is enacted into law. Funding is provided to restore all positions and for related All Other costs to reopen and operate the Downeast Correctional Facility beginning October 1, 2019.

**LD 134      An Act Concerning the Composition of the Criminal Law Advisory Commission      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W	ONTP OTP	

This bill amends the membership of the Criminal Law Advisory Commission to require that at least one member be a law enforcement officer from a state law enforcement agency and at least one member be a law enforcement officer from a county or municipal law enforcement agency.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 141      An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Vehicle      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P ROSEN K		

This bill makes it a traffic infraction to consume marijuana or a marijuana product, to possess an open container of marijuana or a marijuana product in the passenger area of a vehicle or to place marijuana or a marijuana product in a container labeled by the manufacturer of the container as containing a nonmarijuana substance. This bill is similar to the provisions of law making consuming alcohol or having an open container of alcohol in the passenger area of a vehicle a traffic infraction.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

See LD 637, a related bill on the issue of consuming or having an open container of marijuana in a motor vehicle.

**LD 159      An Act To Require Cameras in Ambulances When a Patient Is Being Transported      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D BEEBE-CENTER P	ONTP	

This bill requires that, whenever an ambulance transports a patient from the scene of an emergency or from a hospital or other health care facility to another place, the ambulance must be equipped with video recording equipment that is in operation for the duration of the transport and that is producing a clear video record of the care provided to the patient. In accordance with applicable federal and state law, the video records are to be maintained as confidential by the ambulance service operator and, if applicable, by the Emergency Medical Services' Board and the Department of Public Safety.

**LD 182      An Act To Amend the Maine Bail Code Regarding the Financial Capacity of a Defendant To Post Bond      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T ROSEN K		

This bill amends the Maine Bail Code to provide that a defendant who is not dangerous, is not a flight risk in the absence of bond and is otherwise eligible for bail may not be detained solely due to financial inability to post a money or property bond and may file a motion with the court requesting relief from the requirement to post a money or property bond. This bill requires the court to determine the financial capacity of the defendant and rule on the motion in an expedited manner.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

***Joint Standing Committee on Criminal Justice and Public Safety***

**LD 205      An Act To Add Work Assignments to the Law Regarding Notification of a Defendant's Release or Escape      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H MOORE M	ONTP	

This bill adds work assignments for a defendant to the circumstances for which notification to the victim of a crime is required for a victim who has requested to be notified.

**LD 215      An Act To Increase the Reimbursement Rate for Ambulance Service Paid by the Department of Corrections      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B MIRAMANT D	OTP-AM	H-283

This bill requires the Department of Corrections, or its contracted medical provider, to pay to a provider of ambulance services 225% of the allowable reimbursement under the MaineCare program for ambulance services provided for a person residing in a correctional or detention facility.

**Committee Amendment "A" (H-283)**

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 223      An Act Regarding Community Service Sentencing      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROW A CARPENTER M	ONTP	

This bill allows a court to sentence an offender to community service such as litter collection and custodial duties for and under the supervision of the municipality in which the offense was committed.

**LD 262      An Act To Protect Law Enforcement and Corrections Officers by Creating the Crime of Aggravated Assault on an Officer      Accepted Majority (ONTP) Report**

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

This bill changes the crime of assault on an officer to include offensive physical contact and creates the crime of aggravated assault on an officer, which includes assaults against law enforcement officers and corrections officers and other corrections personnel and which is modeled on the crime of aggravated assault.



*Joint Standing Committee on Criminal Justice and Public Safety*

**Committee Amendment "A" (S-74)**

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment provides for a mandatory minimum term of imprisonment for an aggravated assault on a victim who is a law enforcement officer, a corrections officer or corrections supervisor or a member of the staff of a correctional institution who is in the performance of the victim's official duties if the defendant planned the assault prior to the assault or targeted that person because of that person's employment. The amendment provides a procedure and standards for the court to impose a sentence of imprisonment less than the mandatory minimum.

This amendment was not adopted.

**LD 263      An Act To Prohibit Certain Sex Offenders from Establishing Residence      ONTP  
in Certain Multiunit Residential Buildings in which Minors Reside**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S ARATA A	ONTP	

This bill prohibits certain convicted sex offenders who were convicted of an offense against a minor under 14 years of age from intentionally or knowingly establishing residence in a dwelling unit of a multiunit residential building in which another dwelling unit that shares the same entryway is occupied by a person under 18 years of age. The bill makes violation of this provision a Class E crime.

**LD 264      An Act Regarding Liability for Taking a Blood Sample from an      PUBLIC 189  
Operator of a Motor Vehicle Involved in a Fatal Crash**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S ARATA A	OTP-AM	S-118

This bill allows an emergency medical services person or law enforcement officer whose training allows that person to draw blood samples to draw a specimen of blood from the operator of a motor vehicle involved in a fatal traffic accident for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite. This bill extends to those same persons the current law shielding persons from liability for acts done or omitted in collecting or withdrawing specimens of blood.

**Committee Amendment "A" (S-118)**

This amendment changes the title of the bill and strikes and replaces the bill. The amendment makes grammatical changes to clarify the law providing immunity from liability for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer and extends that immunity to an emergency medical services person, a law enforcement officer, an emergency medical service and a law enforcement agency.

**Enacted Law Summary**

Public Law 2019, chapter 189 amends the law regarding persons shielded from liability for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer. The law clarifies that immunity extends to health care providers whose occupational licenses or training allow them to draw blood, including but not limited to emergency medical services persons and law enforcement officers, emergency medical services and law enforcement agencies.

See related bill LD 1676.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 306      Resolve, Requiring the Department of Public Safety To Study and Determine What Constitutes a Violation of Air Space by a Drone      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ZEIGLER S	ONTP	

This resolve requires the Department of Public Safety to study and determine what constitutes a violation of air space by a drone and to report the results of the study to the Joint Standing Committee on Criminal Justice and Public Safety by December 4, 2019.

**LD 316      An Act To Protect Vulnerable Persons from Theft      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A CYRWAY S	OTP-AM OTP-AM	H-297

This bill makes the crime of theft by deception when the victim is 66 years of age or older at the time of the offense a Class B crime.

**Committee Amendment "A" (H-297)**

This amendment is the majority report of the committee. The amendment replaces the bill and provides a new title. The amendment defines "vulnerable person" by reference to the definitions of "dependent adult" in the Maine Revised Statutes, Title 22, section 3472, subsection 6 and "incapacitated adult" in Title 22, section 3472, subsection 10. The amendment designates the following types of theft or fraud as Class B crimes if the owner of the property is a vulnerable person: theft by unauthorized taking or transfer, theft by deception, theft by misapplication of property and misuse of entrusted property. The amendment includes an appropriations and allocations section.

**Committee Amendment "B" (H-298)**

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment defines "vulnerable person" by reference to the definitions of "dependent adult" in the Maine Revised Statutes, Title 22, section 3472, subsection 6 and "incapacitated adult" in Title 22, section 3472, subsection 10. The amendment elevates the class of the following crimes of theft or fraud by one class, up to a maximum of Class B, if the owner of the property is a vulnerable person: theft by unauthorized taking or transfer, theft by deception, theft by misapplication of property and misuse of entrusted property. The amendment includes an appropriations and allocations section.

This amendment was not adopted.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

***Joint Standing Committee on Criminal Justice and Public Safety***

**LD 324      An Act Regarding Forfeiture of Assets of Persons Convicted of  
Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses,  
Aggravated Criminal Forced Labor Offenses and Criminal Forced  
Labor Offenses**

**PUBLIC 97**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	OTP-AM	H-106

This bill provides for criminal forfeiture of property of a person convicted of certain criminal restraint offenses in violation of the Maine Revised Statutes, Title 17-A, section 302, subsection 1; aggravated sex trafficking offenses in violation of Title 17-A, section 852; and sex trafficking offenses in violation of Title 17-A, section 853.

**Committee Amendment "A" (H-106)**

This amendment strikes and replaces the bill and the title. The amendment adds aggravated sex trafficking and sex trafficking offenses and aggravated criminal forced labor and criminal forced labor offenses to the offenses subject to criminal forfeiture of assets pursuant to a court procedure specified in statute, after a criminal conviction, and with distribution of the forfeited property or proceeds of the forfeited property in accordance with statute and as ordered by the court. The amendment broadens one of the allowable uses of the property forfeited or the proceeds of the property. In current law, property or proceeds may be given to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders; in the amendment, property or proceeds may be given to a law enforcement agency that provides case management and other social services to persons affected by crimes that are subject to forfeiture of property.

**Enacted Law Summary**

Public Law 2019, chapter 97 adds aggravated sex trafficking and sex trafficking offenses and aggravated criminal forced labor and criminal forced labor offenses to the offenses subject to criminal forfeiture of assets pursuant to a court procedure specified in statute, after a criminal conviction, and with distribution of the forfeited property or proceeds of the forfeited property in accordance with statute and as ordered by the court. The law broadens one of the allowable uses of the property forfeited or the proceeds of the property to allow the property or proceeds to be given to a law enforcement agency that provides case management and other social services to persons affected by crimes that are subject to forfeiture of property.

**LD 326      An Act To Decriminalize Engaging in Prostitution**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	ONTP	

Part A decriminalizes engaging in prostitution by making the following amendments to the laws.

1. It changes the term "prostitute" to the term "prostituted person" in the law on funding for the Victims' Compensation Fund and in the definitions in the Maine Revised Statutes, Title 17-A, section 851.
2. It repeals the crime of engaging a prostitute in Title 17-A, section 853-B and places the provision in Title 17-A, chapter 11, which governs sexual assaults, in section 253-A using the term "engaging a prostituted person" instead of the term "engaging a prostitute." It provides definitions in chapter 11 for "engaging a prostituted person" and "prostitution."

*Joint Standing Committee on Criminal Justice and Public Safety*

3. It repeals the crime of engaging in prostitution.

4. It removes from the adoption assistance program reference to prostitution in the examples of family background factors that are used to define a special needs child.

Part B allows a person convicted of a crime of engaging in prostitution in this State to petition the court in which the conviction was recorded to expunge the record of the conviction. It authorizes the court to order all records of the conviction expunged if the convicted person has not been convicted of a violation of Title 17-A, section 253-A, 852 or 853 or former section 853-A and has no formal charging instrument pending in this State for a violation of Title 17-A, section 253-A, 852 or 853. Part B requires the Department of Public Safety, State Bureau of Identification, following receipt of a court order for expungement, to make the necessary arrangements with the identification division of the Federal Bureau of Investigation to have all references to the expunged crime deleted from the Federal Bureau of Investigation's identification record and any state materials returned to the contributing agency.

See also LD 974.

This bill was voted Ought Not to Pass as a companion vote to LD 1834.

**LD 329      An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency**

**PUBLIC 137**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B DESCHAMBAULT S	OTP-AM ONTP	H-178

This bill exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

**Committee Amendment "A" (H-178)**

This amendment, which is the majority of the committee, incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2019, chapter 137 exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

**LD 332      An Act To Remove the Statute of Limitations for Certain Sex Crimes**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R HERBIG E	ONTP	

***Joint Standing Committee on Criminal Justice and Public Safety***

This bill amends the portions of the Maine Criminal Code pertaining to statutes of limitations to remove statutes of limitations governing the prosecution of Class A, Class B or Class C crimes involving incest; unlawful sexual contact; sexual abuse of a minor; or rape or gross sexual assault, formerly denominated as gross sexual misconduct. These changes apply only to those sexual crimes committed on or after the effective date of this legislation or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this legislation.

**LD 342      An Act To Require a Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M	ONTP	

This bill establishes the failure to inform a law enforcement officer of a person's possession of a hypodermic apparatus as a Class D crime. Under the bill, if a person discloses the possession of a hypodermic apparatus as required, the hypodermic apparatus and any contents of the apparatus are inadmissible as evidence in a prosecution for a violation of the Maine Revised Statutes, Title 17-A, chapter 45.

**LD 353      An Act Regarding the Safety of Recovery Residences      PUBLIC 358**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J	OTP-AM	H-577

This bill requires a recovery residence located in a house to be considered a one-family dwelling under rules concerning safety to life from fire if the recovery residence has no more than six occupants and contains a fire extinguisher and smoke detector in each room. This bill also defines "recovery residence" as an alcohol-free and illegal substance-free shared living residence for persons recovering from substance use disorder that provides peer support and connects residents to support services and community resources.

**Committee Amendment "A" (H-577)**

This amendment replaces the bill and provides a new title. The amendment provides an exception to the rules for life safety code requirements for recovery residences that are certified by a nationally recognized organization that supports persons recovering from substance use disorder and that meet other listed criteria. The amendment defines a recovery residence as a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

**Enacted Law Summary**

Public Law 2019, chapter 358 provides an exception to the rules for life safety code requirements for recovery residences that are certified by a nationally recognized organization that supports persons recovering from substance use disorder and that meet other listed criteria. The law defines a recovery residence as a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

**Joint Standing Committee on Criminal Justice and Public Safety**

**LD 379      An Act To Protect Children by Requiring the Safe Storage of Loaded Firearms**

**Accepted Majority  
(ONTP) Report**

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

This bill creates the Class E crime of unlawful storage of a firearm, which a person is guilty of if the person stores or leaves on premises under the person's control a loaded firearm; the person knows or reasonably should know that a child is likely to gain access to the loaded firearm without the permission of the child's parent or guardian; and a child in fact gains access to the loaded firearm and uses the loaded firearm in a reckless or threatening manner, uses the loaded firearm during the commission of a crime or recklessly or negligently discharges the loaded firearm. The bill also requires a firearm dealer to post a warning at each purchase counter regarding the need to secure firearms from unauthorized use.

**LD 396      An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored**

**PUBLIC 94**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAXMIN C CHENETTE J	OTP-AM	H-113

This bill changes the period that a law enforcement agency must store a sexual assault forensic examination kit when the victim has not come forward from 90 days from receipt of the kit to the period of time equal to the limitations period for the underlying crime. This bill also requires investigating agencies in possession of a sexual assault forensic examination kit when the victim has come forward to store the kit for the period of time equal to the limitations period for the underlying crime or until the underlying crime has been prosecuted and a conviction has been obtained, whichever comes first.

**Committee Amendment "A" (H-113)**

This amendment replaces the bill. The amendment changes the period that a law enforcement agency must store a sexual assault forensic examination kit when the victim has not come forward from 90 days from receipt of the kit to eight years.

**Enacted Law Summary**

Public Law 2019, chapter 94 changes the period that a law enforcement agency must store a sexual assault forensic examination kit when the victim has not come forward from 90 days from receipt of the kit to eight years.

**LD 430      An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DESCHAMBAULT S	OTP-AM OTP-AM ONTP	H-627

This bill establishes within the Department of Public Safety programs for the collection and disposal of expired marine flares and for education of the public and state agency personnel regarding expired marine flares.

*Joint Standing Committee on Criminal Justice and Public Safety*

**Committee Amendment "A" (H-627)**

This amendment is the majority report of the committee. The amendment adds to the bill a directive that the Commissioner of Public Safety use appropriated General Fund funding for the purposes of the bill and authorizes the commissioner to accept and use for those purposes gifts, donations and contributions. The amendment adds an appropriation in fiscal year 2019-20 of \$43,500 to enable the State Fire Marshal to purchase a new high temperature thermal destruction incinerator.

**Committee Amendment "B" (H-628)**

This amendment is one of two minority reports of the committee. The amendment adds to the bill a marine flare disposal fee, in a new chapter in the Maine Revised Statutes, Title 36, of 25¢ per flare. The fee will offset the cost to the General Fund of paying for the marine flare education, collection and disposal programs in the bill. The marine flare disposal fee takes effect on January 1, 2020. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 449      An Act To Impose a Mandatory Sentence for the Crime of Aggravated      ONTP**  
**Unlawful Operation of a Methamphetamine Laboratory**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	ONTP	

This bill adds the crime of aggravated unlawful operation of a methamphetamine laboratory to the list of drug offenses that carry a mandatory four-year minimum sentence.

**LD 460      An Act Requiring the State To Reimburse Counties for All Costs      ONTP**  
**Exceeding the Tax Assessment for Correctional Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S FARRIN B	ONTP	

This bill requires the Department of Corrections to reimburse a county for the annual costs of correctional services that exceed the county's tax assessment for those services.

**LD 485      An Act Regarding Actions of the Owner or Keeper of a Dog That      PUBLIC 134**  
**Assaults a Person and Causes an Injury That Requires Medical**  
**Attention**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M HARNETT T	OTP-AM	S-65

This bill requires the owner or keeper of a dangerous dog that assaults a person and causes serious bodily injury to remain at the scene of the assault until after providing the owner's or keeper's name and current address to the

***Joint Standing Committee on Criminal Justice and Public Safety***

injured person, a person acting for the injured person or a law enforcement officer. A person who fails to comply commits a Class C crime.

**Committee Amendment "A" (S-65)**

This amendment replaces the bill and provides a new title. The amendment requires the owner or keeper of a dog that assaults a person and causes an injury that requires medical attention to secure aid for the injured person, contain the dog, if necessary, and provide the owner's or keeper's name, current address and contact information to the injured person, a person acting for the injured person or a law enforcement officer before the owner or keeper may leave the scene of the assault. A violation of the section is a Class D crime.

**Enacted Law Summary**

Public Law 2019, chapter 134 requires the owner or keeper of a dog that assaults a person and causes an injury that requires medical attention to secure aid for the injured person, contain the dog, if necessary, and provide the owner's or keeper's name, current address and contact information to the injured person, a person acting for the injured person or a law enforcement officer before the owner or keeper may leave the scene of the assault. A violation of the law is a Class D crime.

**LD 516      An Act To Establish a Statewide Voluntary Firearm Collection Day and Ongoing Program      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS H	ONTP	

This bill directs the Commissioner of Public Safety to design, implement and administer a statewide voluntary firearm collection day, the purpose of which is to provide to any person an annual, one-day opportunity to voluntarily turn over any firearm or ammunition in the person's possession to a law enforcement officer at a number of sites conveniently located throughout the State.

The commissioner is also required to facilitate the establishment of a year-round voluntary firearm collection program administered by the Bureau of State Police that, at a minimum, is designed to provide to any person the opportunity to voluntarily turn over any firearm or ammunition in the person's possession to a state police officer at any facility or function of the Bureau of State Police to which members of the public are regularly allowed admission.

The commissioner is directed to provide technical assistance and, as necessary and as resources allow, financial assistance to municipal and county law enforcement agencies that elect to participate in the voluntary firearm collection day or elect to establish an ongoing local voluntary firearm collection program. A person may not be charged a fee to turn over a firearm or ammunition to a law enforcement officer during the collection day or through a collection program and is required only to provide the law enforcement officer the person's name, mailing address and telephone number. Firearms and ammunition collected are to be destroyed, except for those firearms determined to have been stolen or used in the commission of a criminal act or that are otherwise sought as evidence in a criminal investigation or prosecution.

**LD 533      An Act To Eliminate the Statutory Duty To Retreat and Affirm the Right of Self-defense      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS J BLACK R	ONTP OTP-AM	



***Joint Standing Committee on Criminal Justice and Public Safety***

This bill removes the requirements that a person retreat if it is safe to do so and if the person can comply with a demand that the person abstain from performing an act that the person is not obliged to perform. The bill also permits the use of deadly force to prevent death or serious bodily injury in self-defense, in defense of a 3rd person, in defense of a dwelling or to prevent the forcible commission of a kidnapping, a robbery or a gross sexual assault.

**Committee Amendment "A" (H-501)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

**LD 548      An Act Regarding Charging a Person under 18 Years of Age with the      PUBLIC 131**  
**Crime of Engaging in Prostitution**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	OTP-AM ONTP	S-48

This bill prohibits minors from being charged with the crime of engaging in prostitution.

**Committee Amendment "A" (S-48)**

This amendment, which is the majority report of the committee, changes the title of the bill and conforms the reference to a person's age to the drafting standards of the Maine Criminal Code.

**Enacted Law Summary**

Public Law 2019, chapter 131 limits the persons who may be charged with engaging in prostitution to persons who are 18 years of age or older.

**LD 608      An Act To Provide Funding for a Correctional Facility in Downeast      CARRIED OVER**  
**Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M TUELL W		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide funding to establish a correctional facility in the eastern coastal region of Maine in Washington and Hancock counties.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 628      An Act To Ensure Comprehensive Access to Menstrual Products in All      PUBLIC 139**  
**Maine's Jails, County Correctional Facilities and State Correctional and**  
**Detention Facilities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C DESCHAMBAULT S	OTP-AM ONTP	H-176

***Joint Standing Committee on Criminal Justice and Public Safety***

This bill adds to the rights of a person residing in a correctional or detention facility under the jurisdiction of the Department of Corrections the right to comprehensive access to menstrual products, including sanitary pads, tampons and menstrual cups, provided without charge to a female person residing in the correctional or detention facility. This bill provides that any female person incarcerated in a jail or other county correctional facility has a right to comprehensive access to menstrual products, including, but not limited to, sanitary pads, tampons and menstrual cups, without charge to the incarcerated person.

**Committee Amendment "A" (H-176)**

This amendment is the majority report of the committee. The amendment changes the person entitled to menstrual products from a female person to a person who menstruates. The amendment removes menstrual cups from the products in the bill that are required to be provided. The amendment requires that products, including but not limited to sanitary pads and tampons, be provided and available at all times and without inconvenience to the person who resides in the jail, county correctional facility or state correctional or detention facility.

**Enacted Law Summary**

Public Law 2019, chapter 139 adds to the rights of a person who menstrates who is residing in a correctional or detention facility under the jurisdiction of the Department of Corrections or who is incarcerated in a jail or other county correctional facility the right to comprehensive access to menstrual products, including sanitary pads and tampons, provided and available at all times and without inconvenience.

**LD 635      An Act Related to Community Reparations Boards      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	ONTP	

This bill provides that, if a court imposes a sentencing alternative that includes a period of deferred disposition, the court may, with the express approval of the prosecuting attorney, require as a condition of the deferred disposition that the person subject to the deferred disposition appear before a community reparations board and abide by any requirement imposed by the board if the court finds no circumstance that makes the appearance inappropriate.

**LD 636      Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S PICKETT R	OTP-AM ONTP	S-236

This bill requires that, beginning January 1, 2021, a law enforcement agency shall ensure that each law enforcement officer in its employ is equipped with a body-worn camera and that such body-worn camera is in operation and creating a recording at all times the officer is in uniform and engaged in law enforcement-related encounters or activities. Use of body-worn cameras by law enforcement officers and the maintenance and retention of data and recordings must be consistent with model policies and procedures developed by the Board of Trustees of the Maine Criminal Justice Academy.

**Committee Amendment "A" (S-236)**

This amendment, which is the majority report of the committee, replaces the bill with a resolve establishing the Work Group To Study the Use of Body Cameras by Law Enforcement Officers, consisting of nine members appointed by the President of the Senate, the Speaker of the House and the Attorney General. The Attorney General

***Joint Standing Committee on Criminal Justice and Public Safety***

or the Attorney General's designee serves as chair. The Attorney General is required to give notice of meetings of the work group to the general public and a broad array of organizations. The work group is required to study the use of body cameras by law enforcement officers, to review current practices in Maine and outside of Maine, to review research on the use of body cameras and to report by March 1, 2020 with any recommendations to the Joint Standing Committee on Criminal Justice and Public Safety.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Study Table by joint order, H.P. 1322.

**LD 637      An Act Regarding Motor Vehicle Operation and Drug Use      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S RYKERSON D	ONTP	

This bill does the following.

1. It allows as admissible evidence indicating whether a person is operating a motor vehicle under the influence of intoxicants whether the person has an alcohol level of 0.05 grams or less of alcohol per 100 milliliters of blood or 210 liters of breath and has a trace amount of any drug or the metabolite of any drug within the person's blood or urine.
2. It establishes a permissible inference of operating under the influence of intoxicants when a person operates a motor vehicle and has an alcohol level in excess of 0.05 grams of alcohol but less than 0.08 grams of alcohol per 100 milliliters of blood or 210 liters of breath and has a trace amount of any drug or the metabolite of any drug within the person's blood or urine.
3. It establishes a 0.00 nanogram level for THC for a person under 21 years of age who is operating a motor vehicle.
4. It creates a new traffic infraction for a person who consumes marijuana or a marijuana product in a vehicle, possesses an open container of marijuana or a marijuana product in the passenger area of a vehicle or possesses marijuana or a marijuana product that has been placed in a container labeled by the manufacturer of the container as containing a nonmarijuana substance.

See LD 141, related bill on issue of consuming or having an open container of marijuana in a motor vehicle.

**LD 648      An Act To Improve Reporting of Operating Under the Influence Offenses      PUBLIC 121**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B	OTP-AM	H-152

This bill requires the Department of Public Safety, Bureau of State Police, State Bureau of Identification to maintain separate categories in its uniform crime reporting for offenses that involve operating under the influence of alcohol, offenses that involve operating under the influence of intoxicating substances other than alcohol and offenses that involve operating under a combination of alcohol and other intoxicating substances.

**Committee Amendment "A" (H-152)**

***Joint Standing Committee on Criminal Justice and Public Safety***

This amendment replaces the bill. The amendment requires the Department of Public Safety, State Bureau of Identification to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the incidence of operating under the influence offenses pursuant to the Maine Revised Statutes, Title 29-A, section 2411. The report must include separate categories for offenses involving operating under the influence of alcohol, for offenses involving operating under the influence of intoxicating substances other than alcohol and for offenses involving operating under the influence of a combination of alcohol and other intoxicating substances. The report is due by April 1st each year beginning in 2020.

**Enacted Law Summary**

Public Law 2019, chapter 121 requires the Department of Public Safety, State Bureau of Identification to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the incidence of operating under the influence offenses pursuant to the Maine Revised Statutes, Title 29-A, section 2411. The report must include separate categories for offenses involving operating under the influence of alcohol, for offenses involving operating under the influence of intoxicating substances other than alcohol and for offenses involving operating under the influence of a combination of alcohol and other intoxicating substances. The report is due by April 1st each year beginning in 2020.

**LD 677      An Act Regarding the Use of Seizure and Forfeitures by Law Enforcement      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAULKINGHAM B MIRAMANT D	ONTP	

This bill requires the establishment of a record and case tracking system and detailed reporting to the Commissioner of Public Safety when a law enforcement agency seizes, holds or disposes of property as a result of civil forfeiture provisions of the Maine Revised Statutes, Title 15, section 5821 and the criminal forfeiture provisions of Title 15, section 5826. The bill provides that reported information is public information and for public access to that information through a website and mandates reports to the Legislature, Attorney General and Governor. The bill provides rulemaking for the Commissioner of Public Safety and auditing by the State Auditor, with a report from the State Auditor to the Commissioner of Public Safety. The provisions apply to law enforcement agencies, which are defined to include fire departments, that seize, hold or dispose of property as a result of an investigation and arrest carried out in cooperation with a federal law enforcement agency.

**LD 678      An Act Requiring the State To Fund 20.25 Percent of the Cost of County Jails      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	ONTP	

This bill requires the Department of Corrections to reimburse a county for 20.25% of the cost of the county's correctional services.

**LD 691      An Act Regarding County Jail Funding      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	ONTP	

***Joint Standing Committee on Criminal Justice and Public Safety***

This bill requires that instead of a specific dollar amount the State provide at least 20.22% of the cost of county jail operations to the County Jail Operations Fund for distribution to county jails.

**LD 693      An Act To Create a Regional Prerelease Center**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish and fund a regional prerelease center.

**LD 700      An Act To Prevent Internet Theft**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HANLEY J		

This bill creates the crime of organized electronic theft, of which a person is guilty if the person commits two or more thefts under the Maine Criminal Code pursuant to a scheme or course of conduct involving thefts committed by electronic means. "Thefts committed by electronic means" includes, but is not limited to, thefts committed using Internet-based sales platforms and Internet-based fundraising, including so-called crowdfunding platforms. The severity of punishment for the crime of organized electronic theft is dependent upon the total value of the property stolen. The bill also includes an appropriation to establish a computer forensic analyst position within the Department of Public Safety dedicated to the investigation of organized electronic theft.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 735      An Act To Create a Seat for a Representative of the Wabanaki Tribal Governments on the Board of Trustees of the Maine Criminal Justice Academy**

**PUBLIC 103**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M	OTP-AM	H-111

This bill provides a permanent seat on the Board of Trustees of the Maine Criminal Justice Academy for a representative of the five Wabanaki tribal governments. The tribal representative must be a law enforcement official and must be chosen for a two-year term by a process determined by the tribal governments. The process must require that the position rotate among the five tribal governments.

**Committee Amendment "A" (H-111)**

This amendment changes the title and provides a seat on the Board of Trustees of the Maine Criminal Justice Academy for a person appointed by the Governor who is knowledgeable about public safety and who has been recommended to the Governor by the Wabanaki tribal governments of the Aroostook Band of Micmacs, the Houlton

***Joint Standing Committee on Criminal Justice and Public Safety***

Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkmikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. The term of this member of the board of trustees is two years.

**Enacted Law Summary**

Public Law 2019, chapter 103 provides a seat on the Board of Trustees of the Maine Criminal Justice Academy for a person appointed by the Governor who is knowledgeable about public safety and who has been recommended to the Governor by the Wabanaki tribal governments of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkmikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. The term of this member of the board of trustees is two years.

**LD 747 An Act To Promote the Safe Use and Sale of Firearms**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B GRATWICK G	ONTP	

This bill does the following.

1. It creates the civil violation of the sale or transfer of a firearm to a prohibited person and provides that a 2nd or subsequent offense is a strict liability Class E crime. The bill also creates an affirmative defense to prosecution under this new civil violation and crime that the seller or transferor of the firearm requested a federally licensed firearms dealer to conduct a computerized background check under the Federal Bureau of Investigation, National Instant Criminal Background Check System on the purchaser or transferee prior to the sale or transfer of the firearm and the background check indicated that the purchaser or transferee was not a prohibited person.
2. It creates the Class D crime of the sale or transfer of a firearm to a prohibited person. A person is guilty of this crime if that person intentionally or knowingly sells or transfers a firearm to another person that the seller or transferor knows or believes is prohibited from possessing a firearm.
3. It increases the fine from \$50 to \$1,000 for the civil violation of giving a false or fictitious name to a firearms dealer and makes the fine mandatory.
4. It requires the Chief of the State Police to convene a study group to review and make recommendations regarding the so-called blue paper process as it relates to persons admitted to a psychiatric hospital on an emergency basis who are temporarily prohibited from possessing firearms. Representatives from the following are invited to participate in this review: the Office of the Attorney General, the Department of Health and Human Services, the Maine Prosecutors Association, Disability Rights Maine and any other interested parties that the Chief of the State Police determines appropriate. The Chief of the State Police is required to report the recommendations of the study group to the Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2020. Following receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out a bill to the Second Regular Session of the 129th Legislature.

**LD 755 An Act To Ensure Funding Sources for County Jails**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	ONTP	

This bill removes the 4% growth limitation factor on county tax assessments for correctional services and treats excessive tax assessments for county correctional services the same as for other county services.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 762 An Act Regarding Consent by a Motor Vehicle Operator to a Blood Test**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM ONTP	H-284 S-198 ROSEN K

This bill brings the implied consent provisions concerning operating under the influence into compliance with recent case law from the United States Supreme Court that requires a search warrant before taking a sample of blood or urine from a person suspected of operating under the influence.

**Committee Amendment "A" (H-284)**

This amendment is the majority report of the committee. The amendment replaces the bill and provides a new title. The amendment amends the criminal operating under the influence statutes for motor vehicle operators to:

1. Provide that refusal to submit to a blood test at the request of a law enforcement officer in the absence of a warrant is not a ground for imposition of a mandatory period of incarceration, does not constitute an operating under the influence offense for the purpose of requiring the imposition or enhancement of a mandatory minimum sentence of incarceration and is not admissible in evidence at a hearing or trial; and
2. Add to the warning given to a person being asked to submit to a test a statement that refusal to submit to a blood test at the request of a law enforcement officer in the absence of a warrant is not a ground for imposition of a mandatory period of incarceration.

**Senate Amendment "A" To Committee Amendment "A" (S-198)**

This amendment removes from the committee amendment wording regarding the admissibility of evidence at trial, correcting a drafting error in the committee amendment.

**LD 767 An Act To Ensure the Availability of In-person Visitation in County Jails**

**PUBLIC 76**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R BELLOWS S	OTP OTP-AM	

This bill requires the sheriff of a county jail to provide for in-person visitation between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff. The bill authorizes a sheriff to restrict a particular prisoner to video-only visitation upon a determination that allowing in-person visitation for that prisoner may jeopardize the safety and security of the jail. The bill also requires the sheriff to provide opportunities for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

**Committee Amendment "A" (H-65)**

This amendment is the minority report of the committee. The amendment authorizes, instead of requires as in the bill, the sheriff of a county jail to provide for in-person visitation between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff. The amendment also authorizes, instead of requires as in the bill, the sheriff to

*Joint Standing Committee on Criminal Justice and Public Safety*

provide opportunities for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

This amendment was not adopted.

**Enacted Law Summary**

Public Law 2019, chapter 76 requires the sheriff of a county jail to provide for in-person visitation between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff. The law authorizes the sheriff to provide video-only visitation for all visitation at the jail or for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

**LD 779      An Act To Improve the Definition of "Strangulation" in the Aggravated Assault Laws      PUBLIC 91**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N	OTP-AM	S-47

This bill removes the requirement that the act of strangulation has to be intentional in order to be considered aggravated assault.

**Committee Amendment "A" (S-47)**

This amendment clarifies that, in order for the act of strangulation to be considered aggravated assault, the actor must intentionally, knowingly or recklessly apply pressure on another person's throat or neck.

**Enacted Law Summary**

Public Law 2019, chapter 91 clarifies in the law that, in order for the act of strangulation to be considered aggravated assault, the actor must intentionally, knowingly or recklessly apply pressure on another person's throat or neck.

**LD 788      An Act To Authorize the Use of Handheld Narcotics Analyzers      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L STEWART T	ONTP OTP	

This bill provides that a law enforcement agency that has in its possession a drug or substance for analysis as a scheduled drug may, in addition to or instead of analysis of the drug or substance in a laboratory, submit the drug or substance for analysis by means of a handheld narcotics analyzer that has been evaluated and certified by the Department of Health and Human Services, Health and Environmental Testing Laboratory as reliable for field testing of scheduled drugs. The bill requires that a law enforcement officer who analyzes a drug or substance by means of a handheld narcotics analyzer in accordance with procedures adopted by the Health and Environmental Testing Laboratory must upon completion of the analysis issue a signed certificate stating the results of the analysis. The bill provides that such a certificate, when duly signed and sworn to by a person certified as qualified for this purpose by the Department of Health and Human Services under certification standards set by that department, is admissible in evidence in a court of the State, and gives rise to a permissible inference under the Maine Rules of



***Joint Standing Committee on Criminal Justice and Public Safety***

Evidence, Rule 303 that the composition, quality and quantity of the drug or substance are as stated in the certificate, unless, with 10 days' written notice to the prosecution, the defendant requests that a qualified witness testify as to the composition, quality and quantity.

**LD 802      An Act To Recruit and Retain Corrections Support Staff**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S		

This bill requires staff in support, maintenance and other nonsupervisory positions, but not including guards, in correctional facilities maintained by the Department of Corrections to be given a \$2 per hour increase in their wages. In 2016, guards in the department were given a \$2 per hour wage increase but other employees in the correctional facilities were not.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order H.P. 1322.

**LD 804      An Act To Ensure Programming for Long-term Incarcerations at County Jails**

**Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to ensure programming for long-term incarcerations at county jails.

**LD 810      An Act To Require Background Checks for All Private Firearm Sales or Transfers Except between Family Members**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D COLLINGS B	ONTP	

This bill allows the transfer or sale of a firearm between two individuals who are not licensed as firearm dealers if the person to whom the firearm is being transferred submits to a background check conducted by a licensed firearm dealer; the dealer must conduct a background check and complete the sale or transfer as though selling or transferring the dealer's own inventory. This bill does not restrict transfers to a family member, which is broadly defined to include a spouse, domestic partner, intimate partner, child, parent, sibling, grandparent, grandchild, stepchild, stepparent, niece, nephew, first cousin, aunt, uncle and in-law; temporary transfers between persons who are hunting or sport shooting together; transfers done for emergency self-defense; the transfer of an antique weapon or curio; a transfer involving a law enforcement officer or agency, member of the military or licensed security guard; or a transfer that occurs by operation of law upon a person's death.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 828 An Act Concerning the Release of the Name of a Deceased Individual**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILLINGHAM K TIMBERLAKE J	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures to ensure that the name of a deceased individual is not released publicly before the family of the deceased individual has been notified.

**LD 829 Resolve, To Reestablish the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners**

**RESOLVE 104**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM	H-320 S-309 LIBBY N H-659 TALBOT ROSS R

This resolve reestablishes the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was previously established by the 121st Legislature in 2003. This 17-member commission is charged with conducting research and preparing recommendations on a variety of issues relating to the sentencing of prisoners, the management of county and state correctional facilities and the treatment of prisoners within those facilities. The commission is directed to submit, no later than December 4, 2019, a report detailing its findings and recommendations, including any proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on Judiciary, each of which may report out legislation relating to the report to the Second Regular Session of the 129th Legislature.

**Committee Amendment "A" (H-320)**

This amendment adds three members to the membership of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners: a representative of a statewide organization working to end domestic violence; a representative of a statewide organization working to end sexual assault; and a member of a federally recognized tribe in Maine. The amendment adds to the duties of the commission specific mention of juvenile and adult prisoner populations and diversion from juvenile corrections.

**Senate Amendment "A" (S-309)**

This amendment changes the method of appointing the commission chairs so as to conform with Joint Rule 353.

**House Amendment "A" (H-659)**

This amendment removes the emergency preamble and emergency clause.

**Enacted Law Summary**

Resolve 2019, chapter 104 reestablishes the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was previously established by the 121st Legislature in 2003. The commission has 20 members, including the first-named Senate member as Senate chair and the first-named House member as House chair. The commission is charged with conducting research and preparing recommendations on a variety of issues relating to the sentencing of prisoners, the management of county and state correctional facilities and the treatment of prisoners within those facilities. The commission is directed to review and make recommendations with regard

*Joint Standing Committee on Criminal Justice and Public Safety*

to juvenile and adult populations. The commission is directed to submit, no later than December 4, 2019, a report detailing its findings and recommendations, including any proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on Judiciary, each of which may report out legislation relating to the report to the Second Regular Session of the 129th Legislature. The resolve was not enacted as an emergency measure.

**LD 855 An Act To Strengthen the Maine Uniform Building and Energy Code**

**PUBLIC 517**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIAZZO C MIRAMANT D	OTP-AM	H-619 S-372 DESCHAMBAULT S

This bill requires that the Commissioner of Public Safety appoint a technical codes coordinator, an office specialist and a building codes trainer. It also requires that municipalities impose a \$3 surcharge on building permits and remit those funds to the Department of Public Safety to fund the Uniform Building Codes and Standards Fund.

**Committee Amendment "A" (H-619)**

This amendment makes the following changes to the bill.

1. It increases the municipal permit surcharge from \$3 to \$5 and specifies that the surcharge only applies to permits for new construction or renovations that are subject to the Maine Uniform Building and Energy Code.
2. It transfers administration of code enforcement officer training from the Department of Economic and Community Development, Office of Community Development to the Department of Public Safety, Office of the State Fire Marshal.

The amendment also adds a mandate preamble and an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-372)**

This amendment removes the municipal permit surcharge and the positions funded by it. The amendment also removes the mandate preamble.

**Enacted Law Summary**

Public Law 2019, chapter 517 transfers administration of code enforcement officer training from the Department of Economic and Community Development, Office of Community Development to the Department of Public Safety, Office of the State Fire Marshal.

**LD 869 An Act Regarding Gun Control**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws governing gun control.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 871      An Act To Establish the Crime of Endangering the Welfare of a Child by Transferring Illegal Drugs through Breast Milk      Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COSTAIN D CYRWAY S		

This bill establishes the Class C crime of endangering the welfare of a child by knowingly transferring a scheduled drug or a metabolite of a scheduled drug to a child through breast milk.

**LD 913      An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals      PUBLIC 494**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S RECKITT L	OTP-AM	S-117

This bill makes it unlawful for a member of the clergy who is in a position of trust or authority over another person to cause the other person to submit to or participate in a sexual act, sexual contact or sexual touching by exploiting the person's emotional dependency on the member of the clergy. It also places the current definition of "domestic partner" in the definition section of the Maine Revised Statutes, Title 17-A, chapter 11 and deletes repetitive definitions of "domestic partner" found throughout the chapter.

**Committee Amendment "A" (S-117)**

This amendment replaces the bill and provides a new title. The amendment amends the law on gross sexual assault, unlawful sexual contact and unlawful sexual touching to include all licensed counseling professionals as the actors in the gross sexual assault, unlawful sexual contact and unlawful sexual touching.

**Enacted Law Summary**

Public Law 2019, chapter 494 amends the law on gross sexual assault, unlawful sexual contact and unlawful sexual touching to include all licensed counseling professionals as the actors in the gross sexual assault, unlawful sexual contact and unlawful sexual touching.

**LD 921      An Act To Allow Municipalities To Adopt Stricter Building and Energy Code Standards Than the Maine Uniform Building and Energy Code      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESSLER C CHIPMAN B	ONTP OTP	

This bill authorizes municipalities to adopt building and energy code requirements that are more strict than those contained in the Maine Uniform Building and Energy Code.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 925      An Act Requiring the Department of Corrections To Fully Fund County Jails for Individuals Sentenced to County Jails for More Than 6 Months and Individuals Held for Probation or Parole Violations      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	ONTP	

This bill requires the Department of Corrections to reimburse a county for the costs of confining a person who is serving a sentence of more than six months or for a probation or parole violation.

**LD 926      An Act To Protect Hospital Employees from Assault      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J DOW D	ONTP	

This bill provides that an assault on a hospital employee while the hospital employee is providing medical care is a Class C crime. It also provides that an assault on an emergency medical care provider while the emergency medical care provider is providing medical care is a Class C crime. Current law provides that an assault on an emergency medical care provider while the emergency medical care provider is providing emergency medical care is a Class C crime. The bill also corrects a cross-reference.

See also LD 1199.

**LD 973      An Act To Stabilize County Corrections      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to stabilize the funding for county corrections.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 974      An Act To Amend the Penalties for Engaging in Prostitution      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C	ONTP	

This bill amends the penalty provision for the crime of engaging in prostitution. For a first offense, the bill retains the current law designation of the crime as a Class E crime. For a 2nd or subsequent conviction within two years of engaging in prostitution, the bill changes the designation from a Class D crime to a Class E crime.

*Joint Standing Committee on Criminal Justice and Public Safety*

See also LDs 326 and 1834.

**LD 1014 An Act To Attract and Retain Firefighters**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THERIAULT T	OTP-AM	S-242

This bill provides funding to the Maine Length of Service Award Program to provide length of service awards to eligible volunteer firefighters and emergency medical services personnel.

**Committee Amendment "A" (S-242)**

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 1018 Resolve, To Review the Laws Governing the Enforcement of Protection from Abuse Orders**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K WARREN C	ONTP	

This resolve requires the Department of Public Safety to convene a work group to review the laws governing enforcement of protection from abuse orders and how those orders are enforced by law enforcement officers.

**LD 1022 An Act To Establish as a Class C Crime Criminal Conduct in Retaliation against a Witness, Informant, Victim or Juror**

**PUBLIC 309**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-159

This bill amends the elements of the crime of tampering with a witness, informant, juror or victim by adding the instance of committing an unlawful act in retaliation against a witness, informant, juror or victim for acting in the capacity of a witness, informant, juror or victim.

**Committee Amendment "A" (S-159)**

This amendment replaces the bill and provides a new title. The amendment creates a new Class C crime of retaliation against a witness, informant, victim or juror if a person, believing that another person is participating or has participated as a witness, informant, victim or juror in an official proceeding, as defined in the Maine Revised Statutes, Title 17-A, section 451, subsection 5, paragraph A, or, in an official criminal investigation, engages in criminal conduct with the intent to retaliate for that other person's role in the official proceeding or criminal investigation.

**Enacted Law Summary**

Public Law 2019, chapter 309 creates a new Class C crime of retaliation against a witness, informant, victim or juror if a person, believing that another person is participating or has participated as a witness, informant, victim or

*Joint Standing Committee on Criminal Justice and Public Safety*

juror in an official proceeding, as defined in the Maine Revised Statutes, Title 17-A, section 451, subsection 5, paragraph A, or, in an official criminal investigation, engages in criminal conduct with the intent to retaliate for that other person's role in the official proceeding or criminal investigation.

**LD 1023      An Act Regarding the Definition of "Serious Bodily Injury" in the      CARRIED OVER**  
**Maine Criminal Code**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-116

This bill amends the definition of "serious bodily injury" in the Maine Criminal Code by changing "substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health" to "substantial impairment of the health or function of any part of the body or that causes extended convalescence necessary for recovery of physical or mental health." The bill also makes grammatical changes.

**Committee Amendment "A" (S-116)**

This amendment strikes and replaces the bill. The amendment amends the definition of "serious bodily injury" in the Maine Criminal Code by clarifying the language regarding injury that leads to extended convalescence. The amendment also amends the law regarding the crime of aggravated assault to reflect the changes to the definition of "serious bodily injury" contained in the amendment. The amendment adds an appropriations and allocations section.

This bill was reported out of committee and then carried over in the Senate to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1033      An Act To Protect Children from Accidental Injury Due to Unsafe      ONTP**  
**Storage of Firearms**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MILLETT R	ONTP	

This bill requires that firearms kept in a place where children reside or receive child care services or where persons prohibited from possessing firearms reside be secured in a locked container or with tamper-resistant devices that prevent them from being discharged. It excludes antique firearms from this requirement. A fine is provided for violation of the requirement, and a violation is evidence of wanton or reckless conduct in any criminal or civil case if injury or death was the result of the violation.

**LD 1038      Resolve, To Convene a Stakeholder Group on Funding and Training for      RESOLVE 49**  
**the State's Hazardous Materials Emergency Response Teams and the**  
**Acquisition of Equipment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C CYRWAY S	OTP-AM	H-319

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to improve the training and retention of oil and hazardous materials emergency response workers and their ability to respond to oil and hazardous materials emergencies by requiring the State to:

***Joint Standing Committee on Criminal Justice and Public Safety***

1. Pay or waive the fee for workers for the cost of necessary training courses and any materials required for those courses;
2. Compensate workers fairly for the time spent in training courses, while on call and when responding to hazardous materials emergencies; and
3. Purchase hazardous materials emergency response equipment for use by municipalities or reimburse municipalities that purchase hazardous materials emergency response equipment.

**Committee Amendment "A" (H-319)**

This amendment replaces the concept draft bill with a resolve. The resolve directs the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to convene a stakeholder group to review and make recommendations regarding the funding currently provided to the State's hazardous materials emergency response teams, including the eight regional response teams and the seven decontamination strike teams, funding options, the training of the teams and equipment acquisition. The recommendations of the stakeholder group must be compatible with the strategic plan of the State Emergency Response Commission. The director is required to invite to the stakeholder group representatives of the Maine Fire Chiefs' Association, fire chiefs from municipalities with regional response teams and decontamination strike teams and other persons who express interest in the work of the stakeholder group. The amendment directs the director to present the findings and recommendations of the stakeholder group to the Joint Standing Committee on Criminal Justice and Public Safety by November 6, 2019. Following receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out legislation based on the report to the Second Regular Session of the 129th Legislature.

**Enacted Law Summary**

Resolve 2019, chapter 49 directs the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to convene a stakeholder group to review and make recommendations regarding the funding currently provided to the State's hazardous materials emergency response teams, including the eight regional response teams and the seven decontamination strike teams, funding options, the training of the teams and equipment acquisition. The recommendations of the stakeholder group must be compatible with the strategic plan of the State Emergency Response Commission. The director is required to invite to the stakeholder group representatives of the Maine Fire Chiefs' Association, fire chiefs from municipalities with regional response teams and decontamination strike teams and other persons who express interest in the work of the stakeholder group. The resolve directs the director to present the findings and recommendations of the stakeholder group to the Joint Standing Committee on Criminal Justice and Public Safety by November 6, 2019. Following receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out legislation based on the report to the Second Regular Session of the 129th Legislature.

**LD 1071      An Act To Prohibit the Sale of High-capacity Magazines**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B GRATWICK G	ONTP	

This bill makes sale of a high-capacity magazine a Class D crime. A high-capacity magazine is a firearm magazine or other device that is used to load ammunition into the chamber of a firearm and that has the capacity to contain or accept more than 10 rounds of ammunition.



*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1088 An Act Regarding the Maine Law Enforcement Memorial**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K COSTAIN D	ONTP OTP	

This bill requires the Commissioner of Public Safety to add to the list of names on the law enforcement memorial located at the State Capitol complex the name of a law enforcement officer who was killed in the line of duty, who at the time of death was a resident of the State or employed in the State as a law enforcement officer and whose name is approved for inclusion on the National Law Enforcement Officers Memorial or whose death meets the criteria for line-of-duty death benefits.

**LD 1090 An Act To Update the Criminal Animal Welfare Laws**

**PUBLIC 237**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-160

This bill amends the criminal animal welfare laws in the following ways:

1. Consolidates and clarifies the provisions for a possession hearing concerning an animal suspected to have been subject to cruelty, including removing the provisions for a show cause hearing;
2. Provides for emergency euthanasia of an impounded animal that is severely sick or severely injured;
3. Clarifies that a person authorized to make arrests may seize and take possession of a cruelly treated animal;
4. Prohibits an owner or keeper of an animal that has been seized or impounded due to cruel treatment from possessing or acquiring an animal prior to the possession hearing;
5. Clarifies that an owner or keeper subject to forfeiture of an animal may appeal to the Superior Court;
6. Adds to the definition of animal cruelty intentionally giving an animal a scheduled drug; and
7. Makes the violation of a sentencing provision for a conviction of animal cruelty a Class D crime.

**Committee Amendment "A" (S-160)**

This amendment makes the following changes to the bill:

1. With regard to the fine for violating a court order banning temporary possession under the Maine Revised Statutes, Title 17, section 1021 or 1034, the amendment removes the mandatory minimum fine of \$50;
2. With regard to the crime of cruelty to animals, the amendment adds to the prohibition on giving drugs, poison or alcohol to an animal that the act was done with the intent to harm or intoxicate the animal; and
3. With regard to the section of the bill on penalties for the crime of cruelty to animals, the amendment removes from the bill language that designates violation of a court order a Class D crime since an identical provision is included in another legislative document.

*Joint Standing Committee on Criminal Justice and Public Safety*

**Enacted Law Summary**

Public Law 2019, chapter 237 amends the criminal animal welfare laws in the following ways:

1. Consolidates and clarifies the provisions for a possession hearing concerning an animal suspected to have been subject to cruelty, including removing the provisions for a show cause hearing;
2. Provides for emergency euthanasia of an impounded animal that is severely sick or severely injured;
3. Clarifies that a person authorized to make arrests may seize and take possession of a cruelly treated animal;
4. Prohibits an owner or keeper of an animal that has been seized or impounded due to cruel treatment from possessing or acquiring an animal prior to the possession hearing;
5. Clarifies that an owner or keeper subject to forfeiture of an animal may appeal to the Superior Court; and
6. Adds to the definition of animal cruelty intentionally giving an animal a scheduled drug and adds to the prohibition on giving drugs, poison or alcohol to an animal that the act was done with the intent to harm or intoxicate the animal.

**LD 1092 An Act To Amend the Laws Governing Critical Incident Stress Management Teams**

**PUBLIC 89**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S	OTP-AM	S-54

This bill clarifies the qualifications and duties of members of critical incident stress management teams and provides that the services of critical incident stress management teams are provided to employees of state, county or municipal government entities that provide or have the authority to provide fire, emergency medical or police services.

**Committee Amendment "A" (S-54)**

This amendment expands the list of persons who may be served by a critical incident stress management team and changes the description of the employing entity from "a criminal justice agency" to a "public safety agency" and adds an organization involved in emergency care or response or a county jail or a correctional facility operated by the Department of Corrections. The amendment removes reference to cumulative exposure to stress and traumatic incidents added by the bill. The amendment removes from the bill specific types of training, instead requiring training in accordance with national best practices and standards established by the Commissioner of Public Safety and providing routine technical rulemaking authority to the commissioner. The amendment removes the requirement that a critical incident stress management team have as a member a licensed mental health clinician. The amendment requires the critical incident stress management team to have a relationship with a licensed mental health clinician who is available for consultation with members of the team as needed and with the team at least once per year.

**Enacted Law Summary**

Public Law 2019, chapter 89 expands the list of persons who may be served by a critical incident stress management team and changes the description of the employing entity from "a criminal justice agency" to a "public safety agency." The law adds to the list of employing agencies an organization involved in emergency care or response or a county jail or a correctional facility operated by the Department of Corrections. The law requires training for the persons serving on the critical incident stress management team in accordance with national best practices and

*Joint Standing Committee on Criminal Justice and Public Safety*

standards established by the Commissioner of Public Safety and providing routine technical rulemaking authority to the commissioner. The law requires the critical incident stress management team to have a relationship with a licensed mental health clinician who is available for consultation with members of the team as needed and with the team at least once per year.

**LD 1096      An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L GATTINE D		

This bill requires the Commissioner of Corrections to establish and maintain a substance use disorder treatment program in the correctional facilities, which must provide for an assessment on intake, provide a variety of behavioral and medication-assisted treatment options and offer peer support and comprehensive treatment options after release. The bill also provides funding for the establishment of the substance use disorder treatment program.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1099      An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm      Accepted Majority (ONTP) Report**

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

This bill requires a 72-hour waiting period between an agreement for the purchase and sale of a firearm and its delivery to the purchaser and makes violation of the waiting period a civil violation with a \$200 to \$500 fine for the first violation and a \$500 to \$1,000 fine for a subsequent violation.

**Committee Amendment "A" (S-276)**

This amendment is the minority report of the committee. The amendment provides cross-references to define the listed professions of persons who are exempt from the law and adds corrections officers to the list.

**LD 1108      Resolve, Establishing the Task Force on Alternatives to Incarceration for Maine Youth      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CARSON B		

This resolve establishes the Task Force on Alternatives to Incarceration for Maine Youth to:

1. Review and evaluate current state and national reports regarding the efficacy of the use of incarceration of youth in the State and nationally;
2. Seek input from juvenile justice system stakeholders, including judges, defense attorneys, prosecutors, agency staff, residential and community-based service providers, youth advocates and youth and families affected by the

*Joint Standing Committee on Criminal Justice and Public Safety*

juvenile justice system;

- 3. Develop a plan to close the Long Creek Youth Development Center by 2022 and make recommendations on subsequent use of the land or facility, including identifying options for alternate use of the land or facility that do not include the incarceration of other populations, and a transition plan for the center's staff; and
- 4. Develop recommendations for reinvestment of corrections funds currently designated for youth incarceration into a continuum of community-based alternatives.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1111 An Act Regarding Driver's License Suspensions**

**PUBLIC 467**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT R DESCHAMBAULT S	OTP-AM	H-576

This bill makes the following changes to the laws governing the suspension of a driver's license of a person who negligently operates a motor vehicle in a manner so as to cause the death of another person:

- 1. It removes the requirement that prior to the suspension, the Secretary of State notify any family of the victim and consider written or oral statements received from the family in response to the notice;
- 2. It requires the Secretary of State to find that the person whose license is to be suspended operated a motor vehicle with criminal negligence as described in the Maine Criminal Code; and
- 3. It requires the Secretary of State to find that the person whose license is to be suspended caused the death of another person and to base that finding on the definition of "causation" in the Maine Criminal Code.

**Committee Amendment "A" (H-576)**

This amendment changes the mandatory minimum period of suspension of a driver's license after a finding of negligence in causing a fatal accident from three years to one year. The amendment deletes from the bill provisions that change the requirement of civil negligence to a requirement of criminal negligence and that require causation to be found as defined in the Maine Criminal Code in Title 17-A, section 33.

**Enacted Law Summary**

Public Law 2019, chapter 467 changes the mandatory minimum period of suspension of a driver's license after a finding of negligence in causing a fatal accident from three years to one year.

**LD 1140 An Act To Improve the Investigation and Prosecution of Sexual Assault Cases**

**PUBLIC 80**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C HERBIG E	OTP	

This bill requires a law enforcement agency, within 60 days of receiving a complaint for an alleged sexual assault, to inform the appropriate prosecutor of any evidence and submit the complaint to the appropriate prosecutor for review and a decision by the prosecutor regarding further investigation and commencement of prosecution. Failure

***Joint Standing Committee on Criminal Justice and Public Safety***

of a law enforcement agency to do so does not affect the validity of a later submission and prosecution.

**Enacted Law Summary**

Public Law 2019, chapter 80 requires a law enforcement agency, within 60 days of receiving a complaint for an alleged sexual assault, to inform the appropriate prosecutor of any evidence and submit the complaint to the appropriate prosecutor for review and a decision by the prosecutor regarding further investigation and commencement of prosecution. Failure of a law enforcement agency to do so does not affect the validity of a later submission and prosecution.

**LD 1143      An Act To Exclude Tractor Pulling from Certain Rules Governing      ONTP**  
**Motor Vehicle Racing**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N HAMPER J	ONTP	

This bill excludes tractor pulling events from motor vehicle racing rules requiring the erection, construction or maintenance of fences or safety barriers.

**LD 1169      An Act To Provide Ready Access to Defibrillators in Businesses and      CARRIED OVER**  
**Pharmacies**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S MORALES V	OTP-AM ONTP	S-233

This bill requires the Technical Building Codes and Standards Board to amend the Maine Uniform Building and Energy Code to require that commercial buildings built or renovated on or after January 1, 2020 with occupancy exceeding 200 individuals have an operational automated external defibrillator on the premises. The bill also requires that retail pharmacies, rural health center pharmacies and free clinic pharmacies have an automated external defibrillator on the premises, and that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public.

**Committee Amendment "A" (S-233)**

This amendment is the majority report of the committee. The amendment requires that required automated external defibrillators be clearly marked. The amendment removes from the requirements for pharmacies that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public.

This bill was originally reported out of committee but then recommitted. It was then carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1188      An Act To Provide Preventive Counseling to Firefighters and Emergency      ONTP**  
**Medical Services' Persons as Part of Their Training**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRIFFIN A GUERIN S	ONTP	

***Joint Standing Committee on Criminal Justice and Public Safety***

This bill requires that firefighter training include preventive and post-trauma counseling, at which a counseling professional licensed under the Maine Revised Statutes, Title 32, chapter 119 or the fire department chaplain must be available to work with the firefighters, as required by the fire chief. The bill provides that, with advice from and in consultation with each regional council and its medical control committee and with the statewide emergency medical services' medical director, the Emergency Medical Services' Board may adopt routine technical rules setting mandatory requirements for preventive and post-trauma counseling for basic and advanced training for emergency medical services' persons for initial licensing and relicensing. The requirements may include the services of a counseling professional licensed under Title 32, chapter 119 or a chaplain to be provided by ambulance services and nontransporting emergency medical services.

**LD 1199      An Act To Protect the Safety of Health Care Workers      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D	ONTP	

This bill provides that an assault on a health care practitioner while that health care practitioner is providing medical care or an assault on a hospital employee or person working for a hospital on a contractual basis while that employee or person is performing duties related to the provision of care for a patient or a prospective patient is a Class C crime.

See also LD 926.

**LD 1210      Resolve, To Direct the Commissioner of Corrections To Study Changes      CARRIED OVER  
in Corrections Practices and Reinvestment in Corrections Resources To  
Reduce Recidivism and Control Correctional Facility Costs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CARPENTER M		

This resolve directs the Commissioner of Corrections to establish a working group to study changes in corrections practices and reinvestment of corrections resources in various ways to reduce recidivism and control correctional facility costs, including upstream interventions, diversion and alternative sentencing, prevention and harm reduction and mental health and substance use disorder treatment.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1215      An Act Relating to Defenses and Self-defense in the Maine Criminal      CARRIED OVER  
Code**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M		

This bill amends the Maine Criminal Code by clarifying that determination of the applicability of a defense is a preliminary question of fact under the Maine Rules of Evidence that must be proved by the totality of the circumstances and not by viewing the evidence in a light most favorable to the defendant and by providing that the

***Joint Standing Committee on Criminal Justice and Public Safety***

use of nondeadly force in defense of a person is not justified when the person is engaged in criminal conduct against the other person or the other person's property concurrently with the use of the nondeadly force.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1221      An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CLAXTON N		

This bill allows, in addition to existing deductions in time from a prison or jail sentence, a deduction in time of up to 7.5 days per calendar month for a person's satisfactory performance, while in custody or on probation, in the completion of an educational program leading to a high school equivalency diploma, completion of another educational or vocational training program or a work release program or work for a county or state facility industry that leads directly to the rehabilitation of that person.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1249      An Act To Prohibit Infringing on the Rights of Association of Dependent Adults      HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROW A	OTP-AM	H-546

This bill prohibits abuse and isolation of elder persons and dependent adults. Abuse or isolation of an elder person or dependent adult is a Class C crime. A person commits the crime if the person has or has assumed responsibility for the care, custody or control of an elder person or a dependent adult and subjects the elder person or dependent adult to isolation, neglect, physical abuse, sexual abuse, emotional abuse or financial abuse, including threats of abuse. The new crime is allocated to the chapter of the Maine Criminal Code that establishes crimes against the person.

The bill defines "elder person" to mean a person who is at least 60 years of age. The bill also defines "isolate" to mean to restrict personal rights of association retained by the elder person or dependent adult, including, but not limited to, the right to receive visitors, telephone calls and personal mail, unless the restriction of personal rights is authorized by court order.

When a person is convicted of the crime of abuse or isolation of an elder person or dependent adult, the court may require that the person convicted of the crime participate in appropriate counseling at the convicted person's expense.

The bill is based on a similar law in Rhode Island.

**Committee Amendment "A" (H-546)**

***Joint Standing Committee on Criminal Justice and Public Safety***

This amendment replaces the bill and provides a new title. The amendment adds new variants to the crime of endangering the welfare of a dependent person. The new variants are the Class D crime of recklessly infringing on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person and the Class C crime of intentionally and knowingly infringing on a dependent person's rights of association for the purpose of establishing or maintaining undue influence over that person. The amendment also provides a definition for "undue influence."

**LD 1276    An Act To Better Enforce the Prohibition against Dangerous Persons Possessing Firearms** **Accepted Minority (ONTP) Report**

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

This bill requires background checks of purchasers of firearms for all private sales at gun shows or private sales resulting from advertising or marketing.

**Committee Amendment "A" (S-274)**

This amendment is the majority report of the committee. The amendment adds to the bill exemptions to the requirement that a federally licensed firearms dealer perform a background check for a transfer or sale of a firearm under specific listed circumstances. The amendment provides that the first offense for knowingly transferring or selling a firearm in violation of the new provision is a civil violation for which the penalty is a fine of up to \$1,000. The amendment designates subsequent offenses as Class D crimes.

**LD 1293    An Act To Improve Investigative Efficiencies at the State Fire Marshal's Office** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide increased funding to the Department of Public Safety, Office of the State Fire Marshal, criminal investigative unit for additional supervisory and support staff. This bill would also establish a more stable source of funding for the Office of the State Fire Marshal going forward.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1295    An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DOW D		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Department of Health and Human Services and the Department of Corrections to determine the current need for forensic emergency and crisis beds to ensure the prompt and humane treatment of arrested individuals who are suffering from mental illness and





*Joint Standing Committee on Criminal Justice and Public Safety*

deduction per month a person may receive under the State's good time laws.

**LD 1375    An Act To Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and To Amend the Law on Obstructing Criminal Prosecution**

**PUBLIC 438**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D MILLETT R	OTP-AM	H-285

This bill makes sexual contact between a law enforcement officer and a person who is not the law enforcement officer's spouse while the person is under arrest, in custody, being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, by the law enforcement officer a Class D crime. If the sexual contact involves penetration, the sexual contact is a Class C crime.

**Committee Amendment "A" (H-285)**

This amendment replaces the bill and provides a new title. The amendment provides that a law enforcement officer commits Class B gross sexual assault if the officer, in the performance of the officer's official duties, engages in a sexual act with another person, not the officer's spouse, while the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime. The amendment subjects to disciplinary sanctions by the Board of Trustees of the Maine Criminal Justice Academy an applicant or certificate holder who engages in sexual contact, as defined in the Maine Revised Statutes, Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual contact the applicant or certificate holder is acting in performance of official duties and the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, except that it is not grounds for discipline that a certificate holder properly performs a search of a person for legitimate law enforcement purposes consistent with training standards approved by the board. The amendment also prohibits, as obstructing criminal prosecution, giving anything of benefit to another person with the intent to induce the other person to refrain from initiating or continuing with a criminal prosecution or juvenile proceeding or soliciting, accepting or agreeing to accept anything of benefit for those purposes.

**Enacted Law Summary**

Public Law 2019, chapter 438 provides that a law enforcement officer commits Class B gross sexual assault if the officer, in the performance of the officer's official duties, engages in a sexual act with another person, not the officer's spouse, while the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime. The law subjects to disciplinary sanctions by the Board of Trustees of the Maine Criminal Justice Academy an applicant or certificate holder who engages in sexual contact, as defined in the Maine Revised Statutes, Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual contact the applicant or certificate holder is acting in performance of official duties and the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, except that it is not grounds for discipline that a certificate holder properly performs a search of a person for legitimate law enforcement purposes consistent with training standards approved by the board. The law also prohibits, as obstructing criminal prosecution, giving anything of benefit to another person with the intent to induce the other person to refrain from initiating or continuing with a criminal prosecution or juvenile proceeding or soliciting, accepting or agreeing to accept anything of benefit for those purposes.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1397 An Act Regarding the Admissibility of Certain Statements of Juveniles**

**PUBLIC 220**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORALES V	OTP-AM	H-299

This bill amends the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during an informal adjustment or during a restorative justice program or substance use disorder or mental health treatment program attended by the juvenile in connection with an informal adjustment are not admissible in evidence at an adjudicatory hearing against that juvenile if a petition based on the same facts is later filed. The bill also removes a cross-reference to a provision of law regarding community resolution teams, which has been repealed.

**Committee Amendment "A" (H-299)**

This amendment replaces the bill and provides a new title. The amendment amends the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during an informal adjustment or during a restorative justice program or made to a clinical provider during substance use disorder, sexual behavior or mental health assessment or treatment attended by the juvenile are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts that caused the referral for informal adjustment, restorative justice, assessment or treatment. The amendment provides for similar protections in school disciplinary proceedings. The amendment adds a definition of "restorative justice program." The amendment also retains the provision of the bill that removes a cross-reference to a provision of law regarding community resolution teams, which has been repealed.

**Enacted Law Summary**

Public Law 2019, chapter 220 amends the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during an informal adjustment or during a restorative justice program or made to a clinical provider during substance use disorder, sexual behavior or mental health assessment or treatment attended by the juvenile are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts that caused the referral for informal adjustment, restorative justice, assessment or treatment. The law provides similar protections in school disciplinary proceedings. The law adds to the Juvenile Code a definition of "restorative justice program."

**LD 1407 An Act To Revise and Recodify Certain Provisions of the Maine Criminal Code**

**PUBLIC 113  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This bill, which was submitted by the Criminal Law Advisory Commission, recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3 and other portions of the Maine Criminal Code and amends other laws affected by this recodification and revision accordingly. The purpose of this bill is to reorganize certain portions of the Maine Criminal Code to be more logical and user-friendly while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 17-A. While much of the revision throughout this bill is intended to be technical in nature, the following changes are more substantive. This bill is an emergency measure.

PART A

## *Joint Standing Committee on Criminal Justice and Public Safety*

Part A recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3 as follows:

1. Chapter 61, General Sentencing Provisions, which is the current chapter 47:

- A. Allows the court to accept a plea agreement between the attorney for the State and the defendant that provides for an agreed-upon authorized sentencing alternative, the imposition of which is deferred;
- B. Specifies that, as with the Department of Corrections, the legal authority of jails to transfer individuals from one facility to another by agreement is not impaired by the provisions of chapter 61;
- C. Subjects to forfeiture a firearm that constitutes the basis for a conviction of aggravated unlawful operation of a methamphetamine laboratory;
- D. Clarifies that the maximum term of imprisonment for a Class D crime is less than one year; and
- E. Requires that a court terminate probation, administrative release or supervised release if the court determines that the previously imposed sentence and the new sentence must be served consecutively;

2. Chapter 63, Sentences of Imprisonment, which is the current chapter 51:

- A. Specifies that, in imposing a sentencing alternative that includes a term of imprisonment, the court is required to set a definite period of imprisonment;
- B. Specifies the steps of the sentencing process the court must take in imposing a sentence for the crime of murder;
- C. Specifies that the court must employ specific steps of the sentencing process when imposing a period of supervised release after imprisonment and determine the appropriate period of supervised release;
- D. Specifies that no portion of a term of imprisonment for murder may be suspended;
- E. Specifies that, unless the law that the individual is convicted of violating expressly provides that an authorized term of imprisonment may not be suspended and if the individual is eligible for probation or administrative release, a court may suspend the authorized term of imprisonment in whole or in part and accompany the suspension with a period of probation or administrative release. The period of probation may not exceed the maximum period of probation authorized for the crime, and the period of administrative release may not exceed one year;
- F. Clarifies that provisions regarding a previously imposed sentence when a new sentence is to be served consecutively apply to administrative release as well as probation;
- G. Clarifies that when an individual is committed to a Department of Corrections correctional facility the sentence commences on the date on which the individual is received into the correctional facility designated as the place of confinement by the Commissioner of Corrections or the commissioner's designee instead of designated solely by the commissioner;
- H. Does not retain the provision in current law prohibiting the court from resentencing a defendant if the sentences are consecutive as a matter of law;
- I. Includes administrative release in the provision prohibiting a court from imposing a sentence of imprisonment, not wholly suspended, to be served consecutively with any split sentence, or to any sentence

## *Joint Standing Committee on Criminal Justice and Public Safety*

including supervised release previously imposed or imposed on the same date, if the net result would be to have the individual released from physical confinement be on probation, administrative release or supervised release for the first sentence and thereafter be required to serve an unsuspended term of imprisonment on the 2nd sentence; and

J. Allows the court to rearrange the order of sentences;

3. Chapter 65, Fines, Fees, Assessments and Surcharges, gathers various provisions regarding fines, fees, assessments and surcharges from throughout Part 3 into one chapter. Specifically, chapter 65 does the following:

A. Subchapter 1, Fines, which is the current chapter 53:

- (1) Requires the court, in imposing a sentencing alternative that includes a fine, to set a specific amount of money;
- (2) Collects the current statutory exceptions to the maximum fine amounts based on the class of the crime and requires that the State plead and prove each of them. The definition and sentence hearing procedure for the pecuniary gain exception are also changed;
- (3) Specifies that, for purposes of a default hearing, "convicted person" includes an individual or individuals authorized to make disbursements from the assets of a convicted organization;
- (4) Subjects a person on administrative release to the provisions regarding reporting of default and motions to revoke based on failure to pay a fine; and
- (5) Treats the imposition of community service work for an unexcused default as a stand-alone court sanction instead of as a sentencing alternative as under current law; and

B. Subchapter 2, Fees, Assessments and Surcharges, which is the current chapters 49, 54-B, 54-F and 54-G:

- (1) Specifies that the provisions regarding failure to pay a county jail reimbursement fee apply to a person on administrative release as well as on probation;
- (2) Changes the credit that an individual committed for nonpayment of a reimbursement fee is given toward the payment of a reimbursement fee for each day of confinement that the individual is in custody to not be less than \$25 or more than \$100;
- (3) Specifies that a court may impose other surcharges and assessments that are outside the Maine Criminal Code; and
- (4) Specifies that the authority of the Supreme Judicial Court to impose fees, surcharges or assessments by administrative order or rule is not affected by the provisions of chapter 65;

4. Chapter 67, Conditional Release, contains the provisions of law regarding probation, administrative release, supervised release for sex offenders and deferred disposition with the following changes:

A. Subchapter 1, Probation, which is the current chapter 49:

- (1) Requires the court in imposing a sentencing alternative under section 1502 that includes a period of probation to set a definite period of probation;
- (2) Authorizes any court to rearrange the order of sentences; and

## *Joint Standing Committee on Criminal Justice and Public Safety*

(3) Authorizes a probation officer to offer a person who has violated probation in a noncriminal manner the option of participating in a public restitution program or treatment program administered through a correctional facility or county jail instead of commencing a probation revocation proceeding or residing at a county jail or, as under current law, a correctional facility, for a period of time not exceeding 90 days; and

B. Subchapter 2, Administrative Release, which is the current chapter 54-G:

(1) Allows a court to terminate a period of administrative release that would delay commencement of a consecutive unsuspended term of imprisonment;

(2) Requires the court, as a result of an administrative release revocation hearing, to respecify the place of imprisonment for both the portion of previously suspended sentence of imprisonment required to be served and any remaining suspended portion if necessary to carry out the intent of section 1805, subsection 1, paragraph D; and

(3) Does not retain the current provisions of law that specify a suspended sentence with administrative release commences on the date the person goes into actual execution of the sentence; and

C. Subchapter 3, Supervised Release for Sex Offenders, which is the current chapter 50, authorizes a court to terminate a period of supervised release that would delay commencement of a consecutive unsuspended term of imprisonment;

5. Chapter 71, Community Service Work, which is the current chapter 54-C:

A. Requires an individual who has been sentenced to perform a specified number of hours of community service work and who is in danger of default for failing to complete the work in the manner ordered by the court to request a modification to avoid the default. The court may modify its prior order as to the time for completion, the nature of the work to be performed or the entity for which the work is to be performed; and

B. Specifies the process for a default proceeding for an individual who has been sentenced to perform community service work who fails to complete the sentence, including a reporting process to the court, a motion and hearing process to adjudicate the default, which includes the right to counsel, and specific dispositional alternatives available to the court both in the case of an unexcused default and an excused default;

6. Chapter 75, Victims' Rights, which is the current chapter 48, provides a definition of "immediate family" of the victim; and

7. Chapter 81, Administration of Imposed Sentences of Imprisonment, contains the provisions of law regarding administration of imposed sentences of imprisonment, including the place of commitment and calculations of deductions for time detained prior to and after conviction, including discretionary deductions, and:

A. Establishes definitions of "jail" and "sentence of imprisonment" for purposes of the chapter;

B. Establishes a section for provisions that apply generally to sentences of imprisonment, such as deductions and how those deductions are applied to concurrent and consecutive sentences;

C. Specifies that detention in a mental health institution is considered the same as detention in a correctional facility, jail or local lockup for purposes of calculating deductions;

## *Joint Standing Committee on Criminal Justice and Public Safety*

D. Does not retain the current provision of law giving the attorney for the State the right to be heard at the time of sentence and to recommend a specific sentence or other disposition and requiring the court to consider any statements made by the attorney for the State, along with all other appropriate factors, in determining the sentence. It also does not retain the references to current chapter 48, Victims' Rights;

E. Clarifies that the restoration of certain deductions requires a determination that is in the discretion of the chief administrative officer of the correctional facility or the jail administrator; and

F. Requires that a person who is being detained for the conduct for which the sentence is imposed receives credit for time detained in a mental health institute.

### PART B

Part B makes changes to the current law to reflect the changes made in Part A, including:

1. Adding new definitions of "concurrent sentence," "consecutive sentence," "individual," "jail" and "split sentence" for purposes of the Maine Criminal Code;
2. Specifying that the definitions of "day," "week," "month" and "year" apply for the purposes of imposing imprisonment or probation, administrative release or supervised release;
3. Specifying that the court, but only for an individual, may suspend all or a portion of a minimum fine or impose a lesser fine other than the mandatory fine for certain drug offenses, assault and operating under the influence if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty; and
4. For purposes of imposition of a fine based on the value of a scheduled drug that is the basis for a conviction, requiring the State to plead and prove the value of the scheduled drug.

### PART C

Part C provides for the correction and update of other sections of law not touched in the bill, such as cross-references in the Maine Revised Statutes to provisions of law repealed in this bill.

### **Enacted Law Summary**

Public Law 2019, chapter 113 recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3 and other portions of the Maine Criminal Code and amends other laws affected by the recodification and revision accordingly. The law reorganizes certain portions of the Maine Criminal Code to be more logical and user-friendly while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 17-A.

### PART A

Part A recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3 as follows:

1. Chapter 61, General Sentencing Provisions, which is the current chapter 47:
  - A. Allows the court to accept a plea agreement between the attorney for the State and the defendant that provides for an agreed-upon authorized sentencing alternative, the imposition of which is deferred;
  - B. Specifies that, as with the Department of Corrections, the legal authority of jails to transfer individuals

## *Joint Standing Committee on Criminal Justice and Public Safety*

from one facility to another by agreement is not impaired by the provisions of chapter 61;

C. Subjects to forfeiture a firearm that constitutes the basis for a conviction of aggravated unlawful operation of a methamphetamine laboratory;

D. Clarifies that the maximum term of imprisonment for a Class D crime is less than one year; and

E. Requires that a court terminate probation, administrative release or supervised release if the court determines that the previously imposed sentence and the new sentence must be served consecutively;

### 2. Chapter 63, Sentences of Imprisonment, which is the current chapter 51:

A. Specifies that, in imposing a sentencing alternative that includes a term of imprisonment, the court is required to set a definite period of imprisonment;

B. Specifies the steps of the sentencing process the court must take in imposing a sentence for the crime of murder;

C. Specifies that the court must employ specific steps of the sentencing process when imposing a period of supervised release after imprisonment and determine the appropriate period of supervised release;

D. Specifies that no portion of a term of imprisonment for murder may be suspended;

E. Specifies that, unless the law that the individual is convicted of violating expressly provides that an authorized term of imprisonment may not be suspended and if the individual is eligible for probation or administrative release, a court may suspend the authorized term of imprisonment in whole or in part and accompany the suspension with a period of probation or administrative release. The period of probation may not exceed the maximum period of probation authorized for the crime, and the period of administrative release may not exceed one year;

F. Clarifies that provisions regarding a previously imposed sentence when a new sentence is to be served consecutively apply to administrative release as well as probation;

G. Clarifies that when an individual is committed to a Department of Corrections correctional facility the sentence commences on the date on which the individual is received into the correctional facility designated as the place of confinement by the Commissioner of Corrections or the commissioner's designee instead of designated solely by the commissioner;

H. Does not retain the provision in current law prohibiting the court from resentencing a defendant if the sentences are consecutive as a matter of law;

I. Includes administrative release in the provision prohibiting a court from imposing a sentence of imprisonment, not wholly suspended, to be served consecutively with any split sentence, or to any sentence including supervised release previously imposed or imposed on the same date, if the net result would be to have the individual released from physical confinement be on probation, administrative release or supervised release for the first sentence and thereafter be required to serve an unsuspended term of imprisonment on the 2nd sentence; and

J. Allows the court to rearrange the order of sentences;

### 3. Chapter 65, Fines, Fees, Assessments and Surcharges, gathers various provisions regarding fines, fees, assessments and surcharges from throughout Part 3 into one chapter. Specifically, chapter 65 does the following:



## *Joint Standing Committee on Criminal Justice and Public Safety*

### A. Subchapter 1, Fines, which is the current chapter 53:

- (1) Requires the court, in imposing a sentencing alternative that includes a fine, to set a specific amount of money;
- (2) Collects the current statutory exceptions to the maximum fine amounts based on the class of the crime and requires that the State plead and prove each of them. The definition and sentence hearing procedure for the pecuniary gain exception are also changed;
- (3) Specifies that, for purposes of a default hearing, "convicted person" includes an individual or individuals authorized to make disbursements from the assets of a convicted organization;
- (4) Subjects a person on administrative release to the provisions regarding reporting of default and motions to revoke based on failure to pay a fine; and
- (5) Treats the imposition of community service work for an unexcused default as a stand-alone court sanction instead of as a sentencing alternative as under current law; and

### B. Subchapter 2, Fees, Assessments and Surcharges, which is the current chapters 49, 54-B, 54-F and 54-G:

- (1) Specifies that the provisions regarding failure to pay a county jail reimbursement fee apply to a person on administrative release as well as on probation;
- (2) Changes the credit that an individual committed for nonpayment of a reimbursement fee is given toward the payment of a reimbursement fee for each day of confinement that the individual is in custody to not be less than \$25 or more than \$100;
- (3) Specifies that a court may impose other surcharges and assessments that are outside the Maine Criminal Code; and
- (4) Specifies that the authority of the Supreme Judicial Court to impose fees, surcharges or assessments by administrative order or rule is not affected by the provisions of chapter 65;

4. Chapter 67, Conditional Release, contains the provisions of law regarding probation, administrative release, supervised release for sex offenders and deferred disposition with the following changes:

### A. Subchapter 1, Probation, which is the current chapter 49:

- (1) Requires the court in imposing a sentencing alternative under section 1502 that includes a period of probation to set a definite period of probation;
- (2) Authorizes any court to rearrange the order of sentences; and
- (3) Authorizes a probation officer to offer a person who has violated probation in a noncriminal manner the option of participating in a public restitution program or treatment program administered through a correctional facility or county jail instead of commencing a probation revocation proceeding or residing at a county jail or, as under current law, a correctional facility, for a period of time not exceeding 90 days; and

### B. Subchapter 2, Administrative Release, which is the current chapter 54-G:

## *Joint Standing Committee on Criminal Justice and Public Safety*

(1) Allows a court to terminate a period of administrative release that would delay commencement of a consecutive unsuspended term of imprisonment;

(2) Requires the court, as a result of an administrative release revocation hearing, to respecify the place of imprisonment for both the portion of previously suspended sentence of imprisonment required to be served and any remaining suspended portion if necessary to carry out the intent of section 1805, subsection 1, paragraph D; and

(3) Does not retain the current provisions of law that specify a suspended sentence with administrative release commences on the date the person goes into actual execution of the sentence; and

C. Subchapter 3, Supervised Release for Sex Offenders, which is the current chapter 50, authorizes a court to terminate a period of supervised release that would delay commencement of a consecutive unsuspended term of imprisonment;

5. Chapter 71, Community Service Work, which is the current chapter 54-C:

A. Requires an individual who has been sentenced to perform a specified number of hours of community service work and who is in danger of default for failing to complete the work in the manner ordered by the court to request a modification to avoid the default. The court may modify its prior order as to the time for completion, the nature of the work to be performed or the entity for which the work is to be performed; and

B. Specifies the process for a default proceeding for an individual who has been sentenced to perform community service work who fails to complete the sentence, including a reporting process to the court, a motion and hearing process to adjudicate the default, which includes the right to counsel, and specific dispositional alternatives available to the court both in the case of an unexcused default and an excused default;

6. Chapter 75, Victims' Rights, which is the current chapter 48, provides a definition of "immediate family" of the victim; and

7. Chapter 81, Administration of Imposed Sentences of Imprisonment, contains the provisions of law regarding administration of imposed sentences of imprisonment, including the place of commitment and calculations of deductions for time detained prior to and after conviction, including discretionary deductions, and:

A. Establishes definitions of "jail" and "sentence of imprisonment" for purposes of the chapter;

B. Establishes a section for provisions that apply generally to sentences of imprisonment, such as deductions and how those deductions are applied to concurrent and consecutive sentences;

C. Specifies that detention in a mental health institution is considered the same as detention in a correctional facility, jail or local lockup for purposes of calculating deductions;

D. Does not retain the current provision of law giving the attorney for the State the right to be heard at the time of sentence and to recommend a specific sentence or other disposition and requiring the court to consider any statements made by the attorney for the State, along with all other appropriate factors, in determining the sentence. It also does not retain the references to current chapter 48, Victims' Rights;

E. Clarifies that the restoration of certain deductions requires a determination that is in the discretion of the chief administrative officer of the correctional facility or the jail administrator; and

*Joint Standing Committee on Criminal Justice and Public Safety*

F. Requires that a person who is being detained for the conduct for which the sentence is imposed receives credit for time detained in a mental health institute.

**PART B**

Part B makes changes to the current law to reflect the changes made in Part A, including:

1. Adding new definitions of "concurrent sentence," "consecutive sentence," "individual," "jail" and "split sentence" for purposes of the Maine Criminal Code;
2. Specifying that the definitions of "day," "week," "month" and "year" apply for the purposes of imposing imprisonment or probation, administrative release or supervised release;
3. Specifying that the court, but only for an individual, may suspend all or a portion of a minimum fine or impose a lesser fine other than the mandatory fine for certain drug offenses, assault and operating under the influence if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty; and
4. For purposes of imposition of a fine based on the value of a scheduled drug that is the basis for a conviction, requiring the State to plead and prove the value of the scheduled drug.

**PART C**

Part C provides for the correction and update of other sections of law not touched in the bill, such as cross-references in the Maine Revised Statutes to provisions of law repealed in this bill.

Public Law 2019, chapter 113 was enacted as an emergency measure effective May 16, 2019.

**LD 1408      An Act To Allow Law Enforcement Officers To Wear Insignia on Their Uniforms To Indicate That They Are Veterans**

**PUBLIC 221**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E HARRINGTON M	OTP-AM	S-115

This bill allows a law enforcement officer employed by the State, a county or a municipality to wear insignia on the law enforcement officer's uniform to indicate that the law enforcement officer is a veteran of the Armed Forces of the United States. It directs the Department of Public Safety to adopt routine technical rules to implement the change in law.

**Committee Amendment "A" (S-115)**

This amendment replaces the bill. The amendment authorizes a law enforcement agency to allow a law enforcement officer who is a veteran of the Armed Forces of the United States and who is employed by the agency to wear insignia on the officer's uniform to indicate that the officer is a veteran.

**Enacted Law Summary**

Public Law 2019, chapter 221 authorizes a law enforcement agency to allow a law enforcement officer who is a veteran of the Armed Forces of the United States and who is employed by the agency to wear insignia on the officer's uniform to indicate that the officer is a veteran.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1421 An Act To Amend the Maine Bail Code**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R BREEN C		

This bill amends the Maine Bail Code in the following ways:

1. Clarifies the rebuttable presumption that, except for formerly capital offenses, a defendant must be released on personal recognizance with no conditions;
2. Increases the burden of proof for justifying not releasing a defendant on personal recognizance or upon execution of an unsecured appearance bond;
3. Removes from the list of authorized bail conditions the condition of refraining from the possession, use or excessive use of alcohol or use of illegal drugs, the condition of reporting on a regular basis to the defendant's attorney and the condition of returning to custody for specified hours after work release, schooling or other purposes;
4. Removes from bail conditions requirements that the defendant refrain from criminal conduct and that the integrity of the judicial system be ensured;
5. Makes changes to the information that must be taken into account when determining bail for the defendant;
6. Requires a judicial officer when determining bail to find by clear and convincing evidence that imposing a financial condition on a defendant will not cause excessive financial hardship on the defendant and requires that judicial officer to state on the record or in writing the findings upon which the determination is made; and
7. Adds to the list of facts a judicial officer must consider when determining bail whether the defendant is the primary person responsible for the care of another, has a health care need including a mental health care need that is being met or would be better met outside of custody or has employment that would be affected if the defendant is placed in custody.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1422 An Act Regarding Conditions in Correctional Facilities for Female Prisoners**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to ensure the fair treatment of women who are incarcerated.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1466 An Act To Allow Community-based Organizations To Participate in Diversion Projects for Persons with Substance Use Disorder**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R		

This bill amends the Substance Use Disorder Assistance Program, which is a program that provides grants to municipalities, counties and regional jails to carry out projects designed to reduce substance use, substance use-related crimes and recidivism, to include community-based organizations as entities eligible for grants under the program. "Community-based organization" is defined as a nonprofit community organization that provides substance use disorder services to individuals, including, without limitation, substance use assessment, treatment, education or support group service.

See biennial budget, Public Law 2019, chapter 343, Parts CCCCC and DDDDD.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1479 An Act To Clarify Guardianship over Detainees under 18 Years of Age Regarding Mental Health Care**

**PUBLIC 155**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORALES V	OTP	

This bill clarifies that the statutory guardianship power of the Commissioner of Corrections over detainees under 18 years of age extends not only to necessary medical care but also to necessary mental health care.

**Enacted Law Summary**

Public Law 2019, chapter 155 clarifies that the statutory guardianship power of the Commissioner of Corrections over detainees under 18 years of age extends not only to necessary medical care but also to necessary mental health care.

**LD 1485 An Act To Create a Contact Person Program in the Department of Public Safety**

**PUBLIC 442**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COSTAIN D DESCHAMBAULT S	OTP-AM	H-373

This bill creates the at-risk persons program to provide law enforcement officers with the contact information for a person designated by an at-risk person or that person's legal guardian. The program also provides access to information that may aid in maximizing the safety of the at-risk person during an encounter with a law enforcement officer.

**Committee Amendment "A" (H-373)**

This amendment replaces the bill and title. The amendment requires the Department of Public Safety to develop and implement a contact person program, a voluntary program to assist a law enforcement officer with

***Joint Standing Committee on Criminal Justice and Public Safety***

communications with a participating person during an encounter between the participating person and the law enforcement officer. A participating person is a person who voluntarily applies or whose legal guardian applies to the program. The program must provide the law enforcement officer with access to contact information and must interface with the State's telecommunications and radio message switching system. The program must include standards of procedure for law enforcement agencies consistent with policies adopted by the department. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2019, chapter 442 requires the Department of Public Safety to develop and implement a contact person program, a voluntary program to assist a law enforcement officer with communications with a participating person during an encounter between the participating person and the law enforcement officer. A participating person is a person who voluntarily applies or whose legal guardian applies to the program. The program must provide the law enforcement officer with access to contact information and must interface with the State's telecommunications and radio message switching system. The program must include standards of procedure for law enforcement agencies consistent with policies adopted by the department.

**LD 1492 An Act To Reform Drug Sentencing Laws**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P SANBORN L		

This bill amends the Maine Criminal Code provisions regarding scheduled drugs by relaxing or eliminating provisions regarding trafficking and furnishing, unlawful possession of scheduled drugs, trafficking, furnishing or possession of hypodermic apparatuses, use of drug paraphernalia and trafficking or furnishing of imitation drugs.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1509 An Act To Amend the Laws Governing the Maine Uniform Building and Energy Code To Ensure It Is Consistent with Current Standards and Applies to Small Municipalities**

**PUBLIC 391**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D CHIPMAN B	OTP-AM ONTP	H-592

This bill adds the executive director of the Efficiency Maine Trust to the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board. The bill requires the Technical Building Codes and Standards Board to amend the Maine Uniform Building and Energy Code so as to be consistent with the most recent edition of the International Energy Conservation Code published by the International Code Council, as well as the most recent edition of the International Mechanical Code published by the International Code Council. Beginning July 1, 2020, the bill also prohibits a municipality from adopting or enforcing a building or energy code other than the Maine Uniform Building and Energy Code and requires that any municipality that has adopted a building or energy code by July 1, 2020 adopt and enforce the Maine Uniform Building and Energy Code.

**Committee Amendment "A" (H-592)**

This amendment, which is the majority report of the committee, strikes and replaces the bill and makes the following changes:

*Joint Standing Committee on Criminal Justice and Public Safety*

1. Lists as mandatory the specific codes that must comprise the Maine Uniform Building and Energy Code;
2. Requires that each new version of a code or standard that is part of the Maine Uniform Building and Energy Code must be reviewed as it is published and that the Technical Building Codes and Standards Board must adopt either the most recent edition or the previous edition of each code or standard;
3. Makes the Maine Uniform Building and Energy Code applicable statewide but does not require municipalities under 4,000 residents to enforce the code; and
4. Provides that the Director of the Efficiency Maine Trust serves as a nonvoting member of the Technical Building Codes and Standards Board.

**Enacted Law Summary**

Public Law 2019, chapter 391 does the following:

1. Lists as mandatory the specific codes that must comprise the Maine Uniform Building and Energy Code;
2. Requires that each new version of a code or standard that is part of the Maine Uniform Building and Energy Code must be reviewed as it is published and that the Technical Building Codes and Standards Board must adopt either the most recent edition or the previous edition of each code or standard;
3. Makes the Maine Uniform Building and Energy Code applicable statewide but does not require municipalities under 4,000 residents to enforce the code; and
4. Provides that the Director of the Efficiency Maine Trust serves as a nonvoting member of the Technical Building Codes and Standards Board.

**LD 1534 An Act To Amend Maine Fireworks Laws To Include Flame Effects**

**PUBLIC 249**

Sponsor(s)  
WARREN C

Committee Report  
OTP-AM

Amendments Adopted

This bill amends fireworks laws in the following ways:

1. By adding the term "flame effects" to the definition of "display";
2. By adding flame effects to the types of displays for which a permit must be obtained; and
3. By removing the requirement that indoor pyrotechnic events be monitored by the State Fire Marshal or the State Fire Marshal's designee and instead requiring that indoor pyrotechnic and flame effects events be inspected by the State Fire Marshal or the State Fire Marshal's designee.

**Committee Amendment "A" (H-286)**

This amendment adds an emergency preamble and emergency clause in order for the bill to take effect when approved and provide inspections for flame effects shows during the summer and fall 2019 seasons.

This amendment was not adopted.

**Enacted Law Summary**

*Joint Standing Committee on Criminal Justice and Public Safety*

Public Law 2019, chapter 249 amends the fireworks laws in the following ways:

1. By adding the term "flame effects" to the definition of "display;"
2. By adding flame effects to the types of displays for which a permit must be obtained; and
3. By removing the requirement that indoor pyrotechnic events be monitored by the State Fire Marshal or the State Fire Marshal's designee and instead requiring that indoor pyrotechnic and flame effects events be inspected by the State Fire Marshal or the State Fire Marshal's designee.

**LD 1543 An Act To Amend the Maine Uniform Building and Energy Code**

**PUBLIC 392**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B	OTP-AM ONTP	S-235

This bill amends provisions regarding the Maine Uniform Building and Energy Code by requiring the Technical Building Codes and Standards Board to adopt and maintain an appendix to the Maine Uniform Building and Energy Code that contains energy conservation and efficiency requirements that exceed the requirements in the code, to make the appendix available for voluntary adoption by municipalities and to maintain a list of those municipalities on the board's publicly accessible website.

**Committee Amendment "A" (S-235)**

This amendment requires that as the Maine Uniform Building and Energy Code is updated the Technical Building Codes and Standards Board ensure that the appendix continues to exceed the energy conservation and efficiency standards contained in the Maine Uniform Building and Energy Code.

**Enacted Law Summary**

Public Law 2019, chapter 392 requires the Technical Building Codes and Standards Board to adopt a voluntary appendix to the Maine Uniform Building and Energy Code that contains energy conservation and efficiency standards that exceed those contained in the Maine Uniform Building and Energy Code. The bill also requires the Technical Building Codes and Standards Board to ensure the appendix continues to exceed the energy conservation and efficiency standards contained in the Maine Uniform Building and Energy Code as the code is updated.

**LD 1550 An Act To Create a Victims' Compensation Fund for Victims of Property Crimes**

**HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM ONTP	S-305 S-356 LIBBY N

This bill creates the Victims' Property Compensation Fund to compensate victims of crimes in which the victims suffered property losses, patterned after the existing Victims' Compensation Fund, which compensates victims of crimes for damages resulting from personal injuries resulting from those crimes. The Victims' Property Compensation Fund is funded by an assessment of \$10 on any person convicted of murder or a Class A crime, Class B crime or Class C crime and \$5 on any person convicted of a Class D crime or Class E crime and may compensate a victim of a property crime up to \$5,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The bill provides that the existing Victims' Compensation Board hears claims made upon the Victims' Property Compensation Fund.



***Joint Standing Committee on Criminal Justice and Public Safety***

**Committee Amendment "A" (S-305)**

This amendment adds two members to the Victims' Compensation Board, amends its quorum from two to three members and clarifies that the board performs the duties assigned to it under the victims' property compensation program beginning July 1, 2022. The amendment allows the board to compensate a victim of a crime up to \$1,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The amendment provides July 1, 2022 as the date on which the board is authorized to begin to process or pay claims. The amendment removes from the bill the prohibition on the court's waiving the imposition of the assessment that funds the Victims' Property Compensation Fund. The amendment removes from the bill eligibility for an award for a person who is the victim of a crime that occurred in another state or a crime of terrorism that occurred outside of the country. The amendment provides for rulemaking for the Victims' Property Compensation Fund and designates rules for both this fund and the Victims' Compensation Fund as routine technical rules. The amendment amends the law on restitution for victims of a crime so that, once a victim has been compensated as allowed by law from either fund or a combination of a fund and restitution, any additional restitution payments are paid into the applicable fund. The provisions of law incorporating the Victims' Property Compensation Fund into the duties of the Victims' Compensation Board and increasing the membership of that board do not apply until July 1, 2022.

**Senate Amendment "A" To Committee Amendment "A" (S-356)**

This amendment authorizes the judicial branch in fiscal year 2019-20 to retain up to \$10,000 of the funds collected pursuant to the assessments imposed on convicted persons to be used by the judicial branch for technology-related upgrades.

**LD 1569 An Act To Prohibit Untraceable and Undetectable Firearms**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	ONTP	

This bill regulates the manufacture, distribution and possession of so-called ghost guns and so-called 3-D printed guns or 3-D guns, which are fully functioning firearms that can be made at home by unlicensed firearm manufacturers, sellers and distributors either by purchasing the necessary parts separately, or as part of mail order gun kits, and then assembling them at home or by downloading a computer code from the Internet that allows the user to manufacture the gun using a 3-D printer. This bill provides definitions of "undetectable firearm" and "untraceable firearm" and prohibits the manufacture, import, sale, transfer and possession of such firearms with certain exceptions. This bill also prohibits, with certain exceptions, the dissemination of downloadable gun code from which untraceable firearms can be manufactured.

**LD 1632 An Act Regarding Criminal Procedure with Respect to Allowable Defenses**

**PUBLIC 462**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C CHENETTE J	OTP ONTP	

This bill prohibits the use of what is referred to as the "gay and trans panic defense."

The bill provides that when considering whether a defendant has an abnormal condition of the mind in determining whether a requisite culpable mental state exists in the defendant, a determination of abnormal condition of the mind may not be based on the defendant's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which

***Joint Standing Committee on Criminal Justice and Public Safety***

the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The bill excludes from the affirmative defense for murder that the defendant acted on the basis of extreme anger or extreme fear based on provocation by prohibiting the alleged cause of provocation from being solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The bill provides that a person's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship, may not be used as the sole justification for the use of force against the victim.

**Enacted Law Summary**

Public Law 2019, chapter 462 prohibits the use of what is referred to as the "gay and trans panic defense."

The law provides that when considering whether a defendant has an abnormal condition of the mind in determining whether a requisite culpable mental state exists in the defendant, a determination of abnormal condition of the mind may not be based on the defendant's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The law excludes from the affirmative defense for murder that the defendant acted on the basis of extreme anger or extreme fear based on provocation by prohibiting the alleged cause of provocation from being solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The law provides that a person's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship, may not be used as the sole justification for the use of force against the victim.

**LD 1636 An Act To Increase the Efficiency of the Criminal Justice System**

**ONTP**

Sponsor(s)  
CARPENTER M

Committee Report  
ONTP

Amendments Adopted

Part A of this bill makes changes to law enforcement by Department of Inland Fisheries and Wildlife game wardens. Specifically, it does the following:

1. Requires the Commissioner of Inland Fisheries and Wildlife to designate for the warden service the Uniform Summons and Complaint as the citation form for criminal violations and the Violation Summons and Complaint for civil violations;

## *Joint Standing Committee on Criminal Justice and Public Safety*

2. Clarifies that the Department of Public Safety is responsible for all Uniform Summons and Complaint forms issued to the warden service;
3. Designates the Uniform Summons and Complaint as the form for use in criminal prosecutions and the Violation Summons and Complaint as the form for use in civil prosecutions and provides procedures for their use and for prosecutions under the Maine Revised Statutes, Title 12, Part 13;
4. Makes failure to sign a Violation Summons and Complaint form a Class E crime, as is failure to sign the Uniform Summons and Complaint;
5. Makes improper disposal by a warden or other public employee of a Violation Summons and Complaint form a Class E crime, as is improper disposal of a Uniform Summons and Complaint;
6. Grants jurisdiction to the Unified Criminal Docket for criminal prosecutions under Title 12, Part 13 and jurisdiction to the District Court violations bureau, established pursuant to Title 4, section 164, subsection 12, for civil prosecutions and requires a warden who issues a Violation Summons and Complaint to file the original with the violations bureau within five days of issuance; and
7. Amends the definition of "habitual violators" in the inland fisheries and wildlife laws to apply to criminal violations, civil violations and combinations of civil and criminal violations.

Part B of this bill makes the following changes to the Maine Criminal Code:

1. Regarding civil violations that designate as inadmissible evidence that is obtained pursuant to an unlawful search and seizure, eliminates language that limits that provision to civil violations involving illegal possession of marijuana and butyl nitrite and isobutyl nitrite;
2. Regarding civil violations, adds a provision authorizing a law enforcement officer who has probable cause to make application for a search warrant;
3. Regarding indictment and jurisdiction, grants jurisdiction to the Unified Criminal Docket to try Class D and E crimes, to impose sentence in Class A, B and C crimes in which the Unified Criminal Docket has accepted a plea of guilty and to prosecute an offense under Title 17, chapter 42 when the district attorney has designated the offense as a civil violation;
4. Regarding indictment and jurisdiction, provides jurisdiction to the District Court violations bureau in prosecutions for civil violations except for prosecutions pursuant to Title 17, chapter 42; and
5. Provides for the use statewide of the standardized Violation Summons and Complaint form and provides the procedures for the use of the form. It designates as Class E crimes failure to sign the Violation Summons and Complaint form and improper disposal of a Violation Summons and Complaint form by a law enforcement officer or other public employee, and it requires the issuing law enforcement officer to file the original with the violations bureau within five days of issuance.

Part C of this bill amends the motor vehicle and traffic laws to provide for the use statewide of the standardized Violation Summons and Complaint form and provides the procedures for the use of the form. It designates as Class E crimes failure to sign the Violation Summons and Complaint form and improper disposal of a Violation Summons and Complaint form by a law enforcement officer, and it requires the issuing law enforcement officer to file the original with the District Court violations bureau within five days of issuance.

Part D of this bill provides an effective date for the legislation of January 1, 2020.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1675     An Act Regarding Building Codes**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S	ONTP	

This bill amends laws relating to the Maine Uniform Building and Energy Code.

1. It provides that beginning July 1, 2020, the Maine Uniform Building and Energy Code must be enforced in all municipalities regardless of population.
2. It exempts a house constructed and occupied prior to January 1, 2007 or any modification of or addition to a house constructed and occupied prior to January 1, 2007 other than a complete demolition and rebuilding of the house from the requirements of the Maine Uniform Building and Energy Code. A municipality is prohibited from requiring architectural plans to be filed for such a modification or addition.
3. It removes the option for municipalities to use 3rd-party inspectors contracted and paid for by building owners and requires municipalities that use 3rd-party inspectors to contract directly with these inspectors and to select them through a competitive bidding process. It allows 3rd-party inspectors to jointly bid on a competitive solicitation by a municipality.

**LD 1676     An Act To Enhance the Ability of the State To Prosecute the Crime of  
Operating Under the Influence**

**PUBLIC 368**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM	H-512

This bill amends the laws governing the testing of breath, blood and urine samples for the presence of alcohol and drugs by:

1. Allowing such testing to occur at a laboratory licensed to do so under the laws of this State or any other state and also certified by the Federal Government under federal law;
2. Allowing, for the taking of blood and urine samples, the use of specimen collection tubes of the type normally used in such a laboratory; and
3. Changing the allocation in the statutes of a provision of law governing the liability of persons who draw blood at the request of a law enforcement officer.

**Committee Amendment "A" (H-512)**

This amendment makes the language on liability of persons who draw blood at the request of a law enforcement officer consistent with the language in Public Law 2019, chapter 189.

**Enacted Law Summary**

Public Law 2019, chapter 368 amends the laws governing the testing of breath, blood and urine samples for the presence of alcohol and drugs by:

1. Allowing such testing to occur at a laboratory licensed to do so under the laws of this State or any other state and

*Joint Standing Committee on Criminal Justice and Public Safety*

also certified by the Federal Government under federal law;

- 2. Allowing, for the taking of blood and urine samples, the use of specimen collection tubes of the type normally used in such a laboratory; and
- 3. Changing the allocation in the statutes of a provision of law governing the liability of persons who draw blood at the request of a law enforcement officer and making that language consistent with the language in Public Law 2019, chapter 189.

See related bill LD 264.

**LD 1677      An Act To Allow Reentry Houses as Part of Supervised Community Confinement      PUBLIC 396**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	OTP-AM	H-562

This bill allows the Department of Corrections to contract with private employers for reentry houses for the purpose of providing housing and other assistance to prisoners transferred to supervised community confinement.

**Committee Amendment "A" (H-562)**

This amendment requires a reentry house to meet all state and local building and life safety codes for the type of building in which the reentry house is located.

**Enacted Law Summary**

Public Law 2019, chapter 396 allows the Department of Corrections to contract with private employers for reentry houses for the purpose of providing housing and other assistance to prisoners transferred to supervised community confinement. The law requires a reentry house to meet all state and local building and life safety codes for the type of building in which the reentry house is located.

**LD 1678      An Act To Authorize the Commissioner of Corrections To Designate Additional Employees of the Department of Corrections To Collect Biological Samples      PUBLIC 369**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN T	OTP-AM	H-547

Current law allows for the collection of biological samples that are not blood samples, such as saliva samples, from convicted adults and adjudicated juveniles by various staff of the Department of Corrections, including corrections officers and probation officers and also including other staff if they work at a department facility and are designated by the Commissioner of Corrections and are trained to collect the samples. This bill allows for collection by any staff member of the Department of Corrections who is designated by the commissioner and is trained to collect biological samples, not just a staff member of a facility.

**Committee Amendment "A" (H-547)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

*Joint Standing Committee on Criminal Justice and Public Safety*

Public Law 2019, chapter 369 allows for collection of biological samples that are not blood samples, such as saliva samples, from convicted adults and adjudicated juveniles by any staff member of the Department of Corrections who is designated by the commissioner and is trained to collect biological samples, not just a staff member of a facility.

**LD 1723      An Act To Allow the Confinement of Female Prisoners at the Long Creek Youth Development Center      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S		

This bill allows female adult prisoners to be confined at the Long Creek Youth Development Center.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1724      An Act To Amend the Maine Emergency Medical Services Act of 1982 and Related Provisions      PUBLIC 370**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S	OTP-AM ONTP	S-234

This bill amends the Maine Emergency Medical Services Act of 1982 and related provisions. The bill:

1. Amends and repeals certain definitions;
2. Adds three positions to the Medical Direction and Practices Board: a pediatric physician, an emergency medical services person licensed to provide basic life support and an emergency medical services person licensed to provide advanced life support;
3. Changes the title "statewide assistant emergency medical services medical director" to "statewide associate emergency medical services medical director";
4. Makes the statewide associate emergency medical services medical director an ex officio member of the Emergency Medical Services Board;
5. Adds a representative in the field of pediatrics to the Emergency Medical Services Board; and
6. Gives the Emergency Medical Services Board the authority to deny or refuse to renew an emergency medical services person license and to revoke a license.

**Committee Amendment "A" (S-234)**

This amendment replaces the bill and does the following;

1. The amendment amends and repeals certain definitions and changes terminology in the emergency medical services field regarding first responders and paramedics to general terminology that correlates with emergency medical services licensing;
2. The amendment adds three positions to the Medical Direction and Practices Board: a pediatric physician, an

***Joint Standing Committee on Criminal Justice and Public Safety***

emergency medical services person licensed to provide basic life support and an emergency medical services person licensed to provide advanced life support;

3. The amendment changes the job title "statewide assistant emergency medical services medical director" to "statewide associate emergency medical services medical director;"

4. The amendment makes the statewide associate emergency medical services medical director an ex officio member of the Emergency Medical Services Board and adds to the board a representative in the field of pediatrics; and

5. The amendment gives the Emergency Medical Services Board the authority to deny or refuse to renew an emergency medical services person license or revoke a license.

**Enacted Law Summary**

Public Law 2019, chapter 370 does the following:

1. It amends and repeals certain definitions and changes terminology in the emergency medical services field regarding first responders and paramedics to general terminology that correlates with emergency medical services licensing;

2. It adds three positions to the Medical Direction and Practices Board: a pediatric physician, an emergency medical services person licensed to provide basic life support and an emergency medical services person licensed to provide advanced life support;

3. It changes the job title "statewide assistant emergency medical services medical director" to "statewide associate emergency medical services medical director;"

4. It makes the statewide associate emergency medical services medical director an ex officio member of the Emergency Medical Services Board and adds to the board a representative in the field of pediatrics; and

5. It gives the Emergency Medical Services Board the authority to deny or refuse to renew an emergency medical services person license or revoke a license.

**LD 1727    An Act To Correct Various Statutes Related to the Department of Corrections**

**CARRIED OVER**

Sponsor(s)

COREY P

Committee Report

Amendments Adopted

This bill makes corrections to various statutory provisions related to the Department of Corrections.

Sections 1 and 2 amend the part of the Maine Juvenile Code having to do with authorized places of detention for juveniles that, due to an oversight, was not amended when the Maine Revised Statutes, Title 34-A was amended to allow adults to be housed at the Mountain View Correctional Facility.

Section 3 amends a statutory provision having to do with the collection of restitution from former Department of Corrections clients to recognize that the time and method of payment of restitution are, in some cases, determined by the sentencing court and not the department.

Section 4 removes an inapposite reference from a statutory provision authorizing rules for work release, furlough and other rehabilitative programs.

***Joint Standing Committee on Criminal Justice and Public Safety***

Section 5 corrects a grammatical error in a statutory provision relating to supervised community confinement.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1756    An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community**

**HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DESCHAMBAULT S	OTP-AM	H-580

This bill requires the Commissioner of Corrections to enter into agreements with other state agencies to ensure that prisoners and juvenile clients receive coordinated assistance with reentry and receive services and benefits upon release into the community. It also authorizes the commissioner to enter into similar agreements with federal agencies and community agencies. Under current law, the amount of time a prisoner must serve prior to being transferred to supervised community confinement is based on the term of imprisonment. The bill removes that distinction. The bill removes a provision of law providing that if the commissioner determines that the average statewide probation case load is no more than 90 probationers to one probation officer, a prisoner may be transferred to supervised community confinement if the prisoner has no more than two years remaining on the term of imprisonment or unsuspended portion of a split sentence. Under current law, the commissioner may transfer any client from one correctional or detention facility or program to another. The bill adds sober houses, transitional housing and reentry programs to the list of such facilities in current law.

**Committee Amendment "A" (H-580)**

This amendment updates the language in the bill to reflect changes made this session and adds a requirement that the Department of Corrections establish a steering committee focused on assessing and examining the supervised community confinement program and reentry policies, practices and procedures.

**LD 1795    An Act To Clarify Requirements for Assisted Living Programs Regarding Fire Safety Inspections**

**PUBLIC 338**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G	OTP	

This bill amends the law governing fire safety inspection for assisted living programs to require inspections using the chapter pertaining to the applicable building type of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal.

**Enacted Law Summary**

Public Law 2019, chapter 338 amends the law governing fire safety inspection for assisted living programs to require inspections using the chapter pertaining to the applicable building type of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal.



*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1834    An Act Regarding Prostitution**

**PUBLIC 316**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported out by the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Order 2019, H.P. 1278 and was not referred back to committee. Under the current law, the crime of engaging in prostitution is a Class E crime, punishable by a fine only; the penalty for a subsequent conviction that occurs within two years of a prior conviction for engaging in prostitution is a Class D crime. This bill changes the penalty for a subsequent conviction of engaging in prostitution that occurs within two years of the first conviction to a Class E crime and specifies that a deferred disposition for subsequent convictions is the preferred disposition.

**Enacted Law Summary**

Public Law 2019, chapter 316 was reported out by the committee pursuant to Joint Order 2019, H.P. 1278. Under the current law, the crime of engaging in prostitution is a Class E crime, punishable by a fine only; the penalty for a subsequent conviction that occurs within two years of a prior conviction for engaging in prostitution is a Class D crime. This law changes the penalty for a subsequent conviction of engaging in prostitution that occurs within two years of the first conviction to a Class E crime and specifies that a deferred disposition for subsequent convictions is the preferred disposition.

See also LD 974.

This bill was a companion bill to LD 326, which was voted Ought Not to Pass.

*Joint Standing Committee on Criminal Justice and Public Safety*

**SUBJECT INDEX**

**Animal Cruelty**

**Enacted**

<b>LD 64</b>	<b>An Act To Make Post-conviction Possession of Animals a Criminal Offense</b>	<b>PUBLIC 99</b>
<b>LD 1090</b>	<b>An Act To Update the Criminal Animal Welfare Laws</b>	<b>PUBLIC 237</b>

**Asset Forfeiture**

**Enacted**

<b>LD 324</b>	<b>An Act Regarding Forfeiture of Assets of Persons Convicted of Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses, Aggravated Criminal Forced Labor Offenses and Criminal Forced Labor Offenses</b>	<b>PUBLIC 97</b>
---------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------

**Not Enacted**

<b>LD 677</b>	<b>An Act Regarding the Use of Seizure and Forfeitures by Law Enforcement</b>	<b>ONTP</b>
---------------	-------------------------------------------------------------------------------	-------------

**Building Code**

**Enacted**

<b>LD 855</b>	<b>An Act To Strengthen the Maine Uniform Building and Energy Code</b>	<b>PUBLIC 517</b>
<b>LD 1509</b>	<b>An Act To Amend the Laws Governing the Maine Uniform Building and Energy Code To Ensure It Is Consistent with Current Standards and Applies to Small Municipalities</b>	<b>PUBLIC 391</b>
<b>LD 1543</b>	<b>An Act To Amend the Maine Uniform Building and Energy Code</b>	<b>PUBLIC 392</b>

**Not Enacted**

<b>LD 921</b>	<b>An Act To Allow Municipalities To Adopt Stricter Building and Energy Code Standards Than the Maine Uniform Building and Energy Code</b>	<b>Majority (ONTP) Report</b>
---------------	--------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------

LD 1675      **An Act Regarding Building Codes**      **ONTP**

**Criminal Law**

**Enacted**

LD 329      **An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency**      **PUBLIC 137**

LD 485      **An Act Regarding Actions of the Owner or Keeper of a Dog That Assaults a Person and Causes an Injury That Requires Medical Attention**      **PUBLIC 134**

LD 779      **An Act To Improve the Definition of "Strangulation" in the Aggravated Assault Laws**      **PUBLIC 91**

LD 1022      **An Act To Establish as a Class C Crime Criminal Conduct in Retaliation against a Witness, Informant, Victim or Juror**      **PUBLIC 309**

LD 1632      **An Act Regarding Criminal Procedure with Respect to Allowable Defenses**      **PUBLIC 462**

**Not Enacted**

LD 44      **An Act Regarding the Maine Criminal Code**      **CARRIED OVER**

LD 134      **An Act Concerning the Composition of the Criminal Law Advisory Commission**      **Majority (ONTP) Report**

LD 262      **An Act To Protect Law Enforcement and Corrections Officers by Creating the Crime of Aggravated Assault on an Officer**      **Majority (ONTP) Report**

LD 316      **An Act To Protect Vulnerable Persons from Theft**      **CARRIED OVER**

LD 332      **An Act To Remove the Statute of Limitations for Certain Sex Crimes**      **ONTP**

LD 342      **An Act To Require a Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle**      **ONTP**

LD 449      **An Act To Impose a Mandatory Sentence for the Crime of Aggravated Unlawful Operation of a Methamphetamine Laboratory**      **ONTP**

LD 533      **An Act To Eliminate the Statutory Duty To Retreat and Affirm the Right of Self-defense**      **Majority (ONTP) Report**

LD 700      **An Act To Prevent Internet Theft**      **CARRIED OVER**

LD 871	An Act To Establish the Crime of Endangering the Welfare of a Child by Transferring Illegal Drugs through Breast Milk	Leave to Withdraw Pursuant to Joint Rule 310
LD 926	An Act To Protect Hospital Employees from Assault	ONTP
LD 1018	Resolve, To Review the Laws Governing the Enforcement of Protection from Abuse Orders	ONTP
LD 1023	An Act Regarding the Definition of "Serious Bodily Injury" in the Maine Criminal Code	CARRIED OVER
LD 1199	An Act To Protect the Safety of Health Care Workers	ONTP
LD 1215	An Act Relating to Defenses and Self-defense in the Maine Criminal Code	CARRIED OVER
LD 1249	An Act To Prohibit Infringing on the Rights of Association of Dependent Adults	HELD BY GOVERNOR
LD 1636	An Act To Increase the Efficiency of the Criminal Justice System	ONTP

**Criminal Procedure/Bail/Sentencing**

**Enacted**

LD 1407	An Act To Revise and Recodify Certain Provisions of the Maine Criminal Code	PUBLIC 113 EMERGENCY
---------	-----------------------------------------------------------------------------	-------------------------

**Not Enacted**

LD 182	An Act To Amend the Maine Bail Code Regarding the Financial Capacity of a Defendant To Post Bond	CARRIED OVER
LD 223	An Act Regarding Community Service Sentencing	ONTP
LD 635	An Act Related to Community Reparations Boards	ONTP
LD 828	An Act Concerning the Release of the Name of a Deceased Individual	ONTP
LD 1421	An Act To Amend the Maine Bail Code	CARRIED OVER
LD 1492	An Act To Reform Drug Sentencing Laws	CARRIED OVER

*Department of Corrections*

Enacted

LD 829	Resolve, To Reestablish the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners	RESOLVE 104
LD 1677	An Act To Allow Reentry Houses as Part of Supervised Community Confinement	PUBLIC 396
LD 1678	An Act To Authorize the Commissioner of Corrections To Designate Additional Employees of the Department of Corrections To Collect Biological Samples	PUBLIC 369
LD 1795	An Act To Clarify Requirements for Assisted Living Programs Regarding Fire Safety Inspections	PUBLIC 338

Not Enacted

LD 128	An Act To Reopen the Downeast Correctional Facility	ONTP
LD 205	An Act To Add Work Assignments to the Law Regarding Notification of a Defendant's Release or Escape	ONTP
LD 215	An Act To Increase the Reimbursement Rate for Ambulance Service Paid by the Department of Corrections	CARRIED OVER
LD 608	An Act To Provide Funding for a Correctional Facility in Downeast Maine	CARRIED OVER
LD 693	An Act To Create a Regional Prerelease Center	Leave to Withdraw Pursuant to Joint Rule 310
LD 802	An Act To Recruit and Retain Corrections Support Staff	CARRIED OVER
LD 1210	Resolve, To Direct the Commissioner of Corrections To Study Changes in Corrections Practices and Reinvestment in Corrections Resources To Reduce Recidivism and Control Correctional Facility Costs	CARRIED OVER
LD 1221	An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities	CARRIED OVER
LD 1346	An Act To Revise the Good Time Laws To Improve Public Safety	ONTP
LD 1422	An Act Regarding Conditions in Correctional Facilities for Female Prisoners	CARRIED OVER
LD 1723	An Act To Allow the Confinement of Female Prisoners at the Long Creek Youth Development Center	CARRIED OVER

LD 1727	An Act To Correct Various Statutes Related to the Department of Corrections	CARRIED OVER
LD 1756	An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community	HELD BY GOVERNOR

**Domestic Violence**

**Enacted**

LD 18	An Act To Ensure Proper Prosecution of Crimes Involving Domestic Violence and Enhance Protection of Victims of Domestic Violence	PUBLIC 412 EMERGENCY
-------	----------------------------------------------------------------------------------------------------------------------------------	-------------------------

**Fire Marshal**

**Enacted**

LD 353	An Act Regarding the Safety of Recovery Residences	PUBLIC 358
--------	----------------------------------------------------	------------

**Not Enacted**

LD 113	An Act To Exclude Antique Tractors from the Laws Governing Motor Vehicle Racing	ONTP
LD 430	An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares	CARRIED OVER
LD 1143	An Act To Exclude Tractor Pulling from Certain Rules Governing Motor Vehicle Racing	ONTP
LD 1293	An Act To Improve Investigative Efficiencies at the State Fire Marshal's Office	CARRIED OVER

**Firearms/Concealed Firearms**

**Not Enacted**

LD 379	An Act To Protect Children by Requiring the Safe Storage of Loaded Firearms	Majority (ONTP) Report
LD 516	An Act To Establish a Statewide Voluntary Firearm Collection Day and Ongoing Program	ONTP
LD 747	An Act To Promote the Safe Use and Sale of Firearms	ONTP
LD 810	An Act To Require Background Checks for All Private Firearm Sales or Transfers Except between Family Members	ONTP

LD 869	An Act Regarding Gun Control	ONTP
LD 1033	An Act To Protect Children from Accidental Injury Due to Unsafe Storage of Firearms	ONTP
LD 1071	An Act To Prohibit the Sale of High-capacity Magazines	ONTP
LD 1099	An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm	Majority (ONTP) Report
LD 1276	An Act To Better Enforce the Prohibition against Dangerous Persons Possessing Firearms	Minority (ONTP) Report
LD 1569	An Act To Prohibit Untraceable and Undetectable Firearms	ONTP

### *Firefighters*

#### Enacted

LD 1092	An Act To Amend the Laws Governing Critical Incident Stress Management Teams	PUBLIC 89
---------	------------------------------------------------------------------------------	-----------

#### Not Enacted

LD 1014	An Act To Attract and Retain Firefighters	CARRIED OVER
LD 1188	An Act To Provide Preventive Counseling to Firefighters and Emergency Medical Services' Persons as Part of Their Training	ONTP

### *Fireworks*

#### Enacted

LD 1534	An Act To Amend Maine Fireworks Laws To Include Flame Effects	PUBLIC 249
---------	---------------------------------------------------------------	------------

### *Juveniles*

#### Enacted

LD 548	An Act Regarding Charging a Person under 18 Years of Age with the Crime of Engaging in Prostitution	PUBLIC 131
--------	-----------------------------------------------------------------------------------------------------	------------

LD 1397 An Act Regarding the Admissibility of Certain Statements of Juveniles PUBLIC 220

LD 1479 An Act To Clarify Guardianship over Detainees under 18 Years of Age  
Regarding Mental Health Care PUBLIC 155

Not Enacted

LD 1108 Resolve, Establishing the Task Force on Alternatives to Incarceration for  
Maine Youth CARRIED OVER

*Law Enforcement*

Enacted

LD 1408 An Act To Allow Law Enforcement Officers To Wear Insignia on Their  
Uniforms To Indicate That They Are Veterans PUBLIC 221

LD 1485 An Act To Create a Contact Person Program in the Department of Public  
Safety PUBLIC 442

Not Enacted

LD 636 Resolve, To Establish the Work Group To Study the Use of Body Cameras  
by Law Enforcement Officers CARRIED OVER

*Maine Emergency Management Agency*

Enacted

LD 1038 Resolve, To Convene a Stakeholder Group on Funding and Training for  
the State's Hazardous Materials Emergency Response Teams and the  
Acquisition of Equipment RESOLVE 49

*OUI/OAS/Other MV Violations*

Enacted

LD 264 An Act Regarding Liability for Taking a Blood Sample from an Operator  
of a Motor Vehicle Involved in a Fatal Crash PUBLIC 189

LD 648 An Act To Improve Reporting of Operating Under the Influence Offenses PUBLIC 121

LD 1111 An Act Regarding Driver's License Suspensions PUBLIC 467

LD 1676 An Act To Enhance the Ability of the State To Prosecute the Crime of  
Operating Under the Influence PUBLIC 368



**Not Enacted**

<b>LD 141</b>	<b>An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Vehicle</b>	<b>CARRIED OVER</b>
<b>LD 637</b>	<b>An Act Regarding Motor Vehicle Operation and Drug Use</b>	<b>ONTP</b>
<b>LD 762</b>	<b>An Act Regarding Consent by a Motor Vehicle Operator to a Blood Test</b>	<b>Died Between Houses</b>
<b>LD 788</b>	<b>An Act To Authorize the Use of Handheld Narcotics Analyzers</b>	<b>Majority (ONTP) Report</b>

**Prison/Jail/Inmate**

**Enacted**

<b>LD 628</b>	<b>An Act To Ensure Comprehensive Access to Menstrual Products in All Maine's Jails, County Correctional Facilities and State Correctional and Detention Facilities</b>	<b>PUBLIC 139</b>
<b>LD 767</b>	<b>An Act To Ensure the Availability of In-person Visitation in County Jails</b>	<b>PUBLIC 76</b>

**Not Enacted**

<b>LD 460</b>	<b>An Act Requiring the State To Reimburse Counties for All Costs Exceeding the Tax Assessment for Correctional Services</b>	<b>ONTP</b>
<b>LD 678</b>	<b>An Act Requiring the State To Fund 20.25 Percent of the Cost of County Jails</b>	<b>ONTP</b>
<b>LD 691</b>	<b>An Act Regarding County Jail Funding</b>	<b>ONTP</b>
<b>LD 755</b>	<b>An Act To Ensure Funding Sources for County Jails</b>	<b>ONTP</b>
<b>LD 804</b>	<b>An Act To Ensure Programming for Long-term Incarcerations at County Jails</b>	<b>Leave to Withdraw Pursuant to Joint Rule 310</b>
<b>LD 925</b>	<b>An Act Requiring the Department of Corrections To Fully Fund County Jails for Individuals Sentenced to County Jails for More Than 6 Months and Individuals Held for Probation or Parole Violations</b>	<b>ONTP</b>
<b>LD 973</b>	<b>An Act To Stabilize County Corrections</b>	<b>CARRIED OVER</b>

LD 1096	An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population	CARRIED OVER
LD 1295	An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds	CARRIED OVER
LD 1321	An Act To Amend the Laws Governing the Funding Limitation on County Jails	ONTP
LD 1466	An Act To Allow Community-based Organizations To Participate in Diversion Projects for Persons with Substance Use Disorder	CARRIED OVER

**Public Safety/Emergency Medical Services**

**Enacted**

LD 735	An Act To Create a Seat for a Representative of the Wabanaki Tribal Governments on the Board of Trustees of the Maine Criminal Justice Academy	PUBLIC 103
LD 1724	An Act To Amend the Maine Emergency Medical Services Act of 1982 and Related Provisions	PUBLIC 370

**Not Enacted**

LD 159	An Act To Require Cameras in Ambulances When a Patient Is Being Transported	ONTP
LD 306	Resolve, Requiring the Department of Public Safety To Study and Determine What Constitutes a Violation of Air Space by a Drone	ONTP
LD 1088	An Act Regarding the Maine Law Enforcement Memorial	Majority (ONTP) Report
LD 1169	An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies	CARRIED OVER

**Sex Offender Registration**

**Enacted**

LD 263	An Act To Prohibit Certain Sex Offenders from Establishing Residence in Certain Multiunit Residential Buildings in which Minors Reside	ONTP
--------	----------------------------------------------------------------------------------------------------------------------------------------	------

## *Sex Offenses - Criminal*

### Enacted

LD 67	An Act To Ensure Access to Justice for Victims of Sexual Assault	PUBLIC 483
LD 396	An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored	PUBLIC 94
LD 913	An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals	PUBLIC 494
LD 1140	An Act To Improve the Investigation and Prosecution of Sexual Assault Cases	PUBLIC 80
LD 1375	An Act To Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and To Amend the Law on Obstructing Criminal Prosecution	PUBLIC 438
LD 1834	An Act Regarding Prostitution	PUBLIC 316

### Not Enacted

LD 94	An Act To Prohibit the Dissemination of Obscene Material by Public Schools	ONTP
LD 326	An Act To Decriminalize Engaging in Prostitution	ONTP
LD 974	An Act To Amend the Penalties for Engaging in Prostitution	ONTP

## *Victim Rights*

### Not Enacted

LD 1550	An Act To Create a Victims' Compensation Fund for Victims of Property Crimes	HELD BY GOVERNOR
---------	------------------------------------------------------------------------------	------------------