

**STATE OF MAINE**  
128<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 2017

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*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 9 An Act To Prohibit the Creation of a Firearms Owner Registry**

**PUBLIC 175**

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

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

**Committee Amendment "A" (H-87)**

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

**Enacted Law Summary**

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

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

**Accepted Majority (ONTP) Report**

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

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

**Committee Amendment "A" (H-88)**

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

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

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This amendment was not adopted.

**LD 42      An Act To Deter the Dealing of Dangerous Drugs**

**Died Between  
Houses**

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

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

**Committee Amendment "A" (S-50)**

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

This amendment was not adopted.

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

**Accepted Majority  
(ONTP) Report**

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

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

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

**Accepted Majority  
(ONTP) Report**

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

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

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**LD 92 An Act To Require a Person Who Provides Illegal Drugs To Give Medical Aid to Another Person in Medical Distress Due to That Illegal Drug Transaction**

**Accepted Majority (ONTP) Report**

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

This bill requires a person who provides an illegal substance to an individual that causes that individual serious or life-threatening medical distress to provide first aid and assistance to that individual and seek assistance from a medical professional, first responder or law enforcement officer. A person who renders first aid is not civilly liable for damages or death caused as a result of rendering that aid unless it is done in a grossly negligent manner. Criminal liability is not waived. Failure to provide first aid and assistance is a Class C crime.

**Committee Amendment "A" (S-19)**

This amendment is the minority report of the committee. The amendment replaces the bill and changes the title. The amendment provides that in using a sentencing alternative involving a term of imprisonment for a person convicted of unlawful furnishing of a scheduled drug in which death was in fact caused by the use of the scheduled drug or unlawful trafficking in a scheduled drug in which death was in fact caused by the use of the scheduled drug, a court must assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process.

This amendment was not adopted.

**LD 94 An Act To Provide a Source of Funding for Drug Abuse Resistance Education**

**Accepted Majority (ONTP) Report**

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

This bill requires that the funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public be used to fund educational programs taught by law enforcement officers that target prevention of substance abuse, violence or high-risk behavior and teach students good decision-making skills to help them lead safe and healthy lives. These educational programs are known as the Drug Abuse Resistance Education program.

**Committee Amendment "A" (S-51)**

This amendment is the minority report of the committee and replaces the bill. This amendment establishes the DARE Education Reimbursement Fund program within the Department of Education and provides funding of \$100,000 per year on an ongoing basis from the Medical Use of Marijuana Fund.

This amendment was not adopted.

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**LD 101 An Act Regarding the Transportation of Prisoners to County Jails**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H ROSEN K	ONTP	

This bill authorizes a municipal law enforcement agency with custody over a person pursuant to an arrest to request that the sheriff of the county jail to which the person is to be transported assume custody over the person and transport the person to the county jail. Upon receipt of such request, the sheriff is required to assume custody over the person and ensure that the person is transported to the county jail in a timely manner. The costs of transporting a person under this provision are to be paid by the county, which may seek reimbursement for such costs from the person transported under certain circumstances or apply for reimbursement from the County Jail Transportation Reimbursement Fund, which is established in this bill. The County Jail Transportation Reimbursement Fund is funded from a percentage of the total fines, forfeitures and penalties received monthly for deposit into the Government Operations Surcharge Fund.

**LD 102 An Act To Make a Person Convicted of a Crime Liable for Payment of Investigative and Prosecutorial Costs**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H ROSEN K	ONTP	

This bill amends the Maine Criminal Code to require that a court impose on a person convicted of a crime under the code a fine of an amount equal to the actual costs of investigation and prosecution of the crime for which the person is convicted that have been incurred by the office of the attorney for the State, a law enforcement agency or any other governmental entity that requests payment of such costs. Costs recovered under this provision must be returned to the office of the attorney for the State, the law enforcement agency or governmental entity that incurred the costs and must be used for actual costs incurred by such entities in investigating and prosecuting criminal cases.

**LD 138 An Act To Amend the Laws Governing the Sex Offender Registry**

**PUBLIC 65**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S PARRY W	OTP-AM ONTP	S-37

This bill requires a person to register on the registry of sex offenders maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification when that person is a teacher, employee or other official having instructional, supervisory or disciplinary authority who is convicted of a Class D or Class C offense of gross sexual assault, unlawful sexual contact or unlawful sexual touching and the victim, regardless of the victim's age, is a student over whom that person has control. Class D sex offenses are considered Tier I offenses, requiring the offender to register for up to 10 years, and Class C sex offenses are considered Tier II offenses, requiring the offender to register for up to 25 years.

**Committee Amendment "A" (S-37)**

This amendment is the majority report of the committee. The amendment removes from the bill unlawful sexual touching. The amendment makes violations of the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph F and section 255-A, subsection 1, paragraphs K and L registrable offenses under sex offender

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registration laws when those violations are committed on or after October 1, 2017.

**Enacted Law Summary**

Public Law 2017, chapter 65 makes violations of the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph F and section 255-A, subsection 1, paragraphs K and L registrable offenses under sex offender registration laws when those violations are committed on or after October 1, 2017.

**LD 141      An Act Regarding Bringing Certain Criminal Charges      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes that a body or process be created to which a victim of theft of money or merchandise can appeal if the investigating law enforcement agency determines that the matter is civil and declines to bring criminal charges against the offender.

**LD 142      An Act To Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J DAVIS P	ONTP	

This bill establishes within the State Police the responsibility to establish, operate and maintain a sexual assault forensic examination kit tracking system. The bill sets forth the requirements for the tracking system and requires the State Police to adopt routine technical rules, including rules regarding participation in the tracking system, confidentiality and the operation of the tracking system. The bill provides civil immunity for participants in the tracking system for actions required by law or rule.

**LD 169      An Act To Support Sexual Assault Survivors      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C VOLK A	ONTP	

This bill enacts protections for alleged victims of gross sexual assault that mirror protections provided in federal law.

The bill contains the following provisions.

1. The bill requires a prosecutor or law enforcement agency to provide written information to an alleged victim concerning the right to undergo a forensic examination and the right to receive the results and any report resulting from a forensic examination unless disclosure to the alleged victim could impede or compromise an ongoing investigation or an ongoing prosecution.

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2. The bill requires the prosecutor or law enforcement agency that has custody of the results and any report to retain the results and any report without charge until the expiration of the period of the statute of limitations. The bill requires the prosecutor or law enforcement agency, at least 60 days prior to destroying or disposing of the results and report, to provide notice of the intended destruction or disposal to the victim and allows for further retention upon the objection of the victim. The bill provides for routine technical rulemaking by the Chief of the State Police regarding retention and destruction or disposal of the results and any report.

**LD 179 An Act To Make Creating a Police Standoff a Class E Crime**

**PUBLIC 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF T	OTP-AM ONTP	H-163

This bill changes the offense of creating a police standoff from a civil violation to a Class E crime. This bill also removes from the provision governing police standoffs the ability of a person to avoid the offense of creating a police standoff by surrendering within 1/2 hour of receiving police instruction to do so.

**Committee Amendment "A" (H-163)**

This amendment is the majority report of the committee and replaces the bill. The amendment repeals the civil violation of creating a police standoff that exists in the Maine Revised Statutes, Title 25 and enacts a Class E crime of creating a police standoff in Title 17-A. The amendment provides that a person is guilty of creating a police standoff when the person is barricaded as a result of the person's own actions, including when the person barricades himself or herself in a vehicle, is or claims to be armed with a dangerous weapon, is instructed by law enforcement to leave the barricaded location and fails to leave within 1/2 hour. The amendment does not include the provision from the repealed law that relates to restitution since restitution will be available with regard to the new Class E crime for economic loss incurred for police costs as an emergency response under Title 17-A, chapter 54.

**Enacted Law Summary**

Public Law 2017, chapter 86 repeals the civil violation of creating a police standoff that exists in the Maine Revised Statutes, Title 25 and enacts a Class E crime of creating a police standoff in Title 17-A. The law provides that a person is guilty of creating a police standoff when the person is barricaded as a result of the person's own actions, including when the person barricades himself or herself in a vehicle, is or claims to be armed with a dangerous weapon, is instructed by law enforcement to leave the barricaded location and fails to leave within 1/2 hour. The law does not provide specifically for restitution since restitution will be available with regard to the new Class E crime for economic loss incurred for police costs as an emergency response under Title 17-A, chapter 54.

**LD 217 An Act Regarding the Place of Imprisonment of Certain Prisoners**

**ONTP**

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

This bill requires that the Commissioner of Corrections determine whether to transfer to a correctional facility or retain at a county jail a person who is imprisoned at a county jail for longer than nine months. If the person is retained at the county jail, the bill requires the commissioner to reimburse the county jail on a per diem basis for the cost of imprisonment beyond nine months. The bill requires that when a previously suspended sentence of imprisonment for a Class A, Class B or Class C crime is vacated, in whole or in part, as the result of a probation revocation, the court must respecify as the place of imprisonment the place in which the person was imprisoned prior to release on probation.

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**LD 225      An Act To Curb Drunk Driving by Prohibiting a Person Convicted of      ONTP**  
**Operating Under the Influence from Purchasing Alcohol**

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

This bill provides an additional penalty for operating under the influence of intoxicants or with an excessive alcohol level. The bill allows the court, when sentencing a person for criminal operating under the influence, to impose an order prohibiting the person from purchasing alcoholic beverages for the time period of the suspension. The bill requires the Secretary of State, upon receiving an attested copy of the court order, to record the order and notify the person. The bill directs the Secretary of State to adopt rules regarding notice to the person and notation on the person's driver's license of the prohibition and designates the rules as routine technical rules.

**LD 248      An Act Regarding Law Enforcement Training for Former Military      ONTP**  
**Police Officers**

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

This bill exempts honorably discharged veterans of the United States Armed Forces who served as military police officers and have been hired for or have received conditional offers of full-time employment as law enforcement officers from basic law enforcement training by the Maine Criminal Justice Academy if the veterans' military experience and education meet certain criteria.

**LD 249      An Act To Fund and Enhance the Maine Diversion Alert Program      Died Between**  
**Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN R CARPENTER M	ONTP OTP-AM	

This bill provides funds to continue and enhance the functionality of the Maine Diversion Alert Program.

**Committee Amendment "A" (H-146)**

This amendment is the minority report of the committee. The amendment decreases the funding for the Maine Diversion Alert Program from \$95,000 to \$20,000 per year and requires the Department of Public Safety to review opportunities for collaboration with the Controlled Substances Prescription Monitoring Program and the United States Department of Veterans Affairs and report to the Joint Standing Committee on Criminal Justice and Public Safety by December 6, 2017.

This amendment was not adopted.



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**LD 250      An Act To Increase the Penalty for Aggravated Sex Trafficking**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H ROSEN K		

This bill increases the crime of aggravated sex trafficking from a Class B crime to a Class A crime and requires a minimum sentence of imprisonment of 25 years to life.

**Committee Amendment "A" (H-220)**

This amendment is the majority report of the committee. The amendment replaces the bill and changes the title. The amendment increases the penalty for the crime of sex trafficking if the person who is trafficked is less than 18 years of age to a Class C crime. The amendment increases the penalty for the crime of aggravated sex trafficking if the person who is trafficked is less than 18 years of age from a Class B crime to a Class A crime if the actor compels the minor to enter into, engage in or remain in prostitution.

**Senate Amendment "A" To Committee Amendment "A" (S-311)**

Current law provides that a person who promotes prostitution of a person less than 18 years old is guilty of aggravated sex trafficking, which is a Class B crime. The bill, as amended by Committee Amendment "A," increases the class of this crime to Class A and adds that the person must compel the minor to enter into, engage in or remain in prostitution to be guilty of aggravated sex trafficking. This amendment removes the added element of compulsion from the crime.

This amendment also strikes language that would have established promotion of prostitution of a person less than 18 years of age as a Class C crime and promotion of prostitution of others as a Class D crime.

This amendment was not adopted.

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

**LD 251      An Act Regarding Refusing To Submit to Arrest or Detention**

**Accepted Minority  
(ONTP) Report**

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

This bill amends the law regarding refusal to submit to arrest or detention to make a person's engaging in a physical action that delays or interferes with the lawful arrest or detention a Class E crime.

**Committee Amendment "A" (H-24)**

This amendment is the majority report of the committee. This amendment clarifies the language in the bill regarding physical actions that constitute the crime of refusing to submit to arrest or detention to provide that a person who engages in a physical action that hinders, delays or prevents a lawful arrest or detention of the person is guilty of that crime. The amendment also provides that such a person is guilty of a Class D crime, rather than a Class E crime as proposed in the bill.

This amendment was not adopted.

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**LD 252      An Act To Improve Safety in the Disposal of Expired Marine Flares**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J MIRAMANT D	OTP-AM ONTP	H-62

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

**Committee Amendment "A" (H-62)**

This amendment replaces the bill. The amendment provides for the State Fire Marshal to establish, within existing resources, a program of storage, collection and disposal of expired marine flares. The amendment requires the State Fire Marshal to accept from owners and fire departments expired marine flares and to dispose of the expired flares safely. The amendment provides for public education to be undertaken by the State Fire Marshal in collaboration with the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, the Department of Marine Resources and the Department of Public Safety.

**LD 321      An Act To Enhance Safety on School Property**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P VOLK A	ONTP OTP-AM	

This bill creates the Class E crime of criminal trespass on school property if a person who is not authorized to be in or on school property enters or remains in or on the property that is posted. The bill also prohibits a person from staying on school property after being asked not to enter or being asked to leave the property by the principal, principal's designee, member of the school staff or law enforcement officer.

**Committee Amendment "A" (H-25)**

This amendment is the minority report of the committee. This amendment removes from the bill the provision that allows a principal or the principal's designee or a member of the school staff to take into custody and detain a person believed to be committing criminal trespass on school property.

This amendment was not adopted.

**LD 332      An Act Regarding Service of Criminal Process on Electronic  
Communication Service Providers and Remote Computing Service  
Providers**

**PUBLIC 144  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-339

This bill contains recommendations of the Criminal Law Advisory Commission.

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This bill is emergency legislation. Consistent with existing Maine and federal law, this bill makes explicit that a Maine search warrant or a Maine grand jury subpoena may compel production of records by a provider of electronic communication service or remote computing service, even if the provider is outside the State, and establishes the appropriate procedure for service of such legal process. Compelling the production of records will provide access to service provider records that often are critical to the investigation of crime, as criminals commonly use cell phones, computers and the Internet in connection with criminal activities. The federal Stored Communications Act, 18 United States Code, Section 2703(a), (b)(1)(A) and (c)(2) already expressly requires providers of electronic communication service and remote computing service to comply with state grand jury subpoenas for basic subscriber information and state search warrants for content information and location information. Likewise, under Maine law the authority to compel production of basic subscriber information with a grand jury subpoena already exists under the Maine Rules of Unified Criminal Procedure, Rule 17 and Rule 17A, and the authority to compel production of content information and location information with a search warrant already exists under the Maine Revised Statutes, Title 16, sections 642 and 648. This clarification is necessary to resolve uncertainty about the court's authority under Title 15, section 55 to issue search warrants for records in the possession of entities outside of Maine. Such uncertainty may impede the investigation of crimes in Maine and undermine the federal law that requires providers to comply with state search warrants and grand jury subpoenas. Emergency legislation is necessary to immediately clarify the court's authority to review requests for criminal process required for the investigation of alleged criminal activity in Maine.

### **Committee Amendment "A" (H-339)**

This amendment makes the following changes to the bill.

1. It specifies that the clerk who is authorized to receive service of a grand jury subpoena or search warrant is the commercial clerk.
2. It prioritizes the method of service of criminal process, specifying first priority as through the specific means identified by the electronic service provider or remote computing service provider.
3. It specifies that the provisions applicable to a search for records from a foreign entity provider apply to records that are in the possession or control of the foreign entity provider.
4. It provides a mechanism for a foreign entity provider or a domestic entity provider to obtain an extension beyond 14 days to reply to a search warrant through notice to the law enforcement officer who served the warrant. It strikes from the procedure the requirement that the foreign entity provider file a request for relief with the court.
5. It provides for production of the requested grand jury documents to the grand jury and provides that the prosecutor's or the grand jury's address must be included in the subpoena.
6. It provides in the mechanism for expedited production of records a way for the provider to request a 14-day period for return of the information if the only adverse result finding is for the reason of jeopardizing the investigation, undue delay of trial or a significantly detrimental consequence that is not immediate danger of death or serious physical injury, flight from prosecution, destruction of or tampering with evidence or intimidation of a potential witness.

### **Enacted Law Summary**

Public Law 2017, chapter 144 makes explicit that a Maine search warrant or a Maine grand jury subpoena may compel production of records by a provider of electronic communication service or remote computing service, even if the provider is outside the State, and establishes the appropriate procedure for service of such legal process. This law will provide access to service provider records that often are critical to the investigation of crime, as criminals commonly use cell phones, computers and the Internet in connection with criminal activities. The federal Stored

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Communications Act, 18 United States Code, Section 2703(a), (b)(1)(A) and (c)(2) already expressly requires providers of electronic communication service and remote computing service to comply with state grand jury subpoenas for basic subscriber information and state search warrants for content information and location information. Likewise, under Maine law the authority to compel production of basic subscriber information with a grand jury subpoena already exists under the Maine Rules of Unified Criminal Procedure, Rule 17 and Rule 17A, and the authority to compel production of content information and location information with a search warrant already exists under the Maine Revised Statutes, Title 16, sections 642 and 648. This clarification is necessary to resolve uncertainty about the court's authority under Title 15, section 55 to issue search warrants for records in the possession of entities outside of Maine. Such uncertainty may impede the investigation of crimes in Maine and undermine the federal law that requires providers to comply with state search warrants and grand jury subpoenas.

The law specifies that the clerk who is authorized to receive service of a grand jury subpoena or search warrant is the commercial clerk. It prioritizes the method of service of criminal process, specifying first priority as through the specific means identified by the electronic service provider or remote computing service provider. It specifies that the provisions applicable to a search for records from a foreign entity provider apply to records that are in the possession or control of the foreign entity provider. It provides a mechanism for a foreign entity provider or a domestic entity provider to obtain an extension beyond 14 days to reply to a search warrant through notice to the law enforcement officer who served the warrant. It strikes from the procedure the requirement that the foreign entity provider file a request for relief with the court. It provides for production of the requested grand jury documents to the grand jury and provides that the prosecutor's or the grand jury's address must be included in the subpoena. It provides in the mechanism for expedited production of records a way for the provider to request a 14-day period for return of the information if the only adverse result finding is for the reason of jeopardizing the investigation, undue delay of trial or a significantly detrimental consequence that is not immediate danger of death or serious physical injury, flight from prosecution, destruction of or tampering with evidence or intimidation of a potential witness.

Public Law 2017, chapter 144 was enacted as an emergency measure effective June 8, 2017.

**LD 343      An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp**

**PUBLIC 69**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P MARTIN D	OTP-AM	S-52

This bill makes discharging a firearm within 300 feet of a state-owned boat launching ramp a Class E crime.

**Committee Amendment "A" (S-52)**

This amendment replaces the bill and provides that an agency of the State having jurisdiction over a state-owned boat launching ramp may post notice, in a prominent location at the boat launching ramp, that the discharge of a firearm is prohibited within 300 feet of the boat launching ramp. A person who discharges a firearm within 300 feet of a boat launching ramp that is posted in accordance with this provision commits a Class E crime.

**Enacted Law Summary**

Public Law 2017, chapter 69 provides that an agency of the State having jurisdiction over a state-owned boat launching ramp may post notice, in a prominent location at the boat launching ramp, that the discharge of a firearm is prohibited within 300 feet of the boat launching ramp. A person who discharges a firearm within 300 feet of a boat launching ramp that is posted in accordance with this provision commits a Class E crime.

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**LD 346 An Act To Make Abuse of Corpse a Class C Crime**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R GROHMAN M	OTP-AM	S-111

This bill increases the class of crime for abuse of corpse from Class D to Class C.

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

This amendment incorporates a fiscal note.

**LD 350 An Act To Repeal Certain Requirements Concerning the Sale and Purchase of Firearms**

**PUBLIC 81**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L	OTP-AM	H-137

This bill repeals the law that requires a firearms dealer who sells, lets or loans a firearm to make a copy of the form the dealer must keep pursuant to federal law and to show that copy to a law enforcement officer or prosecuting attorney.

**Committee Amendment "A" (H-137)**

This amendment replaces the bill and amends the provision of law that requires a firearms dealer who sells, lets or loans a firearm to make a copy of the form the dealer must keep pursuant to federal law and to show that copy to a law enforcement officer or prosecuting attorney as follows.

1. Like the bill, it removes the requirement that a dealer make a state copy of that federal form;
2. It requires a dealer to show to or allow inspection of that federal form by a state law enforcement officer or prosecuting attorney upon presentation of a formal written request for inspection stating that the form relates to an active criminal investigation; and
3. It retains the exception currently in law regarding the sale of firearms by a wholesaler to a dealer or another wholesaler.

**Enacted Law Summary**

Public Law 2017, chapter 81 amends the provision of law that requires a firearms dealer who sells, lets or loans a firearm to make a copy of the form the dealer must keep pursuant to federal law and to show that copy to a law enforcement officer or prosecuting attorney as follows.

1. It removes the requirement that a dealer make a state copy of that federal form.
2. It requires a dealer to show to or allow inspection of that federal form by a state law enforcement officer or prosecuting attorney upon presentation of a formal written request for inspection stating that the form relates to an active criminal investigation.

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

**LD 351      An Act To Allow Municipalities To Prohibit Weapons at Municipal Public Proceedings and Voting Places**

**Died Between Houses**

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

This bill allows municipalities to prohibit the carrying of dangerous weapons at municipal public proceedings and voting places within the municipality. It provides an exception to allow the carrying of a handgun by an on-duty law enforcement officer.

**Committee Amendment "A" (H-89)**

This amendment, which is the majority report of the committee, allows a municipality to prohibit the carrying of dangerous weapons within municipal buildings and at municipal public proceedings and voting places subject to the following provisions.

1. A municipal ordinance adopted under this provision of law must provide an exception for the carrying of a handgun by a federal, state, county or local law enforcement officer.
2. A municipal ordinance adopted under this provision of law may provide exceptions to allow the carrying of certain dangerous weapons, including, but not limited to, an exception allowing the carrying of kitchen knives and other common bladed tools with a blade length of less than eight inches.
3. A municipality that has adopted such an ordinance must post notice of the prohibition against the carrying of dangerous weapons outside of all municipal buildings and other places within the municipality subject to the ordinance.

This amendment was not adopted.

**LD 352      An Act To Require a Dealer To Sell a Gun Lock with Every New Firearm**

**Accepted Minority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D	REF TO TAX ONTP	

This bill requires a firearm dealer to sell a gun lock with every firearm the dealer sells at retail in the State.

**LD 374      An Act To Recodify and Revise Certain Portions of the Maine Criminal Code**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM	H-223

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

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by this recodification and revision accordingly. The bill 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. While much of the revision throughout this bill is technical in nature, the following changes are more substantive.

### Part A

Part A recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3.

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

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I. 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) Changes the treatment of 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.

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 1152 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



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a county jail or, as under current law, a correctional facility, for a period of time not exceeding 90 days.

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 specifies a suspended sentence with administrative release commences on the date the person goes into actual execution of the sentence.

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.

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; and

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 chapter 75, Victims' Rights.

Part B

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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" 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. Allows the court, but only for an individual, to 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, requires 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.

### **Committee Amendment "A" (H-223)**

This amendment is the majority report of the committee. The amendment corrects cross-references in the bill. The amendment clarifies that the maximum term of imprisonment for a Class D crime is less than one year, as is consistent with current law, instead of one year. The amendment 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. In the sections of the bill on deductions from sentence, the amendment 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. The amendment 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. The amendment 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.

The amendment, in Part C, updates cross-references in other parts of the Maine Revised Statutes to reflect the repeal and reallocation of sections of law affected in the bill. The amendment adds an emergency preamble and emergency clause to the bill.

### **Committee Amendment "B" (H-224)**

This amendment is the minority report of the committee. This amendment makes all of the same changes made in the majority report. Additionally, this amendment changes certain instances of "individual" and "person" in the bill to "defendant," "probationer" or "offender" to mirror the use of those terms in the current law, as recodified in the bill.

This amendment was not adopted.

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

**LD 377      Resolve, To Establish the York County Jail Drug Detoxification and Rehabilitation Pilot Program**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J GROHMAN M	OTP-AM ONTP	S-112

This bill establishes the County Jail Drug Rehabilitation and Treatment Grant Program to provide state funding in the form of grants to partially fund the creation of drug rehabilitation and treatment facilities and programs attached to or affiliated with county jails or regional jails. The bill requires the Department of Corrections to seek the advice of a statewide association of county commissioners and a statewide association of sheriffs in designing, adopting standards for and periodically reviewing effectiveness of the grant program. The bill specifies that the grant program provides partial funding to counties that are planning to affiliate with or build or convert a portion of county or regional jails or jail facilities for use as short-term or long-term residential drug rehabilitation and treatment facilities or programs. The bill requires the department to adopt grading standards for awarding grants that require county funding contributions to the drug rehabilitation and treatment facility or program of at least 50% of the cost, that take into consideration the level of county support and county funding and that take into consideration county need. The department is directed to compile a priority list that reflects priorities derived from the grading standards. The bill allows the department to accept funding from private and public sources and provides for funding from the County Jail Drug Rehabilitation and Treatment Grant Program Dedicated Fund, which is established in the bill as a nonlapsing, dedicated fund. The bill provides that department funds remaining and unencumbered at the end of a state fiscal year lapse to the County Jail Drug Rehabilitation and Treatment Grant Program Dedicated Fund.

**Committee Amendment "A" (S-112)**

This amendment is the majority report of the committee. The amendment changes the title and replaces the bill with a resolve that establishes the York County Jail Drug Detoxification and Rehabilitation Pilot Program to provide one-time state funding for the creation of drug detoxification and rehabilitation programs in therapeutic communities within the York County Jail or in facilities attached to or affiliated with the jail. The pilot program is required to provide services to inmates of the York County Jail and may provide services to inmates from other counties as agreed between the York County Sheriff and the sheriffs of other counties in this State. The amendment provides funding from the General Fund of \$975,000 per year for state fiscal years 2017-18 and 2018-19. The funding does not lapse but carries forward from year to year.

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

**LD 443      An Act To Allow Municipally Funded Hospitals To Prohibit the Presence of Firearms on Their Property**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P HIGGINS N	ONTP	

This bill allows a municipally funded hospital to restrict the possession or use of firearms and firearms-related items on property used by the municipally funded hospital.

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**LD 449      An Act To Add Domestic Violence against the Victim as an Aggravating Factor in Sentencing for Murder      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM	S-79

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to require an automatic life sentence for a defendant convicted of murder as a result of domestic abuse.

**Committee Amendment "A" (S-79)**

This amendment provides a new title and replaces the bill. The amendment adds to the circumstances of the crime that the court must consider when setting the sentence for a person convicted of murder that the victim is a family or household member who is a victim of domestic violence committed by the convicted person.

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

**LD 463      An Act To Improve the Funding of County Jails      PUBLIC 281**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D JACKSON T	OTP-AM	H-487

This bill amends the laws on funding the county jails and the transfer of prisoners among county jails and the Department of Corrections. The bill clarifies that a county jail that receives a transfer of a prisoner from a sending county jail or the Department of Corrections may charge the sending county jail or the Department of Corrections a per diem charge for the transferred prisoner. The bill clarifies in the funding formula for county jails that the jails are credited for the prisoners who are committed to the custody of or detained by the sheriff of that county. The bill removes the cap on tax assessments for correctional services that is specific to the jails and imposes the limitation on county assessments that applies more generally to the counties as set forth in the Maine Revised Statutes, Title 30-A, section 706-A.

**Committee Amendment "A" (H-487)**

This amendment replaces the bill. The amendment establishes that the assessment to municipalities for the provision of correctional services in a county budget may not be less than the base assessment limit established by law. The amendment also specifies that if a county collects more in a year than the base amount established for that year, the base amount for the succeeding year is the amount collected in the prior year.

**Enacted Law Summary**

Public Law 2017, chapter 281 establishes that the assessment to municipalities for the provision of correctional services in a county budget may not be less than the base assessment limit established by law. The law specifies that if a county collects more in a year than the base amount established for that year, the base amount for the succeeding year is the amount collected in the prior year.

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**LD 475      An Act To Require That a Person Who Has Been Treated by a Law Enforcement Officer with Naloxone Be Informed about Drug Addiction Treatment      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H KATZ R	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to require a law enforcement officer who has administered naloxone hydrochloride to a person to provide the name and contact information for that person to the nearest publicly funded mental health treatment provider. It requires a treatment provider receiving that information to contact the person and inform the person of available options regarding drug addiction treatment.

**LD 501      An Act To Increase Firearm Safety      ONTP**

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

This bill, using language modeled on the law regarding permits to carry concealed handguns, requires a person attempting to purchase a firearm to present the seller with proof of having successfully completed military firearms training or an approved firearm safety course. The bill also provides that a person may meet this requirement by presenting proof of having satisfied the handgun safety course requirements for a permit to carry concealed handguns.

**LD 511      An Act To Amend the Laws Governing Domestic Violence and Setting Preconviction Bail      PUBLIC 66**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M	OTP	

This bill amends the law regarding improper contact with a family or household member prior to the setting of preconviction bail by specifying that a person is guilty of a violation of that law if notified by a law enforcement officer not to make direct or indirect contact with the specifically identified alleged victim of the offense for which the person is being detained and the person intentionally or knowingly makes direct or indirect contact with the specifically identified alleged victim.

**Enacted Law Summary**

Public Law 2017, chapter 66 amends the law regarding improper contact with a family or household member prior to the setting of preconviction bail by specifying that a person is guilty of a violation of that law if notified by a law enforcement officer not to make direct or indirect contact with the specifically identified alleged victim of the offense for which the person is being detained and the person intentionally or knowingly makes direct or indirect contact with the specifically identified alleged victim.

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**LD 512      Resolve, To Establish the Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM ONTP	S-131

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

**Committee Amendment "A" (S-131)**

This amendment replaces the bill with a resolve that establishes the Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth, and to assess the current policies, systems and resources; to assess gaps in the current policies, systems and resources; and to make recommendations related to improving the policies, systems and resources. The committee is required to report no later than December 6, 2017 with its findings and recommendations and suggested legislation to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Health and Human Services. The amendment authorizes the committee to seek funding to partially or fully fund the study, subject to approval by the Legislative Council.

**LD 514      An Act To Authorize the Expungement of Records of Nonviolent Crimes      ONTP**

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

This bill allows a person convicted of a Class E, Class D or Class C crime to petition the court where the person was convicted to expunge all records of the crime five years after the completion of the person's sentence. Expungement is not available for persons who have subsequent convictions or pending criminal charges; for crimes involving violence or sex offenses; or crimes that had as an element of the offense victims who were minors or are 65 years of age or older.

**LD 515      An Act To Amend the Laws on Gross Sexual Assault      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TURNER B	ONTP	

This bill requires a mandatory term of imprisonment of at least 20 years for the crime of gross sexual assault when the victim is a person who has not attained 12 years of age.

**LD 516      An Act To Improve the Management of Inmates in County and Regional Jails      PUBLIC 214**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M WARREN C	OTP-AM	S-264

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This bill requires a law enforcement agency that commits a prisoner to the sheriff's charge prior to arraignment on a nonviolent Class D or Class E crime to reimburse the sheriff for each day that the prisoner is held by the sheriff prior to arraignment and to pay a one-time surcharge of \$50 for holding the prisoner. The bill defines "nonviolent Class D or Class E crime" to mean a Class D or Class E crime other than a violation of the Maine Revised Statutes, Title 17-A, chapter 9, 11, 12 or 13; a violation of Title 17-A, section 506-B; a violation of Title 17-A, section 1002 or 1004; or a crime involving domestic violence as defined in Title 15, section 1003, subsection 3-A. The bill requires that the per diem rate for the prisoner is the same per diem rate that is established by the Department of Corrections for the purposes of funding county jail operations.

### **Committee Amendment "A" (S-264)**

This amendment replaces the bill and changes the title. The amendment does the following.

1. The amendment provides that if a probationer is committed to jail without bail pending a probation revocation hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance. The amendment eliminates the provision that allows the court in its discretion to allow the hearing to be held after 45 days.
2. The amendment requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of Corrections regarding interjail boarding rates. The amendment requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding interjail boarding rate information and any recommendations.
3. The amendment requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of Corrections regarding financial audits performed for the jails. The amendment requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the financial audit information and any recommendations.
4. The amendment requires that, beginning November 1, 2017, each county jail and the regional jail report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located on the pretrial detention population in the jail, using a form provided by the Unified Criminal Docket.
5. The amendment requires that, beginning November 1, 2017, the Department of Corrections offer to provide technical assistance and advice to county jails and the regional jail regarding audits for the purpose of achieving and maintaining compliance with the federal Prison Rape Elimination Act of 2003, Public Law 108-79, as requested by the county jails and regional jail.

### **Enacted Law Summary**

Public Law 2017, chapter 214 does the following.

1. The law provides that if a probationer is committed to jail without bail pending a probation revocation hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance. The law eliminates the provision that allows the court in its discretion to allow the hearing to be held after 45 days.
2. The law requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of Corrections regarding interjail boarding rates. The law requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding interjail boarding rate information and any recommendations.
3. The law requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of

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Corrections regarding financial audits performed for the jails. The law requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the financial audit information and any recommendations.

- 4. The law requires that, beginning November 1, 2017, each county jail and the regional jail report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located on the pretrial detention population in the jail, using a form provided by the Unified Criminal Docket.
- 5. The law requires that, beginning November 1, 2017, the Department of Corrections offer to provide technical assistance and advice to county jails and the regional jail regarding audits for the purpose of achieving and maintaining compliance with the federal Prison Rape Elimination Act of 2003, Public Law 108-79, as requested by the county jails and regional jail.

**LD 523      Resolve, To Establish the Commission To Review the Laws Governing Domestic Violence**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L BELLOWS S	OTP-AM ONTP	H-362

This resolve establishes the Commission To Review the Laws Governing Domestic Violence, which is directed to conduct a comprehensive examination of the laws governing domestic violence in the State to determine whether the principles of ensuring victim safety and batterer accountability are upheld under the existing statutory scheme.

**Committee Amendment "A" (H-362)**

This amendment incorporates a fiscal note.

**LD 524      An Act To Amend the Laws on Domestic Violence**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	OTP-AM	H-138

This bill creates the crime of domestic violence aggravated assault, which a person commits if the person commits aggravated assault, elevated aggravated assault or elevated aggravated assault on a pregnant person and the victim is a family or household member. This bill also makes a 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-138)**

This amendment replaces the bill and creates the crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person. The amendment 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. The amendment also adds an emergency preamble and emergency clause.

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



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**LD 525 An Act To Enhance Maine's Response to Domestic Violence**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E CYRWAY S	OTP-AM ONTP	H-139

This bill provides funding for the Maine Coalition to End Domestic Violence to support certified batterers' intervention programs for indigent participant fees, training programs, transportation costs and administrative expenses for the coalition.

**Committee Amendment "A" (H-139)**

This amendment, which is the majority report of the committee, replaces the bill and adds an appropriations and allocations section to provide funding to the Department of Corrections, instead of the Department of Health and Human Services, for batterers' intervention programs.

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

**LD 569 Resolve, Regarding Legislative Review of Chapter 5: Maine Disaster Recovery Fund, a Major Substantive Rule of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency**

**RESOLVE 7  
EMERGENCY**

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

This resolve provides for legislative review of Chapter 5: Maine Disaster Recovery Fund, a major substantive rule of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency.

**Enacted Law Summary**

Resolve 2017, chapter 7 provides for legislative review of Chapter 5: Maine Disaster Recovery Fund, a major substantive rule of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. The resolve authorizes adoption of the major substantive rule as submitted to the Legislature for review.

Resolve 2017, chapter 7 was enacted as an emergency measure effective April 28, 2017.

**LD 574 An Act To Amend the Provision of Law Requiring Disclosure of the Possession of a Firearm under Certain Circumstances**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E MARTIN J	ONTP	

This bill eliminates the provision of law that requires a person lawfully in possession of a concealed handgun without a permit during the course of a detainment or routine traffic stop to inform the law enforcement officer that the person is in possession of the handgun.

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**LD 588 An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances**

**PUBLIC 90**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B CAMPBELL R	OTP-AM	S-80

This bill amends the law regarding solicitation by law enforcement officers to remove designated public benefit corporations from that process and instead allows law enforcement agencies and associations to engage directly in fund-raising. The bill also explicitly prohibits door-to-door solicitation.

**Committee Amendment "A" (S-80)**

This amendment replaces the bill and provides that a law enforcement agency or association that engages in a fund-raising event under the limited exception provided in the Maine Revised Statutes, Title 25, section 3702-C, subsection 1, may, but is not required to, retain a designated public benefit corporation to participate with the law enforcement agency or association in the event. The amendment retains the provision of the bill that prohibits door-to-door solicitations.

**Enacted Law Summary**

Public Law 2017, chapter 90 provides that a law enforcement agency or association that engages in a fund-raising event under the limited exception provided in the Maine Revised Statutes, Title 25, section 3702-C, subsection 1, may, but is not required to, retain a designated public benefit corporation to participate with the law enforcement agency or association in the event. The law retains the provision of current law that prohibits door-to-door solicitations.

**LD 589 Resolve, To Establish a Working Group To Review the Function and Mission of Probation Officers and Establish a Licensing Procedure**

**Accepted Majority (ONTP) Report**

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

This resolve directs the Commissioner of Corrections to convene a working group to review the function and mission of probation officers within the Department of Corrections and to make recommendations to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2018, regarding legislation to update the laws and rules regarding probation officers and establish a procedure and statute for licensure of probation officers. The resolve directs the Commissioner of Professional and Financial Regulation to undertake a sunrise review procedure for licensure of probation officers and directs the commissioner to take into consideration the work and recommendations of the working group. The commissioner is required to report to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2018 regarding the results of the sunrise review procedure and any recommendations regarding licensure of probation officers.

**LD 595 An Act Prohibiting a Law Enforcement Officer from Confiscating a Firearm under Certain Conditions**

**ONTP**

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

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This bill prohibits a law enforcement officer from ordering a subordinate officer or other officer under the supervision of the law enforcement officer, pursuant to the authority of a federal law or regulation or executive order of the President of the United States, to seize or confiscate a firearm or firearm accessory or ammunition in the possession of a resident of this State. The bill designates a first violation of the law as a civil violation, punishable by a fine of \$1,000, and a second violation as a Class D crime. The provisions of the bill do not apply to a law enforcement officer who engages in the prohibited conduct if the firearm or firearm accessory or ammunition is being used in the commission of a Class A, Class B or Class C crime or if the law enforcement officer is assisting a federal law enforcement office or agency in conducting an investigative or enforcement action against suspected trafficking in scheduled drugs under the Maine Revised Statutes, Title 17-A, chapter 45 or suspected organized criminal activities.

**LD 597      An Act To Make the Reimbursement Rate for Transfers of Inmates from      ONTP  
County Jails Equal to the Federal Reimbursement Rate**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B WHITTEMORE R	ONTP	

This bill makes the reimbursement rate for transfers of inmates from a county jail to another county jail or to the Department of Corrections equal to the federal reimbursement rate for housing prisoners, but no less than \$90 per diem per prisoner.

**LD 598      An Act To Strengthen Maine Citizens' Right to Self Defense      ONTP**

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

This bill removes the requirement that a person who is carrying a concealed handgun without a permit to carry a concealed handgun inform a law enforcement officer of this fact during the course of an arrest, detainment or routine traffic stop.

**LD 599      An Act To Prevent Violence against Emergency Responders      ONTP**

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

This bill increases the classification of the crimes of assault on an officer, assault on an emergency medical care provider and assault on a firefighter from Class C to Class B crimes. It also extends the application of the hate crime sentencing laws to a defendant who selects the person against whom a crime is committed because of that person's status as a law enforcement officer, emergency medical care provider or firefighter or who selects property to damage because of such status of the owner or occupant of that property.

An amended version of the proposals in this bill was incorporated into the majority report committee amendment to LD 990.

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**LD 600      Resolve, To Provide Grants to Law Enforcement Agencies To Acquire  
and Train Drug-detecting Dogs**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M WOODSOME D	ONTP OTP-AM	

This resolve directs the Commissioner of Public Safety to establish a grant program for one year to assist law enforcement agencies to acquire and train drug-detecting dogs. The grant program may provide assistance to up to ten law enforcement agencies. The grant program may pay for the cost of the dog; training for the dog, including but not limited to drug detection academy training; and drug detection training and certification for the law enforcement officer who is the handler of the dog, including but not limited to any overtime pay necessary for training for the officer. The grant program may not pay for the cost of food or veterinary care for the dog or the cost of any certifications for the dog beyond the initial training. The resolve directs the Commissioner of Public Safety to adopt routine technical rules to specify the application form for the grant program and the criteria for awarding grants and to make applications available by January 1, 2018, and grant awards by April 1, 2018.

**Committee Amendment "A" (H-63)**

This amendment is the minority report of the committee. The amendment limits the grants to a maximum of \$10,000 each and provides that the grants may be provided to up to five law enforcement agencies instead of ten as proposed in the bill. The amendment adds an appropriation of \$50,000 for the grant program.

This amendment was not adopted.

**LD 639      An Act To Require an Interstate Identification Index System  
Background Check for Certain Crimes**

**ONTP**

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

This bill amends the criminal procedure laws to require an attorney for the State charging a person with certain crimes, prior to filing the charging instrument with a court, to conduct an interstate identification index system background check on that person. The attorney must certify in the charging instrument or an amendment to the charging instrument that the background check was conducted and must include with the charging instrument or with an amendment to the charging instrument a description of all information obtained from the background check that is relevant to the charges brought.

**LD 640      An Act To Require an Ontario Domestic Assault Risk Assessment prior  
to Setting Bail in Domestic Violence Arrests in Which the Alleged  
Abuser Has Been Taken into Custody**

**ONTP**

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

This bill requires that in every arrest for a Class B, C or D crime in which the defendant is alleged to have committed a domestic violence assault or criminal threatening with a dangerous weapon and the defendant has been

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taken into custody, the defendant may not be released until the results have been obtained from a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-C and approved by the Department of Public Safety conducted on the defendant. The validated, evidence-based domestic violence risk assessment that is recommended by the Maine Commission on Domestic and Sexual Abuse and approved by the Department of Public Safety is known as the Ontario Domestic Assault Risk Assessment, ODARA. The bill amends current law that requires the results of the ODARA, when the results are available, to apply the results only to arrests in which the defendant has not been taken into custody. The bill contains a delayed effective date of January 1, 2018.

**LD 651 An Act To Expand Substance Abuse Prevention Projects**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M HAMANN S	ONTP OTP-AM	

This bill provides an ongoing General Fund appropriation of \$1,200,000 beginning in fiscal year 2017-18 to the Department of Public Safety for the Substance Abuse Assistance Program.

**Committee Amendment "A" (S-81)**

This amendment is the minority report of the committee. This amendment replaces the bill and changes the title. It changes the name of the Substance Abuse Assistance Program to the Substance Use Disorder Prevention Assistance Program. This amendment, like the bill, provides \$1,200,000 annually to fund the program.

This amendment was not adopted.

**LD 654 An Act To Amend the Laws Governing Certain Sexual Offenses**

**PUBLIC 300**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M HERBIG E	OTP-AM ONTP	S-113 S-320 HAMPER J

This bill creates a new violation under the law defining the crime of gross sexual assault in which an actor is guilty of gross sexual assault if the actor engages in a sexual act with another person who has not consented to the sexual act; this violation is a Class C crime. The bill also amends the crime of gross sexual assault by repealing the defense to prosecution that the other person voluntarily consumed or allowed the actor to administer to that person drugs or other intoxicants. The bill also amends the crime of unlawful sexual contact and unlawful sexual touching by eliminating language specifying that the other person did not expressly or impliedly acquiesce to the sexual contact or sexual touching and replaces it with language specifying that the person did not consent to the sexual contact or sexual touching.

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

This amendment is the majority report of the committee. This amendment specifies that the Class C crime of gross sexual assault created in the bill applies when the other person has not expressly or impliedly acquiesced to the sexual act. The amendment strikes from the bill amendments to the laws on unlawful sexual contact and unlawful sexual touching and provides funding to the Maine Commission on Indigent Legal Services for an anticipated increase in the use of assigned counsel.

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**Senate Amendment "A" To Committee Amendment "A" (S-320)**

This amendment removes the appropriations and allocations section added by Committee Amendment "A."

**Enacted Law Summary**

Public Law 2017, chapter 300 creates a new violation under the law defining the crime of gross sexual assault in which an actor is guilty of gross sexual assault if the actor engages in a sexual act with another person who has not expressly or impliedly consented to the sexual act; this violation is a Class C crime. The law amends the crime of gross sexual assault by repealing the defense to prosecution that the other person voluntarily consumed or allowed the actor to administer to that person drugs or other intoxicants.

**LD 665      An Act To Give the Courts Sentencing Discretion When a Person with a Developmental Disability Has Been Convicted of a Crime      Accepted Majority (ONTP) Report**

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

This bill provides that, notwithstanding any provision of law to the contrary, if the court finds that a convicted person has an abnormal condition of the mind as a result of an intellectual disability or an autism spectrum disorder, the court may in its discretion impose a sentence that is less severe than any mandatory minimum sentence that is required by law, including, but not limited to, the Maine Revised Statutes, Title 17-A, chapter 51 or 53. The bill defines "intellectual disability" as a disability characterized by significant limitations in both intellectual functioning and the conceptual, social and practical skills that are required for successful everyday functioning and that are recognized by professionals in the field of developmental disabilities as adaptive behavior.

**Committee Amendment "A" (S-82)**

This amendment is the minority report of the committee. The amendment changes the title of the bill. The amendment removes from the bill a requirement that the court find that the individual has an abnormal condition of the mind as a result of an intellectual disability or an autism spectrum disorder and instead requires the court to find that the individual has an intellectual disability or an autism spectrum disorder. The amendment provides that the sentencing discretion that the court has does not apply to a sentence for murder. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

**LD 670      An Act To Allow for Consistent Application of Credit for Driver's License Suspensions Imposed by the Court      PUBLIC 99**

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

Current law allows a defendant to receive credit for an OUI alcohol administrative suspension already served from the Secretary of State upon receipt of a court suspension. Because there is a lag between the time the court orders the suspension and the Secretary of State applies the credit for the administrative suspension, current law provides an exception that allows the court to stay the license suspension for up to seven days. This bill provides the same exception for OUI drug suspensions that is currently in effect for OUI alcohol suspensions.

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**Enacted Law Summary**

Public Law 2017, chapter 99 provides the same exception for OUI drug suspensions that is currently in effect for OUI alcohol suspensions. Current law allows a defendant to receive credit for an OUI alcohol administrative suspension already served from the Secretary of State upon receipt of a court suspension. Because there is a lag between the time the court orders the suspension and the Secretary of State applies the credit for the administrative suspension, current law provides an exception that allows the court to stay the license suspension for up to seven days. This law allows OUI drug suspension credits on the same terms as OUI alcohol suspension credits.

**LD 671      An Act To Allow for Accurate Credit for a License Suspension for  
Operating under the Influence**

**PUBLIC 107**

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

This bill provides that if the Secretary of State administratively suspends a person's license for operating a motor vehicle with an excessive alcohol level or for operating a motor vehicle under the influence of drugs, the amount of time the license was administratively suspended must be deducted when suspending that person's license after a conviction.

**Enacted Law Summary**

Public Law 2017, chapter 107 provides that if the Secretary of State administratively suspends a person's license for operating a motor vehicle with an excessive alcohol level or for operating a motor vehicle under the influence of drugs, the amount of time the license was administratively suspended must be deducted when suspending that person's license after a conviction.

**LD 676      Resolve, To Study the Development of a Behavioral Health Unit at the  
Cumberland County Jail**

**Accepted Majority  
(ONTP) Report**

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

This resolve directs the Department of Health and Human Services, the Department of Corrections and the Cumberland County Sheriff's Office to jointly study and recommend a proposal for the development of a behavioral health unit at the Cumberland County Jail to provide support such as substance abuse and mental health services and a diversion program to allow for the rehabilitation of prisoners with behavioral issues. This resolve directs the Department of Health and Human Services, the Department of Corrections and the Cumberland County Sheriff's Office to submit the results of the study along with recommendations to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety, who may report out legislation to the Second Regular Session of the 128th Legislature.

**LD 721      An Act To Mandate the Reporting of a Planned Act of Terrorism by a  
Person with Knowledge of That Plan**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R	OTP-AM	S-114

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This bill makes a person's failure to report a planned act of terrorism to an appropriate law enforcement agency when the person has knowledge of the plan to perform an act of terrorism a Class E crime.

**Committee Amendment "A" (S-114)**

This amendment replaces the bill. It creates a new strict liability Class C crime for failure to report a planned act of terrorism. A person is guilty of this crime if the person knows that another person is planning to act with terroristic intent and does not report it to law enforcement.

**LD 744      An Act To Create a Permanent Wabanaki Law Enforcement Seat on the      Died Between  
Maine Criminal Justice Academy Board of Trustees      Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA M MAKER J	ONTP OTP-AM	

This bill provides a permanent seat on the Maine Criminal Justice Academy Board of Trustees for a representative of the five Wabanaki tribal governments. The tribal representative 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-64)**

This amendment is the minority report of the committee. The amendment strikes from the bill the provision that limits to two years the term of the representative of the Wabanaki tribal governments.

This amendment was not adopted.

**LD 745      An Act To Prohibit Female Genital Mutilation      Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H MAKER J	OTP-AM OTP-AM ONTP OTP-AM	

This bill makes it a Class B crime to perform female genital mutilation on a female person under 18 years of age for nonmedical purposes. The bill also makes it a Class B crime for a parent, guardian or person who has immediate custody of a female person under 18 years of age to consent to or permit female genital mutilation of that female person for nonmedical purposes or for a person to remove the female person from the State for such a procedure. Under the provisions of the bill it is not a defense that the female person, or the parent, guardian or person who has immediate custody of the female person, consented to the procedure but it is a defense that the procedure was done for medical purposes.

**Committee Amendment "A" (H-483)**

This amendment, which is the majority report of the committee, elevates from Class B to Class A the new crime of performing female genital mutilation on a female person under 18 years of age. The amendment reduces from a Class B to a Class C crime the first offense of a parent, guardian or custodian of the female person under 18 years of age in consenting to or permitting the procedure but retains as a Class B crime any subsequent offenses. The



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amendment provides a defense to the new crime of female genital mutilation that, when the procedure was consented to or permitted by a parent, guardian or custodian of a female person under 18 years of age, the parent, guardian or custodian was compelled to consent to or permit the procedure by force or by threat of death or bodily injury to that person or another person.

This amendment was not adopted.

### **Committee Amendment "B" (H-484)**

This amendment, which is a minority report of the committee, replaces the bill, changes the title and directs the Department of Health and Human Services to develop, establish and administer a community-based education and outreach program to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced, including a culturally sensitive professional training program. The amendment also provides funding to implement the program.

This amendment was not adopted.

### **Committee Amendment "C" (H-485)**

This amendment, which is a minority report of the committee, elevates from Class B to Class A the new crime of performing female genital mutilation on a female person under 18 years of age. The amendment reduces from a Class B to a Class C crime the first offense of a parent, guardian or custodian of the female person under 18 years of age in consenting to or permitting the procedure but retains as a Class B crime any subsequent offenses. The amendment provides a defense to the new crime of female genital mutilation that, when the procedure was consented to or permitted by a parent, guardian or custodian of a female person under 18 years of age, the parent, guardian or custodian was compelled to consent to or permit the procedure by force or by threat of death or bodily injury to that person or another person.

The amendment also directs the Department of Health and Human Services to develop, establish and administer a community-based education and outreach program to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced, including a culturally sensitive professional training program, and provides funding to implement the program.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-292)**

This amendment retains the provisions of the bill, as amended by Committee Amendment "A", and adds a provision directing the Department of Health and Human Services to develop and administer a community-based education and outreach program to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced.

This amendment was not adopted.

### **Senate Amendment "B" To Committee Amendment "A" (S-298)**

This amendment retains the provisions of the bill, as amended by Committee Amendment "A," and adds a provision directing the Department of Health and Human Services, within its existing resources, to administer community-based education and outreach to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced.

This amendment was not adopted.

### **Senate Amendment "C" To Committee Amendment "A" (S-313)**

This amendment removes language that provides a defense to the new crime of female genital mutilation that, when

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the procedure was consented to or permitted by a parent, guardian or custodian of a female person under 18 years of age, the parent, guardian or custodian was compelled to consent to or permit the procedure by force or by threat of death or bodily injury to that person or another person. This amendment also adds a provision directing the Department of Health and Human Services, within its existing resources, to administer community-based education and outreach to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced.

This amendment was not adopted.

**Senate Amendment "D" To Committee Amendment "A" (S-341)**

This amendment amends the bill, as amended by Committee Amendment "A," to remove language that makes it a crime for a parent, guardian or person who has immediate custody of a female person under 18 years of age to consent to or permit female genital mutilation of that female person for nonmedical purposes or for a person to remove the female person from the State for such a procedure. This amendment also incorporates language from Senate Amendment "C" to Committee Amendment "A," which directs the Department of Health and Human Services, within its existing resources, to administer education and outreach to communities in the State in which the procedure might be practiced.

This amendment was not adopted.

**LD 746      Resolve, To Increase the Permissible Size of Bed and Breakfasts      ONTP**

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

This resolve requires the Department of Public Safety to amend its rules to increase the permissible size of bed and breakfast lodging to a maximum of 11 bedrooms and a maximum of 32 guests.

**LD 814      An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases      PUBLIC 105**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-83

This bill requires a court to provide justification when participation in a batterers' intervention program is not ordered in sentencing a person for certain crimes against a current or former spouse, domestic partner, sexual partner or dating partner or an individual with whom the person is living or lived as a spouse. The bill adds an additional purpose to the sentencing provisions of the Maine Criminal Code. The additional purpose recognizes domestic abuse as a serious crime and recognizes certified batterers' intervention programs as the most appropriate and effective community intervention in cases involving domestic abuse.

**Committee Amendment "A" (S-83)**

This amendment amends the bill as follows.

1. To ensure consistency within the Maine Criminal Code, it replaces the term "domestic abuse" with the term "domestic violence."
2. It clarifies the responsibility of the attorney for the State when submitting a plea agreement to the court as it

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relates to the participation of the person subject to the plea agreement in a certified batterers' intervention program.

**Enacted Law Summary**

Public Law 2017, chapter 105 requires a court to provide justification when participation in a batterers' intervention program is not ordered in sentencing a person for certain crimes against a current or former spouse, domestic partner, sexual partner or dating partner or an individual with whom the person is living or lived as a spouse. The law also adds an additional purpose to the sentencing provisions of the Maine Criminal Code recognizing domestic violence as a serious crime and recognizing certified batterers' intervention programs as the most appropriate and effective community intervention in cases involving domestic violence.

**LD 838      An Act To Prevent Sexual Abuse by Members of the Clergy      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M VOLK A	ONTP	

This bill makes it unlawful for a member of the clergy who is in a position of trust or authority over another person to use that clergy person's position of trust or authority to engage in a sexual act, sexual contact or sexual touching with the other person. The bill amends the laws on the crimes of gross sexual assault, unlawful sexual contact and unlawful sexual touching.

**LD 839      Resolve, To Address Substance Use and Addiction in County Jails      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN K DION M	OTP-AM ONTP	

This resolve provides funding to the Department of Corrections to establish a four month pilot project to assist in the rehabilitation of individuals incarcerated at county jails who are experiencing substance use issues or addiction, especially issues or addiction related to opioid use.

**Committee Amendment "A" (H-219)**

This amendment is the majority report of the committee. The amendment provides funding in the amount of \$300,000 in fiscal year 2017-18 to the County Jail Operations Fund for a pilot project to assist in the rehabilitation of inmates who are experiencing substance use issues or addiction, especially issues or addiction related to opioid use. The bill proposes to provide funding in the amount of \$500,000 for the pilot project.

This amendment was not adopted.

**LD 859      An Act To Ensure Thorough Investigation into Allegations of Sexual Assault      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BATES D DIAMOND B	ONTP	

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This bill requires the State Police to process a forensic examination kit within 180 days of receipt of a kit that has been used to obtain forensic evidence from an alleged victim of sexual assault or within 180 days of receipt of consent to analysis of that kit by the alleged victim of the sexual assault, whichever occurs later. The bill requires the State Police to conduct annual audits of forensic examination kits and to report to the general public and to the Legislature by July 1, 2018, and annually thereafter, regarding the status of analyses of forensic examination kits in the possession of the State Police.

**LD 861      An Act To Provide Wage Parity for Certain State Law Enforcement Personnel      CARRIED OVER**

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

This bill provides for a 15% upward adjustment of salary schedules in fiscal year 2017-18 for certain law enforcement positions in the Department of Corrections; the Department of Agriculture, Conservation and Forestry; Baxter State Park Authority; the Department of Defense, Veterans and Emergency Management, Maine Military Authority; the Office of the Attorney General; and the Office of the Secretary of State, Bureau of Motor Vehicles. The bill requires that, beginning in fiscal year 2018-19, revenue from a sales tax imposed on the retail sale of recreational marijuana is to be used to offset the cost of the salary increase for Adult Probation Officer and Juvenile Community Corrections Officer positions in the Department of Corrections.

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

**LD 888      An Act To Strengthen Protections against Civil Asset Forfeiture      Accepted Majority (ONTP) Report**

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

This bill requires that for property to be forfeited under the criminal forfeiture laws the owner of the property be convicted of a crime in which the property was involved, and it prohibits a law enforcement agency or other entity from circumventing the law by an agreement to transfer or refer the property seized to a federal agency. This bill also requires that the records of forfeited property be posted by the Department of Public Safety on a publicly accessible website.

**Committee Amendment "A" (S-53)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to provide funding to the Department of Public Safety to create and maintain an online system containing records of forfeited property.

This amendment was not adopted.

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**LD 892      An Act To Allow an Attorney Responding to an Incident that Involved the Use of Deadly Force To Use Emergency Lights on a Vehicle      INDEF PP**

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

This bill was not referred to committee.

This bill allows a vehicle operated by an attorney directly involved in and responding to an incident involving the use of deadly force by a law enforcement officer to use a blue light or a combination of blue and white lights and a siren.

**LD 908      An Act Establishing the Crime of Child Abuse in the Maine Criminal Code      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H MAKER J	ONTP	

This bill creates the crime of child abuse. Child abuse occurs when a person intentionally, knowingly or recklessly neglects or abuses a child. The sentencing classes for the crime of child abuse range from a Class C crime to a Class A crime, depending on the severity of the abuse and the level of intentionality of the person inflicting the abuse. The bill repeals several provisions regarding endangering the welfare of a child that have been incorporated into the crime of child abuse. It also requires expert testimony from a licensed physician who has completed an accredited residency in psychiatry or a licensed psychologist to establish mental injury in a child abuse case.

**LD 918      An Act Regarding Maine's Criminal Code      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the Maine Criminal Code and other laws imposing criminal penalties.

**LD 951      An Act To Adopt the Uniform Act on Prevention of and Remedies for Human Trafficking      CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to adopt a law that is based on the Uniform Act on Prevention of and Remedies for Human Trafficking, the text of which may be found here:

<http://legislature.maine.gov/uploads/originals/uniform-act-on-prevention-of-and-remedies-for-human-traf.pdf>.

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

**LD 983      An Act To Increase Efficiency in the Enforcement of Restitution and Bail Orders      PUBLIC 221**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M MCCREAD D	OTP-AM	S-115

This bill provides that if a court determines that an offender has violated unsecured preconviction bail and that the violation is not excused, the court must enter an order of forfeiture of bail, which may not exceed the amount of the unsecured bail previously set. The bill authorizes an attorney for the State or a prosecutorial district to take action to collect the amount of forfeited bail and requires the State Tax Assessor to withhold funds owed to a taxpayer with regard to whom a forfeiture order has been entered. This bill also allows the court to order the State Tax Assessor to withhold restitution owed by an offender from any tax refund owed to that offender.

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

This amendment changes a reference to unpaid judgments to unpaid restitution and changes a cross-reference. The amendment strikes three sections of the bill that are unnecessary because prosecutorial districts are currently authorized to request that the State Tax Assessor offset an income tax refund to satisfy a liquidated debt.

**Enacted Law Summary**

Public Law 2017, chapter 221 provides that if a court determines that an offender has violated unsecured preconviction bail and that the violation is not excused, the court must enter an order of forfeiture of bail, which may not exceed the amount of the unsecured bail previously set. The law authorizes the State Tax Assessor to withhold funds owed to a taxpayer with regard to whom a forfeiture order has been entered.

**LD 986      An Act To Improve School Safety      ONTP**

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

This bill provides for a mandatory one-year suspension of a driver's license for a person convicted of terrorizing if the terrorizing causes the evacuation of a public elementary or secondary school. If the person does not have a driver's license, the bill specifies a one-year delay in the issuance of the driver's license from the date of the conviction of the offense or, if the person is not eligible for a driver's license, a one-year delay from the date that the person is eligible for the license. This bill also requires that a notice of the provisions of the law be conspicuously posted in at least one location in every public middle and secondary school.

**LD 990      An Act To Prevent Violence against Law Enforcement Officers, Emergency Medical Care Providers and Firefighters      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TURNER B	OTP-AM ONTP OTP-AM	S-265 H-542 NADEAU C

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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 is modeled on the crime of aggravated assault.

### **Committee Amendment "A" (S-265)**

This amendment, which is the majority report of the committee, changes the title and does the following.

1. It amends the existing crimes of assault on an officer, assault on an emergency medical care provider and assault on a firefighter to create new Class B crimes when a person commits an assault on a law enforcement officer, emergency medical care provider or firefighter and the person selected the law enforcement officer, emergency medical care provider or firefighter whom the person assaulted because of that law enforcement officer's, emergency medical care provider's or firefighter's status as a law enforcement officer, emergency medical care provider or firefighter.
2. It amends the existing crime of assault on an officer to create a new Class C crime when a person intentionally or knowingly causes offensive physical contact to a law enforcement officer.
3. It retains the provisions of the bill that create the new Class A and Class B crimes of aggravated assault on an officer.

This amendment was not adopted.

### **Committee Amendment "B" (S-266)**

This amendment, which is a minority report of the committee, changes the title and amends the bill as follows.

1. It removes from the bill the new Class C crime of recklessly causing offensive physical contact to a law enforcement officer.
2. It retains from the bill the new Class C crime of intentionally or knowingly causing offensive physical contact to a law enforcement officer.
3. It retains from the bill the new Class A or Class B crime of aggravated assault on an officer.

This amendment was not adopted.

### **House Amendment "B" To Committee Amendment "A" (H-542)**

This amendment strikes language from Committee Amendment "A" that creates a new Class C crime when a person intentionally or knowingly causes offensive physical contact to a law enforcement officer. This amendment also removes the mental state of "recklessly" from the crimes of causing bodily injury to a law enforcement officer, causing bodily injury to an emergency medical care provider and causing bodily injury to a firefighter when the injured's status as a law enforcement officer, emergency medical care provider or firefighter resulted in the selection of the injured as a target.

This amendment was not adopted.

### **House Amendment "C" To Committee Amendment "A" (H-543)**

This amendment removes the Class B crime added by Committee Amendment "A" of causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter. Instead, this amendment makes causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter an aggravating factor that must be considered by the court when sentencing a person convicted of assault of a law enforcement officer, emergency

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medical care provider or firefighter.

This amendment was not adopted.

**House Amendment "D" To Committee Amendment "A" (H-551)**

This amendment removes the Class B crime added by Committee Amendment "A" of causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter. Instead, this amendment makes causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter an aggravating factor that must be considered by the court when sentencing a person convicted of assault of a law enforcement officer, emergency medical care provider or firefighter.

This amendment also removes the Class C crime added by Committee Amendment "A" of intentionally or knowingly causing offensive physical contact to a law enforcement officer while that officer is in the performance of the officer's official duties.

This amendment was not adopted.

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

**LD 994      An Act To Increase the Class of Crime for Viewing Animal Fighting      ONTP**

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

This bill increases the class of crime for viewing animal fighting from a Class D crime to a Class C crime.

**LD 1014      An Act To Require A Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M MAKER J	OTP-AM ONTP	

This bill makes it a Class D crime for a person to fail to inform a law enforcement officer of the person's possession of a hypodermic apparatus on the person's body during the course of any arrest, detention or routine traffic stop of the person.

**Committee Amendment "A" (H-147)**

This amendment replaces the bill and, like the bill, it establishes the failure to inform a law enforcement officer of a hypodermic apparatus as a Class D crime. If a person discloses the possession of a hypodermic apparatus as required, the amendment makes the hypodermic apparatus and any contents of the apparatus inadmissible as evidence in a prosecution for a violation of the Maine Revised Statutes, Title 17-A, chapter 45.

This amendment was not adopted.



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**LD 1048    An Act To Reclassify Certain Offenses and Increase the Efficiency of the Criminal Justice System**

**CARRIED OVER**

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

This bill requires the use of the Uniform Summons and Complaint form for criminal violations of the Maine Revised Statutes, Titles 12, 17-A and 29-A and the Violation Summons and Complaint for civil violations of those titles. This bill requires the Violation Summons and Complaint form to be the same form as that currently used for traffic infractions and standardizes the use, including the issuance and disposition, of that form by law enforcement officers and the Maine Warden Service.

This bill specifies that district attorneys are required to prosecute only criminal violations of the inland fisheries and wildlife laws and removes references to citations, which are no longer used by the warden service.

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

**LD 1050    An Act To Protect the Safety of Emergency Medical Services Personnel and Patients**

**Died Between Houses**

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

This bill authorizes a political subdivision of the State to adopt an order, ordinance, rule or regulation that prohibits a person from having a firearm in the person's possession while inside an emergency medical services vehicle that is owned or operated by or on behalf of the political subdivision.

**Committee Amendment "A" (H-337)**

This amendment is one of two minority reports from the committee. The amendment does not prohibit a political subdivision of the State from adopting an order, ordinance, rule or regulation that regulates possession of a firearm while inside an emergency medical services vehicle that is owned or operated by or on behalf of the political subdivision.

This amendment was not adopted.

**Committee Amendment "B" (H-338)**

This amendment is one of two minority reports from the committee. The amendment does not prohibit a political subdivision of the State from adopting an order, ordinance, rule or regulation requiring that a firearm carried inside an emergency medical services vehicle that is owned or operated by or on behalf of the political subdivision be locked in a lockbox by emergency medical services personnel.

This amendment was not adopted.

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**LD 1060      Resolve, Directing the Department of Administrative and Financial Services To Convene a Cybersecurity Commission      ONTP**

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

This resolve directs the Commissioner of Administrative and Financial Services to convene a cybersecurity commission.

**LD 1079      An Act To Provide a Defense to Criminal Prosecution for Persons Reporting a Drug-related Medical Emergency      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B KEIM L	OTP-AM ONTP	H-164

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-164)**

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment provides an affirmative defense in a prosecution for unlawful possession of scheduled drugs that the evidence of possession was obtained as a result of the person seeking, in good faith, medical assistance for someone experiencing a drug-related overdose or seeking or obtaining medical assistance for a drug-related overdose the person is experiencing. Unlike the bill, the amendment provides that the assertion of this affirmative defense is not grounds for suppression of evidence with respect to any crime.

**LD 1090      An Act To Amend the Laws Governing Eluding an Officer      Died Between Houses**

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

This bill provides, with several specified exceptions, that a person who is a registered owner of a vehicle at the time that vehicle is involved in eluding a law enforcement officer commits a traffic infraction for which a fine of \$500 must be adjudged.

**Committee Amendment "A" (S-130)**

This amendment is the majority report of the committee. Like the bill, the amendment provides a defense to prosecution for an owner of a vehicle if a person other than the owner is charged with eluding a law enforcement officer. The amendment adds to the provision that, if asked by a law enforcement officer, the owner must disclose the name of the operator of the vehicle. The amendment extends the defense available to a dealer or transporter to a

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dealer who loans the vehicle using loaner plates.

This amendment was not adopted.

**LD 1091    An Act To Implement Certain Recommendations of the Criminal Law  
Advisory Commission Relative to the Maine Criminal Code and Related  
Statutes**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-361

This bill makes changes to the laws recommended by the Criminal Law Advisory Commission.

Part A does the following:

1. Amends the Maine Revised Statutes, Title 15, section 393, subsection 1-B by replacing the words "pending charging instrument" with the words "the charge that gave rise to the prohibition" to eliminate a potential ambiguity; and
2. Enacts as Title 15, section 1094-C a provision that makes it a Class C crime for a person arrested for an alleged murder and who is detained because a Harnish bail proceeding has not yet taken place, the proceeding has been waived in open court by the person or the proceeding has taken place and the person's conditional right to bail has been extinguished and bail has been denied by the court and who has been properly notified not to make direct or indirect contact with any specifically identified family or household member of the alleged victim of the murder for which the person is being detained to intentionally or knowingly make direct or indirect contact with any specifically identified family or household member of the alleged victim.

Part B clarifies provisions of the Criminal History Record Information Act as they apply to granted petitions for full and free pardons.

Part C does the following:

1. Rearranges into 2 subsections the content of Title 17-A, section 33. Subsection 1 contains the content of the current section 33, except that it deletes the words "unless the concurrent cause was clearly sufficient to produce the result and the conduct of the defendant was clearly insufficient." Subsection 2 contains a simplified test to be applied in the event concurrent causation is generated as an issue. It provides that, when a defendant's conduct may have operated concurrently with another cause, in addition to satisfying the "but for" test the defendant's conduct must have been sufficient by itself to produce the result; and
2. Amends Title 17-A, section 505, subsection 2 by adding to the definition of "public way" the words "a way upon which the public has access as invitees or licensees."

Part D allows the use of prior convictions for aggravated assault, elevated aggravated assault and elevated aggravated assault on a pregnant person, and like crimes in other jurisdictions, to be used to elevate the class of subsequent domestic violence crimes from Class D to Class C. The prior conviction may be used to enhance the current charge only if the State or other jurisdiction proved, in the prior case, that the defendant and victim were family or household members.

Part E does the following:

1. Amends Title 17-A, section 1101 by enacting definitions of "cocaine" and "heroin." The definition of "cocaine"

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mirrors that currently found in Title 17-A, section 1102, subsection 1, paragraph F. The definition of "heroin" as "any compound, mixture or preparation containing heroin (diacetylmorphine) in any quantity" is in response to State v. Pinkham, Sr., 2016 ME 59, 137 A. 3d 203; and

2. Repeals the definition of "cocaine" in Title 17-A, section 1102, subsection 1, paragraph F, because its content is moved to section 1101.

Part F of the bill does the following:

1. Amends Title 30-A, section 3821, subsection 3 to clarify that hotel and lodging house registers must be kept for 2 years and must be available for inspection by an agent of the authority that licenses the hotel or lodging house; and

2. Amends Title 34-A, section 1216, subsection 1, paragraph D to clarify that dissemination of certain information pertaining to a person receiving services from the Department of Corrections may be made to any criminal justice agency if necessary to carry out the "administration of criminal justice" as separately defined pursuant to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act, and to carry out the "administration of juvenile criminal justice" and the "administration of juvenile justice" as separately defined pursuant to the Maine Juvenile Code.

### **Committee Amendment "A" (H-361)**

This amendment provides funding to the Maine Commission on Indigent Legal Services.

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

### **LD 1092      An Act To Exempt United States Military Recruiters from Paying Fees      ONTP for Criminal History Record Checks**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C CYRWAY S	ONTP	

This bill provides an exemption to recruiters for the Armed Forces of the United States from the fee charged by the State Bureau of Identification for criminal history record checks.

### **LD 1128      Resolve, To Establish the Committee To Study the Processing of      Died On Evidence from Sexual Assault Test Kits      Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M BELLOWS S	OTP-AM ONTP	H-253

This resolve establishes the Committee To Study the Processing of Evidence from Sexual Assault Test Kits. The resolve provides for an 11-member committee that will study the processing of evidence from sexual assault test kits and make recommendations and submit suggested legislation in a report to the Joint Standing Committee on Criminal Justice and Public Safety by December 6, 2017. The resolve authorizes the committee to seek funding contributions to partially or fully fund the costs of the study but does not make the work of the committee contingent on outside funding.

### **Committee Amendment "A" (H-253)**

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This amendment removes the requirement that the representative of an organization working to provide victim services to victims of sexual violence and who has had experience in accompanying victims during the collection of forensic evidence be from a statewide organization.

**LD 1146      Resolve, To Provide Wage Parity for Law Enforcement Officers in the Department of Corrections with Other Law Enforcement Officers      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY A MAKER J		

In Resolve 2015, chapter 80, the salary schedules for certain law enforcement positions, including those in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, but not including the Department of Corrections, were adjusted upward by 12% to 18%.

This resolve requires the salary schedules for law enforcement positions in the Department of Corrections to be adjusted upward by 15%.

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

**LD 1154      An Act To Provide a Voluntary Method of Determining Whether a Purchaser of a Firearm Is Prohibited from Possessing a Firearm without a Background Check      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAS O	ONTP	

This bill establishes a voluntary method of establishing that a person is not disqualified from possessing a firearm without the need for a criminal background check at the time of the sale. This bill allows an individual who is not a licensed firearm dealer, when selling a firearm, to request proof that the buyer is not disqualified from possessing a firearm. The buyer may present a Maine driver's license or nondriver identification card that has been issued by the Secretary of State that contains indicia of the holder's qualification to possess a firearm as acceptable proof, without the need for a criminal background check.

Beginning in 2018, an applicant for a driver's license or nondriver identification card may request the Secretary of State to verify whether the applicant is disqualified from possessing a firearm. If the applicant is not disqualified, the Secretary of State must indicate that through the use of a permanent mark or some other discreet indicia on the back of the license or identification card. The Secretary of State is required to conduct a public awareness program to inform the public of this method of determining whether the holder of a driver's license or nondriver identification card is qualified to possess a firearm.

**LD 1168      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M HERBIG E		

This resolution proposes to amend the Constitution of Maine to enact a Victims' Bill of Rights, designed to ensure specific rights for victims of crime. The purpose of this resolution is to place into the Constitution of Maine various

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rights regarding notification of public proceedings at which the victim has a right to be heard, the right to confer with the prosecution and the right to prompt and full restitution. This resolution requires a court to grant a request by the victim to enforce the rights of the victim and to provide a remedy for violations of the victim's rights, including the appeal of a sentence. This resolution does not provide a victim a cause of action for compensation or damages against the State or a political subdivision of the State, including the courts, or any officer, employee or agent of the State or a political subdivision of the State.

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

**LD 1173      An Act To Require That Information on Prisoners' Furlough Be Reported to the National Crime Information Center, Department of Public Safety and State Bureau of Identification      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S PIERCE J	ONTP	

This bill requires the sheriff or administrator of a county jail or regional jail and the chief administrative officer of a correctional facility or detention facility to report information on a prisoner who is granted a furlough to the Federal Bureau of Investigation, National Crime Information Center; the Department of Public Safety for access to that information by law enforcement officers; and the Department of Public Safety, Bureau of State Police, State Bureau of Identification. This information must include the name and date of birth of the prisoner, the name of the county jail, regional jail, correctional facility or detention facility to which the prisoner is committed, the beginning and end times for the furlough and any conditions of release.

**LD 1175      An Act To Expand Options for the Prevention of Domestic Violence      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M WARREN C	ONTP OTP-AM	

This bill creates a gun violence restraining order to authorize a court to order a person to surrender that person's firearms and ammunition for a specific period of time when it has been proved that the person poses a danger of causing personal injury to that person or another person. The bill provides that:

1. A law enforcement officer may file for a temporary emergency gun violence restraining order, which expires in 21 days;
2. A law enforcement officer or a family or household member of the person may request an ex parte gun violence restraining order, which expires in 21 days. The court is required to hold a hearing to determine if a one-year order should be issued within 21 days;
3. A law enforcement officer or a family or household member of the person may request that a one-year gun violence restraining order be issued. The plaintiff must prove by clear and convincing evidence that the person poses a significant danger and that the order is necessary to prevent injury because less restrictive alternatives have been tried or are inappropriate in the specific case;
4. The subject of a gun violence restraining order is required to surrender all firearms and ammunition in the person's possession to a law enforcement officer or to sell the firearms and ammunition to a federally licensed

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firearms dealer. If the firearms and ammunition are surrendered to a law enforcement agency, the firearms and ammunition must be returned to the person at the expiration of the gun violence restraining order; and

5. A person who possesses firearms or ammunition in violation of a gun violence restraining order commits a Class D crime. Part of the sentence must include the prohibition on possession of firearms and ammunition for an additional five years.

**Committee Amendment "A" (S-250)**

This amendment, which is the minority report of the committee, replaces the bill and creates a judicial process for the imposition of a gun violence restraining order whereby a court is authorized to order a person to surrender that person's firearms for a six-month period of time when it has been proved by clear and convincing evidence that the person poses a danger of causing personal injury to that person or to another person. A person who possesses a firearm in violation of a gun violence restraining order commits a Class D crime, the sentence for which must include a prohibition on the possession of firearms for a five-year period of time. The amendment also adds an appropriations and allocations section to provide funding to address anticipated new cases and required information technology updates within the Judicial Department and to provide funding to the Department of Public Safety for increased storage costs relating to retaining firearms under a gun violence restraining order process.

This amendment was not adopted.

**LD 1183      An Act To Expand Use of Electronic Monitoring in Domestic Violence,      CARRIED OVER  
Sexual Assault and Stalking Cases**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K DIAMOND B		

This bill provides funding to expand the use of electronic monitoring as part of a coordinated response to domestic violence, sexual assault and stalking. It provides funds for victim advocates and case management and funds to support the cost of electronic monitoring for indigent offenders and for victims who may choose to carry a corresponding device.

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

**LD 1202      An Act To Clear a Path to Employment      CARRIED OVER**

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

This bill establishes an automatic process for an individual who has been convicted of a Class C, Class D or Class E crime to have the records of that conviction sealed if the crime does not involve domestic violence or sexual assault; the individual has not been convicted of any other crime in this State or another jurisdiction; and at least seven years have passed since the date of conviction. If the Department of Public Safety, Bureau of State Police, State Bureau of Identification objects to the automatic sealing of an individual's criminal conviction records, the individual may file a motion in the underlying criminal proceeding requesting that the records be sealed.

The bill provides for a reduction in the seven-year waiting period for the sealing of records of an eligible criminal conviction if a convicted individual files a motion with the court demonstrating that the individual obtained a high school diploma or postsecondary certificate or degree after the date of conviction.

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The bill prohibits the use of sealed criminal conviction information by all employers that are not criminal justice agencies. The bill also authorizes individuals whose conviction records have been sealed to respond to inquiries, other than inquiries from a criminal justice agency, as if the sealed conviction and underlying crime had never occurred.

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

**LD 1219 An Act To Amend the Laws Governing Forensic Examination Kits**

**PUBLIC 156**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-161

This bill amends laws governing forensic examination kits to provide for the kits to be used for testing in relation to alleged crimes other than gross sexual assault. This bill also provides that rules that have been adopted by the Department of Public Safety to implement the Maine Revised Statutes, Title 25, sections 2915 and 3821 may be amended to reflect the changes set forth in this Act without triggering the requirements set forth in the Maine Administrative Procedure Act.

**Committee Amendment "A" (S-161)**

This amendment amends the laws governing forensic examination kits to provide for the kits to be used for testing in relation to alleged sexual assault crimes other than gross sexual assault, making that change in the Maine Revised Statutes, Title 5, section 3360-M and Title 24, section 2986. The amendment changes the tracking number used on the completed kit from a number assigned by the hospital or health care practitioner to the number assigned by the kit manufacturer. The amendment requires the Victims' Compensation Board to amend its rules regarding forensic examination test kits.

**Enacted Law Summary**

Public Law 2017, chapter 156 amends the laws governing forensic examination kits to provide for the kits to be used for testing in relation to alleged sexual assault crimes other than gross sexual assault, making that change in the Maine Revised Statutes, Title 5, section 3360-M and Title 24, section 2986. The law changes the tracking number used on the completed kit from a number assigned by the hospital or health care practitioner to the number assigned by the kit manufacturer. The law requires the Victims' Compensation Board to amend its rules regarding forensic examination test kits.

**LD 1220 An Act To Repeal the Former Interstate Compact for Juveniles**

**PUBLIC 127**

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

This bill repeals the Uniform Interstate Compact on Juveniles. This compact has been superseded by the Interstate Compact for Juveniles, which has now been ratified by all states.

**Enacted Law Summary**

Public Law 2017, chapter 127 repeals the Uniform Interstate Compact on Juveniles. This compact has been superseded by the Interstate Compact for Juveniles, which has now been ratified by all states.



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**LD 1221 An Act To Clarify and Amend Certain Provisions of Law Regarding Victim Services**

**PUBLIC 128**

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

This bill adds to the protections of the victim notification laws by requiring victim notification of funeral and deathbed visits by prisoners, by adding to the definition of "victim" a person who has obtained from a court a protection from abuse order or received court approval for a protection from abuse consent agreement and by allowing victims to request notification directly from the Department of Corrections.

It allows a court to revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited by a condition of probation or by the department.

It also eliminates two redundant statutory provisions regarding the department's Victim Services Coordinator and allows the Commissioner of Corrections to delegate supervision of the coordinator.

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

This amendment amends the bill by providing that a court may revoke the probation of an offender who has contact with a victim during incarceration at a county or regional jail if contact has been prohibited by the county or regional jail. The bill provides that a court may revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited by a condition of probation or by the Department of Corrections.

**Enacted Law Summary**

Public Law 2017, chapter 128 adds to the protections of the victim notification laws by requiring victim notification of funeral and deathbed visits by prisoners, by adding to the definition of "victim" a person who has obtained from a court a protection from abuse order or received court approval for a protection from abuse consent agreement and by allowing victims to request notification directly from the Department of Corrections.

The law also allows a court to revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited by a condition of probation, by the department or by a county or regional jail. It eliminates two redundant statutory provisions regarding the department's Victim Services Coordinator and allows the Commissioner of Corrections to delegate supervision of the coordinator.

**LD 1223 An Act To Facilitate the Continued Operation of the Department of Corrections Intensive Mental Health Unit**

**PUBLIC 147  
EMERGENCY**

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

This bill removes the provisions of law that on August 1, 2017 repeal provisions enacted in Public Law 2013, chapter 434 that enable the Department of Corrections to establish an intensive mental health unit, which provides services to the department's prisoners and to prisoners of jails, and that enable the department to obtain court orders for the involuntary medication of prisoners with mental illness.

**Enacted Law Summary**

Public Law 2017, chapter 147 removes the August 1, 2017 sunset provisions applicable to Public Law 2013, chapter 434 that enable the Department of Corrections to establish an intensive mental health unit within the Maine State

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Prison. The intensive mental health unit provides services to the department's prisoners and to prisoners of jails and enables the department to obtain court orders for the involuntary medication of prisoners with mental illness.

Public Law 2017, chapter 147 was enacted as an emergency measure effective June 8, 2017.

**LD 1238      An Act To Permit the Expungement of Records Relating to Proceedings That Do Not Result in Convictions      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J	ONTP	

This bill establishes a process for an individual who was arrested for or charged with a state crime, but who was not ultimately convicted of that state crime or a related crime, to seek expungement of all criminal history records held by a law enforcement agency or state court concerning the individual's arrest or the state court criminal proceeding.

**LD 1261      An Act To Protect Children from Sex Trafficking      PUBLIC 135**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B STEWART H	OTP-AM	S-92

This bill:

1. Creates the crime of electronic enticement of a minor to engage in a commercial act as a Class C crime;
2. Creates the crime of arranging travel for sex tourism involving a minor as a Class C crime; and
3. Includes in the elements of the crime of aggravated sex trafficking when a person purchases or solicits or offers or attempts to purchase or solicit a sexual act with a minor or a person the person believes to be a minor.

**Committee Amendment "A" (S-92)**

This amendment replaces the bill and creates a new Class D crime of soliciting a child to engage in prostitution if the actor knowingly solicits directly or indirectly by any means a person the actor knows or believes is under 18 years of age to engage in prostitution.

**Enacted Law Summary**

Public Law 2017, chapter 135 creates a new Class D crime of soliciting a child to engage in prostitution if the actor knowingly solicits directly or indirectly by any means a person the actor knows or believes is under 18 years of age to engage in prostitution.

**LD 1266      An Act To Transfer Operations and Ownership of County Jail Facilities to the State      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B SPEAR J	ONTP	

This bill establishes the process for transferring county jail facilities and operational responsibilities to the State as

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of July 1, 2020.

**LD 1268      An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R BRAKEY E		

This bill amends the Maine Bail Code to require the development and use of a risk assessment instrument for determining appropriate pretrial release conditions, as well as a needs screening and, as necessary, a clinical assessment with regard to substance abuse or mental health issues of defendants to identify defendants appropriate for diversion to treatment. The bill prohibits the use of monetary bail.

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

**LD 1296      An Act To Prohibit the Privatization of State Correctional Facilities and the State's Forensic Hospitals** **Died Between Houses**

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

This bill prohibits the privatization of state correctional facilities and forensic hospitals that provide psychiatric services to the correctional system and the Maine court system.

**Committee Amendment "A" (H-486)**

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment provides findings of legislative intent and prohibitions on contracting for certain services by the Department of Corrections with regard to correctional services and the Department of Health and Human Services with regard to state mental health institutes and less intensive residential facilities for persons in the custody of the Commissioner of Health and Human Services. The services that may not be contracted are services relating to the operation of direct care and supervision, administration and management, with an exception for services subject to a contract on the effective date of the Act or services that are similar to those contracted services that are provided by a contract entered into after the effective date of the Act. The amendment prohibits the Department of Corrections from decreasing the population, capacity or staffing of a state correctional facility by more than 25% within any fiscal biennium unless the department has first sought the participation and approval of the Legislature through legislation or major substantive rules. The amendment requires that any action by the department to decrease population, capacity or staffing of a state correctional facility in excess of the limit of 25% within any fiscal biennium may only be taken after passage of legislation by the Legislature and approval by the Governor or adoption of major substantive rules on a nonemergency basis, as provided in the Maine Revised Statutes, Title 5, section 8072, subsections 1 and 2 and approval of the Legislature as provided in Title 5, section 8072, subsections 8 and 9.

This amendment was not adopted.

**Senate Amendment "A" To Committee Amendment "A" (S-296)**

This amendment provides that a state correctional facility established in the Maine Revised Statutes may be closed only after enactment of legislation by the Legislature approving the closure.

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This amendment was not adopted.

**LD 1322    An Act Regarding Mental Health First Aid Training for Corrections Personnel**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VITELLI E	OTP-AM OTP-AM	H-499

This bill requires that the Maine Criminal Justice Academy provide eight hours of mental health first aid training as part of basic corrections training and that each jail, prison and correctional facility in the State send two corrections officers to the academy for training. After the first two corrections officers receive mental health first aid training at the academy, the jail, prison or state correctional facility is required to send two other corrections officers to the academy for training and to repeat this process until all corrections officers at the jail, prison or state correctional facility have received mental health first aid training at the academy. This bill requires each jail, prison and correctional facility to report to the Commissioner of Corrections when all corrections officers have received mental health first aid training at the Maine Criminal Justice Academy and the commissioner to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters after receiving the report from all jails, prisons and correctional facilities.

**Committee Amendment "A" (H-499)**

This amendment is the majority report of the committee. The amendment requires that the Maine Criminal Justice Academy provide eight hours of mental health first aid training as part of basic corrections training. It also requires that each jail, prison and correctional facility in the State ensure that 20% of correctional officers are trained in mental health first aid by 2022. The amendment requires each jail, prison and correctional facility to report to the Commissioner of Corrections when corrections officers have received the required mental health first aid training at the Maine Criminal Justice Academy. The amendment requires the commissioner to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters after receiving the report from all jails, prisons and correctional facilities.

**Committee Amendment "B" (H-500)**

This amendment is the minority report of the committee. The amendment requires that the Maine Criminal Justice Academy periodically report on the hours of mental health first aid training provided to corrections officers across the State by the Maine Criminal Justice Academy as basic training and as ongoing training and by the law enforcement agencies that employ the corrections officers as part of ongoing training provided as a requirement of employment.

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

This amendment was not adopted.

**LD 1332    An Act To Prohibit Possession of Black Powder and Muzzle-loading Firearms by Certain Persons**

**PUBLIC 227**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERRICK L CYRWAY S	OTP-AM	H-336

Currently, the only nonconcealed firearm permit that the Commissioner of Public Safety grants to a person convicted of certain crimes, formerly known as felonies, is a permit to possess a black powder weapon, also known

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

**Committee Amendment "A" (H-336)**

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

**Enacted Law Summary**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Enacted Law Summary**

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

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

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

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

**Committee Amendment "A" (S-162)**

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

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

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

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

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

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

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

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

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This bill amends the current law regarding victims' rights to enhance and improve the communication between law enforcement agencies and prosecutors and the families of murder victims and missing persons and to increase public awareness of unsolved murder and missing person cases. Specifically, this bill:

1. Requires the Department of Public Safety to establish a publicly accessible website that contains relevant information about open, or unsolved, murder and missing person cases;
2. Requires the law enforcement agency responsible for the investigation of an open murder or missing person case to hold a press conference or issue a press release annually on the anniversary date of the murder or the day the person was reported missing regarding the status of the case, unless the family of the victim requests otherwise;
3. Allows the family of a murder victim or missing person to seek the assistance of an investigative journalism organization and requires the investigating law enforcement agency to cooperate with the organization to the extent that cooperating does not jeopardize the resolution of the case;
4. After a case has been open for at least 10 years, allows the family to require the investigating law enforcement agency to seek help in solving the case from a federal law enforcement agency;
5. Requires at least annual communication by the investigating law enforcement agency and a victim advocate with the family of a murder victim or a missing person regarding the status of the case, unless the family requests otherwise. Any change in status or new information regarding the case must be reported to the family within 14 days; and
6. Requires that personal property that belonged to the murder victim or missing person in the possession of the State be returned to the family of the victim or person if it is determined that the property is not necessary to the investigation or prosecution of the case and requires the family to be notified if any other evidence collected, compiled or produced during the investigation is destroyed or lost.

The actions required by this legislation are intended to be in addition to the rights of and responsibilities to victims and victims' families already in statute.

**Committee Amendment "A" (H-340)**

This amendment is the minority report of the committee. The amendment replaces the bill and changes the title. The amendment requires the Department of Public Safety to adopt a policy that provides a procedure for a victim of an unsolved crime to request and receive annual updates from the department regarding the status of the investigation of the crime.

This amendment was not adopted.

**LD 1401      An Act To Allow Nonviolent Felons To Own Firearms at the Court's Discretion      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	ONTP	

This bill allows a court to exempt from the prohibition against owning a firearm a person convicted of a Class A, Class B or Class C crime or a similar offense if bodily injury to another person was not threatened and did not result and the court determines that the person does not pose a threat to public safety.

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**LD 1414 An Act To Ensure the Availability of In-person Visitation in County Jails**

**CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to enact measures designed to ensure the availability in county jails of in-person visitation between a prisoner and a visitor of the prisoner. In addition to requiring that all prisoners have the opportunity for in-person visits in county jails, such measures may include:

1. Limiting conditions on in-person visits to only those conditions and limitations required for safety and security, except that the jail may provide video-only visitation if needed for a particular prisoner's safety and security or may provide video-only visitation on a short-term basis if the jail is unable to provide a safe and secure location for in-person visitation;
2. Requiring opportunities for informal communication between a prisoner and a visitor of the prisoner, including opportunities for physical contact, and prohibiting the use of devices that preclude physical contact except in cases of substantiated security risk; or
3. Establishing a minimum number of in-person visit opportunities per week; requiring that video visitation be used only as a supplement to, and not a replacement of, in-person visitation; ensuring that video visitation service fees are affordable for prisoners and their families; and using, as a reward for good behavior, a certain number of free video visits per month.

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

**LD 1415 An Act To Provide Additional Deductions from a Sentence of Imprisonment for Completion of Education, Mental Health Treatment and Substance Abuse Treatment Programs**

**CARRIED OVER**

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

This bill provides for deductions from a prison sentence based on achievement of goals in a person's transition plan for educational, vocational, career or technical training programs or mental health treatment or substance abuse treatment programs for a person who commits a crime on or after October 1, 2017. The deductions are earned upon achievement of a transition plan goal and may not be denied or withdrawn based on consideration of disciplinary factors or daily attendance or a decision of an employee of the Department of Corrections. A person may earn only one deduction per sentence of imprisonment. The goals and the deductions are: for achievement of a high school equivalency diploma, a deduction of 90 days from the sentence; for achievement of an adult high school diploma, a deduction of 120 days; for achievement of an associate degree from an accredited institution of higher education, a deduction of 180 days; for achievement of a bachelor's degree from an accredited institution of higher education, a deduction of 365 days; for achievement of completion of a vocational, career or technical training program authorized and approved by the department, a deduction of 60 days; for achievement of completion of a mental health program and treatment course, a deduction of 60 days; and for achievement of completion of a substance abuse program and treatment course, a deduction of 60 days.



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

**LD 1427 An Act To Make Community Paramedicine Services Permanent**

**PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K	OTP-AM	H-489

This bill makes community paramedicine pilot projects established by the Emergency Medical Services' Board permanent. The bill also prohibits the use of state funds to fund community paramedicine projects.

**Committee Amendment "A" (H-489)**

This amendment changes the term in the bill "community paramedicine projects" to "community paramedicine services." The amendment strikes the provision of the bill that prohibits the use of state funds for the purposes of the bill.

**Enacted Law Summary**

Public Law 2017, chapter 276 makes community paramedicine services established by the Emergency Medical Services' Board permanent, no longer pilot projects.

**LD 1428 An Act To Relieve Overcrowding in County Jails**

**Accepted Majority (ONTP) Report**

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

This bill requires that a probationer held without bail pending hearing after an initial appearance for a probation violation must be transferred to the custody of the Department of Corrections and within seven days transported to a department facility.

**Committee Amendment "A" (H-507)**

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

This amendment was not adopted.

**LD 1429 An Act Regarding the Epidemic of Opiate Abuse**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M DION M	OTP-AM	H-510

This bill addresses the opiate crisis in Maine by:

1. Allowing funds from property forfeited pursuant to a criminal forfeiture action to be assigned by the court, upon the request of the investigating or prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders;

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- 2. Clarifying that the Class B crimes of aggravated furnishing of scheduled drugs and aggravated trafficking or furnishing of counterfeit drugs are for the death of another person, whose death was caused by drugs furnished by the defendant; and
- 3. Requiring the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the Controlled Substances Prescription Monitoring Program, including the number of prescribers participating and trends in prescription practices.

**Committee Amendment "A" (H-510)**

This amendment adds to the bill new variants of aggravated trafficking of scheduled drugs that includes trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime. The amendment also adds an appropriations and allocations section.

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

**LD 1457      An Act To Rename and Repurpose the Mountain View Youth Development Center as the Mountain View Correctional Facility and To Eliminate the Charleston Correctional Facility as a Facility Separate from Mountain View** **PUBLIC 148  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-158

This bill amends the statutes to reflect that Mountain View Youth Development Center is now largely being used to house adult prisoners, though there are still retained provisions related to the juvenile detention unit. It also repeals the provisions related to the Charleston Correctional Facility.

**Committee Amendment "A" (S-158)**

This amendment strikes those sections of the bill that address payment by the Department of Education for special education services and coordination of services for juvenile offenders in the custody of or under the supervision of the Department of Corrections.

**Enacted Law Summary**

Public Law 2017, chapter 148 amends the statutes to reflect that Mountain View Youth Development Center is being used to house adult prisoners, although it is authorized to include the juvenile detention unit. The law repeals the provisions of law related to the Charleston Correctional Facility.

Public Law 2017, chapter 148 was enacted as an emergency measure effective June 8, 2017.

**LD 1458      An Act To Amend the Law Relating to the Crime of Hindering Apprehension or Prosecution** **PUBLIC 149  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-157

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This bill includes in the crime of hindering apprehension or prosecution those who hinder the apprehension or prosecution of those who violate probation, supervised release for sex offenders or parole.

**Committee Amendment "A" (S-157)**

This amendment strikes the bill and creates the new crimes of hindering the apprehension or prosecution of a violator of either administrative release, probation, supervised release for sex offenders or parole or deferred disposition. It also clarifies the class of crime for hindering apprehension or prosecution when the underlying crime is a Class E crime.

**Enacted Law Summary**

Public Law 2017, chapter 149 creates the new crimes of hindering the apprehension or prosecution of a violator of either administrative release, probation, supervised release for sex offenders or parole or deferred disposition. It specifies that the class of crime for hindering apprehension or prosecution is one class lower than the crime for which the person was originally sentenced, except that when the person was originally sentenced for a Class E crime the class for hindering is a Class E crime.

Public Law 2017, chapter 149 was enacted as an emergency measure effective June 8, 2017.

**LD 1462      Resolve, To Establish a Pilot Project To Facilitate the Acquisition of Basic Emergency Medical Training in Rural Communities in the State      Veto Sustained**

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

The purpose of this resolve is to address issues of recruitment of emergency medical services personnel in the rural areas of the State. This resolve directs the Department of Public Safety, Maine Emergency Medical Services to establish an emergency medical services apprenticeship pilot project to expand the pool of available emergency medical services personnel. Maine Emergency Medical Services is directed to establish apprenticeship programs in four geographically diverse towns in the State having 5,000 or fewer residents and provide accessible and affordable basic emergency medical training classes in those towns.

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

This amendment retains the purpose of the resolve, to address issues of recruitment of emergency medical services personnel in rural areas of the State through a pilot project, but changes the focus to the development and delivery of community medical responder apprenticeship programs. The pilot project is intended to expand the pool of available emergency medical services personnel by providing potential new responders opportunities for training in an affordable and accessible manner. The amendment changes the number of apprenticeship programs from four to six.

**LD 1469      An Act Relating to Firearms Exclusions in Certain Locations      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY M BRAKEY E	ONTP	

This bill provides that a person that prohibits the possession of firearms on property by an individual otherwise authorized to carry a firearm thereby assumes absolute custodial responsibility for the safety and defense of the individual prohibited from possessing a firearm while that individual is on that property and while that individual is

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on any property that individual is required to traverse in order to travel to and from the location where that individual's firearm is stored. An individual prohibited from possessing a firearm who is otherwise authorized to carry a firearm and who is injured, suffers bodily injury or death or incurs economic loss or expense, property damage or any other compensable loss as the result of conduct occurring on property on which the possession of a firearm is prohibited has a cause of action against the person that prohibits the possession of firearms on that property.

**LD 1490     An Act To Stabilize Funding for the County Jails**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S BRADSTREET R	OTP-AM	S-268

This bill transfers funds out of the County Jail Operations Fund program to the Community Based Corrections program within the Department of Corrections to create a separate program for funds distributed pursuant to the Maine Revised Statutes, Title 34-A, section 1210-D, subsection 2.

**Committee Amendment "A" (S-268)**

This amendment:

1. Separates the County Jail Operations Fund into a County Jail Operations Fund and a new County Jail Community Corrections Fund; and
2. Provides \$3,800,000 per year in additional funding for the County Jail Operations Fund.

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

**LD 1493     An Act To Strengthen Enforcement of Support Orders**

**ONTP**

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

This bill establishes mandatory minimum sentences for the Class E crime of nonsupport of dependents, with one weekend of imprisonment for the first offense, two weekends of imprisonment for the second offense and, for the third and subsequent offenses, 30 days of imprisonment under administrative release in accordance with which the convict is required to report to a correctional facility of the court's designation with imprisonment for no fewer than eight hours per day as designated by the court.

**LD 1512     An Act To Protect the Health and Safety of First Responders**

**PUBLIC 292**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M	OTP-AM OTP-AM ONTP	H-512 H-547    LONGSTAFF T

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

This bill makes it a crime for a person, knowing the person is infected with an aggressive blood-borne pathogen, to intentionally, knowingly or recklessly cause any of the person's body fluids to be exposed to a first responder while the first responder is performing official duties. The bill also requires a person who has exposed that person's body fluids to a first responder in the course of the first responder's official duties to submit to a blood-borne pathogen test to test for aggressive blood-borne pathogens. If there is reasonable cause to suspect that the person's body fluids might contain such a pathogen, a justice, judge or justice of the peace may issue a search warrant to compel the person to submit to testing. Subsequent testing arising out of the same incident of exposure may also be conducted.

### **Committee Amendment "A" (H-511)**

This amendment is the majority report of the committee. The amendment retains in the crime of exposure of a first responder to body fluids the mens rea of intentionally, knowingly or recklessly and removes the word "willfully." The amendment defines the term exposure.

This amendment was not adopted.

### **Committee Amendment "B" (H-512)**

This amendment is a minority report of the committee. The amendment strikes from the bill the new crime of willful exposure of a first responder to body fluids. The amendment retains the provision of the bill on emergency blood-borne pathogen testing.

### **House Amendment "A" To Committee Amendment "B" (H-547)**

This amendment replaces the provision of Committee Amendment "B" regarding emergency blood-borne pathogen testing. Under this amendment, if a first responder who has been exposed to a person's body fluids in the course of the first responder's official duties petitions the court to order a blood test:

1. The District Court must schedule a hearing to be held within 72 hours of the filing of the petition;
2. Any appeal of the District Court's decision must be filed no later than 24 hours following the court's decision; and
3. Upon receipt by the Superior Court of the appeal, the court must schedule a hearing to be held within 72 hours.

### **Enacted Law Summary**

Public Law 2017, chapter 292 requires a person who has exposed that person's body fluids to a first responder in the course of the first responder's official duties to submit to a blood-borne pathogen test to test for aggressive blood-borne pathogens under the procedures in the law. If a first responder who has been exposed to a person's body fluids in the course of the first responder's official duties petitions the court to order a blood test the following steps will be taken prior to the blood-borne pathogen test being administered:

1. The District Court must schedule a hearing to be held within 72 hours of the filing of the petition and the court may order the test to be administered;
2. If there is an appeal of the District Court order, any appeal of the District Court's decision must be filed no later than 24 hours following the court's decision; and
3. Upon receipt by the Superior Court of the appeal, the court must schedule a hearing to be held within 72 hours.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1526 An Act To Provide Funds for Access to Federal Training Facilities for First Responders ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAS O	ONTP	

This bill provides a one-time General Fund appropriation of \$10,500 in fiscal year 2016-17 to the Department of Public Safety for passport cards to allow first responders to access federal facilities in order to receive training.

**LD 1546 An Act To Clarify the Language Defining Schedule W Drugs and To Add Drugs to the List of Schedule W Drugs PUBLIC 274**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S NADEAU C	OTP-AM ONTP	S-262

This bill clarifies that any compound, mixture or preparation containing narcotic drugs in any quantity is a schedule W drug unless listed or described in another schedule. The bill adds phenylpiperazine, mitragynine, U-47700, despropionyl fentanyl, furanylfentanyl and fluorofentanyl to the list of schedule W drugs.

**Committee Amendment "A" (S-262)**

This amendment, which is the majority report of the committee, removes from the proposed additions to the list of schedule W drugs phenylpiperazine and mitragynine and adds to the list W-18, W-15, AH-7921, carfentanil, sufentanil, and also adds language to ensure that all other fentanyl derivatives are included in the schedule.

**Enacted Law Summary**

Public Law 2017, chapter 274 clarifies that any compound, mixture or preparation containing narcotic drugs in any quantity is a schedule W drug unless listed or described in another schedule. Chapter 274 adds W-18, W-15, AH-7921, U-47700, carfentanil, sufentanil, despropionyl fentanyl, furanylfentanyl and fluorofentanyl to the list of schedule W drugs, and also adds language to ensure that all other fentanyl derivatives are included in the schedule.

**LD 1585 An Act To Transfer the Authority To Issue Nonconcealed Firearm Permits in Certain Cases from the Department of Public Safety to the Office of the Governor PUBLIC 206**

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

This bill transfers the authority to issue nonconcealed firearm permits in certain cases from the Department of Public Safety to the Office of the Governor.

**Enacted Law Summary**

Public Law 2017, chapter 206 transfers the authority to issue nonconcealed firearm permits in certain cases from the Department of Public Safety to the Office of the Governor.

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

**LD 1606     An Act To Remove the Reporting Requirement of the Office of Victim Services     ONTP**

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

This bill repeals the requirement that the Department of Corrections, Office of Victim Services report annually to the Legislature on batterers intervention programs.

**LD 1623     An Act To Make a Needed Clarification to the Term "Heroin" as Used in the Maine Criminal Code     Died In Concurrence**

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

This bill responds to the Law Court decision regarding State of Maine v. Dale M. Pinkham, Sr., 2016 ME 59. The bill clarifies that when the term "heroin" is used in the chapter of the Maine Criminal Code regarding drug offenses, that term includes heroin that is mixed with other substances and that the total weight of that compound, mixture or preparation is defined as "heroin."

**LD 1637     An Act To Ensure Maine Is in Compliance with Certain Federal Drug Laws     Died Between Houses**

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

The purpose of this bill is to ensure that Maine is in compliance with 23 United States Code, Section 159(a)(3)(A), a federal law that requires the withholding of federal funds unless a state provides for a mandatory six-month revocation or suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act of 1970, 21 United States Code, Section 801 et seq., or a drug offense.

This bill:

1. Requires a court to suspend for a minimum of six months the driver's license of a person convicted of a crime specified in the Maine Revised Statutes, Title 17-A, chapter 45, except for section 1116, which prohibits trafficking or furnishing imitation scheduled drugs;
2. If a person who is convicted of a crime specified in Title 17-A, chapter 45, except for section 1116, does not have a driver's license, or the person's driver's license is already suspended, requires the court to delay the issuance or reinstatement of the license of that person for at least six months after the person applies for issuance or reinstatement of a driver's license;
3. Requires the Secretary of State, on receipt of an attested copy of a court record of a suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act of 1970, 21 United States Code, Section 801 et seq., or of a crime specified in Title 17-A, chapter 45, except for section 1116, to immediately record

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the suspension and send written notice of the suspension to the person whose license has been suspended. If that person does not have a driver's license or that person's driver's license is already suspended, the Secretary of State is required to delay the issuance or reinstatement of that person's license for the period specified by the court; and

4. Increases the minimum period of suspension for a person convicted of operating under the influence of intoxicants, including scheduled drugs, who has no prior convictions for operating under the influence within a 10-year period, from 150 days to 180 days.

### **Committee Amendment "A" (S-310)**

This amendment is the minority report of the committee and replaces the bill. The amendment brings Maine's driver's license suspension provisions into compliance with the federal Controlled Substances Act of 1970. The amendment provides a mandatory six month driver's license suspension or delay in issuance or reinstatement for certain drug convictions and operating under the influence convictions, providing an exception for compelling circumstances. The amendment enacts similar penalties and exceptions for certain juvenile drug crime convictions and adjudications. The amendment provides for notice to the Secretary of State when a court suspends or delays a driver's license under the law, recording of the suspension and a procedure for notice to the driver. The amendment provides for notice to and suspension by the Secretary of State when a court enters a judgment of conviction under the law. The amendment also adds an appropriations and allocations section.



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## **SUBJECT INDEX**

### **Asset Forfeiture**

#### **Not Enacted**

LD 888	An Act To Strengthen Protections against Civil Asset Forfeiture	Majority (ONTP) Report
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### **Criminal History Record Information/DNA/Forensics**

#### **Not Enacted**

LD 1092	An Act To Exempt United States Military Recruiters from Paying Fees for Criminal History Record Checks	ONTP
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### **Criminal Law**

#### **Enacted**

LD 179	An Act To Make Creating a Police Standoff a Class E Crime	PUBLIC 86
LD 1387	An Act Regarding the Threatened Use of Force in the Crime of Robbery	PUBLIC 157
LD 1458	An Act To Amend the Law Relating to the Crime of Hindering Apprehension or Prosecution	PUBLIC 149 EMERGENCY

#### **Not Enacted**

LD 18	An Act To Make Exposing a Law Enforcement Officer to a Disorienting Substance a Crime	Majority (ONTP) Report
LD 42	An Act To Deter the Dealing of Dangerous Drugs	Died Between Houses
LD 92	An Act To Require a Person Who Provides Illegal Drugs To Give Medical Aid to Another Person in Medical Distress Due to That Illegal Drug Transaction	Majority (ONTP) Report
LD 251	An Act Regarding Refusing To Submit to Arrest or Detention	Minority (ONTP) Report
LD 346	An Act To Make Abuse of Corpse a Class C Crime	Died On Adjournment
LD 721	An Act To Mandate the Reporting of a Planned Act of Terrorism by a Person with Knowledge of That Plan	Veto Sustained

LD 745	An Act To Prohibit Female Genital Mutilation	Died Between Houses
LD 908	An Act Establishing the Crime of Child Abuse in the Maine Criminal Code	ONTP
LD 918	An Act Regarding Maine's Criminal Code	ONTP
LD 990	An Act To Prevent Violence against Law Enforcement Officers, Emergency Medical Care Providers and Firefighters	CARRIED OVER
LD 994	An Act To Increase the Class of Crime for Viewing Animal Fighting	ONTP
LD 1014	An Act To Require A Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle	Died Between Houses
LD 1048	An Act To Reclassify Certain Offenses and Increase the Efficiency of the Criminal Justice System	CARRIED OVER
LD 1079	An Act To Provide a Defense to Criminal Prosecution for Persons Reporting a Drug-related Medical Emergency	Veto Sustained
LD 1090	An Act To Amend the Laws Governing Eluding an Officer	Died Between Houses
LD 1168	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights	CARRIED OVER
LD 1388	An Act To Prohibit the Falsification of Medical Records	CARRIED OVER
LD 1493	An Act To Strengthen Enforcement of Support Orders	ONTP

### **Criminal Procedure/Bail/Sentencing**

#### **Enacted**

LD 332	An Act Regarding Service of Criminal Process on Electronic Communication Service Providers and Remote Computing Service Providers	PUBLIC 144 EMERGENCY
LD 983	An Act To Increase Efficiency in the Enforcement of Restitution and Bail Orders	PUBLIC 221

#### **Not Enacted**

LD 102	An Act To Make a Person Convicted of a Crime Liable for Payment of Investigative and Prosecutorial Costs	ONTP
LD 141	An Act Regarding Bringing Certain Criminal Charges	ONTP

LD 374	An Act To Recodify and Revise Certain Portions of the Maine Criminal Code	Veto Sustained
LD 449	An Act To Add Domestic Violence against the Victim as an Aggravating Factor in Sentencing for Murder	CARRIED OVER
LD 514	An Act To Authorize the Expungement of Records of Nonviolent Crimes	ONTP
LD 639	An Act To Require an Interstate Identification Index System Background Check for Certain Crimes	ONTP
LD 640	An Act To Require an Ontario Domestic Assault Risk Assessment prior to Setting Bail in Domestic Violence Arrests in Which the Alleged Abuser Has Been Taken into Custody	ONTP
LD 665	An Act To Give the Courts Sentencing Discretion When a Person with a Developmental Disability Has Been Convicted of a Crime	Majority (ONTP) Report
LD 1091	An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes	CARRIED OVER
LD 1202	An Act To Clear a Path to Employment	CARRIED OVER
LD 1238	An Act To Permit the Expungement of Records Relating to Proceedings That Do Not Result in Convictions	ONTP
LD 1268	An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants	CARRIED OVER
LD 1366	An Act To Protect Maine Consumers by Creating a White-collar Crime Registry	ONTP

**Department of Corrections**

**Enacted**

LD 1457	An Act To Rename and Repurpose the Mountain View Youth Development Center as the Mountain View Correctional Facility and To Eliminate the Charleston Correctional Facility as a Facility Separate from Mountain View	PUBLIC 148 EMERGENCY
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**Not Enacted**

LD 589	Resolve, To Establish a Working Group To Review the Function and Mission of Probation Officers and Establish a Licensing Procedure	Majority (ONTP) Report
LD 1296	An Act To Prohibit the Privatization of State Correctional Facilities and the State's Forensic Hospitals	Died Between Houses

LD 1322	An Act Regarding Mental Health First Aid Training for Corrections Personnel	CARRIED OVER
LD 1606	An Act To Remove the Reporting Requirement of the Office of Victim Services	ONTP

### *Domestic Violence*

#### Enacted

LD 511	An Act To Amend the Laws Governing Domestic Violence and Setting Preconviction Bail	PUBLIC 66
LD 814	An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases	PUBLIC 105

#### Not Enacted

LD 523	Resolve, To Establish the Commission To Review the Laws Governing Domestic Violence	Died On Adjournment
LD 524	An Act To Amend the Laws on Domestic Violence	CARRIED OVER
LD 525	An Act To Enhance Maine's Response to Domestic Violence	CARRIED OVER
LD 1183	An Act To Expand Use of Electronic Monitoring in Domestic Violence, Sexual Assault and Stalking Cases	CARRIED OVER

### *Drugs*

#### Enacted

LD 1546	An Act To Clarify the Language Defining Schedule W Drugs and To Add Drugs to the List of Schedule W Drugs	PUBLIC 274
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#### Not Enacted

LD 249	An Act To Fund and Enhance the Maine Diversion Alert Program	Died Between Houses
LD 475	An Act To Require That a Person Who Has Been Treated by a Law Enforcement Officer with Naloxone Be Informed about Drug Addiction Treatment	ONTP
LD 651	An Act To Expand Substance Abuse Prevention Projects	Died Between Houses
LD 1333	An Act To Enact the Drug Trafficking Offender Registration and Notification Act	ONTP
LD 1429	An Act Regarding the Epidemic of Opiate Abuse	CARRIED OVER
LD 1623	An Act To Make a Needed Clarification to the Term "Heroin" as Used in the Maine Criminal Code	Died In Concurrence
LD 1637	An Act To Ensure Maine Is in Compliance with Certain Federal Drug Laws	Died Between Houses

## *Firearms/Concealed Firearms*

### Enacted

LD 9	An Act To Prohibit the Creation of a Firearms Owner Registry	PUBLIC 175
LD 343	An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp	PUBLIC 69
LD 350	An Act To Repeal Certain Requirements Concerning the Sale and Purchase of Firearms	PUBLIC 81
LD 1332	An Act To Prohibit Possession of Black Powder and Muzzle-loading Firearms by Certain Persons	PUBLIC 227
LD 1585	An Act To Transfer the Authority To Issue Nonconcealed Firearm Permits in Certain Cases from the Department of Public Safety to the Office of the Governor	PUBLIC 206

### Not Enacted

LD 44	An Act To Lower the Age Requirement To Carry a Concealed Handgun	Majority (ONTP) Report
LD 321	An Act To Enhance Safety on School Property	Majority (ONTP) Report
LD 351	An Act To Allow Municipalities To Prohibit Weapons at Municipal Public Proceedings and Voting Places	Died Between Houses
LD 352	An Act To Require a Dealer To Sell a Gun Lock with Every New Firearm	Minority (ONTP) Report
LD 443	An Act To Allow Municipally Funded Hospitals To Prohibit the Presence of Firearms on Their Property	ONTP
LD 501	An Act To Increase Firearm Safety	ONTP
LD 574	An Act To Amend the Provision of Law Requiring Disclosure of the Possession of a Firearm under Certain Circumstances	ONTP
LD 595	An Act Prohibiting a Law Enforcement Officer from Confiscating a Firearm under Certain Conditions	ONTP
LD 598	An Act To Strengthen Maine Citizens' Right to Self Defense	ONTP
LD 1050	An Act To Protect the Safety of Emergency Medical Services Personnel and Patients	Died Between Houses
LD 1154	An Act To Provide a Voluntary Method of Determining Whether a Purchaser of a Firearm Is Prohibited from Possessing a Firearm without a Background Check	ONTP
LD 1175	An Act To Expand Options for the Prevention of Domestic Violence	Majority (ONTP) Report

LD 1401	An Act To Allow Nonviolent Felons To Own Firearms at the Court's Discretion	ONTP
LD 1469	An Act Relating to Firearms Exclusions in Certain Locations	ONTP

**Interstate Compact**

**Enacted**

LD 1220	An Act To Repeal the Former Interstate Compact for Juveniles	PUBLIC 127
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**Law Enforcement**

**Enacted**

LD 588	An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances	PUBLIC 90
LD 1512	An Act To Protect the Health and Safety of First Responders	PUBLIC 292

**Not Enacted**

LD 94	An Act To Provide a Source of Funding for Drug Abuse Resistance Education	Majority (ONTP) Report
LD 248	An Act Regarding Law Enforcement Training for Former Military Police Officers	ONTP
LD 600	Resolve, To Provide Grants to Law Enforcement Agencies To Acquire and Train Drug-detecting Dogs	Majority (ONTP) Report
LD 861	An Act To Provide Wage Parity for Certain State Law Enforcement Personnel	CARRIED OVER
LD 1060	Resolve, Directing the Department of Administrative and Financial Services To Convene a Cybersecurity Commission	ONTP
LD 1146	Resolve, To Provide Wage Parity for Law Enforcement Officers in the Department of Corrections with Other Law Enforcement Officers	CARRIED OVER
LD 1173	An Act To Require That Information on Prisoners' Furlough Be Reported to the National Crime Information Center, Department of Public Safety and State Bureau of Identification	ONTP

**OUI/OAS/Other MV Violations**

**Enacted**

LD 670	An Act To Allow for Consistent Application of Credit for Driver's License Suspensions Imposed by the Court	PUBLIC 99
LD 671	An Act To Allow for Accurate Credit for a License Suspension for Operating under the Influence	PUBLIC 107

**Not Enacted**

LD 225	An Act To Curb Drunk Driving by Prohibiting a Person Convicted of Operating Under the Influence from Purchasing Alcohol	ONTP
LD 986	An Act To Improve School Safety	ONTP

**Prison/Jail/Inmate**

**Enacted**

LD 463	An Act To Improve the Funding of County Jails	PUBLIC 281
LD 516	An Act To Improve the Management of Inmates in County and Regional Jails	PUBLIC 214
LD 1223	An Act To Facilitate the Continued Operation of the Department of Corrections Intensive Mental Health Unit	PUBLIC 147 EMERGENCY

**Not Enacted**

LD 54	An Act To Provide Compensation to a Corrections Officer Injured by a Patient or Prisoner	Majority (ONTP) Report
LD 101	An Act Regarding the Transportation of Prisoners to County Jails	ONTP
LD 217	An Act Regarding the Place of Imprisonment of Certain Prisoners	ONTP
LD 377	Resolve, To Establish the York County Jail Drug Detoxification and Rehabilitation Pilot Program	CARRIED OVER
LD 597	An Act To Make the Reimbursement Rate for Transfers of Inmates from County Jails Equal to the Federal Reimbursement Rate	ONTP
LD 676	Resolve, To Study the Development of a Behavioral Health Unit at the Cumberland County Jail	Majority (ONTP) Report
LD 839	Resolve, To Address Substance Use and Addiction in County Jails	Died Between Houses
LD 1266	An Act To Transfer Operations and Ownership of County Jail Facilities to the State	ONTP
LD 1414	An Act To Ensure the Availability of In-person Visitation in County Jails	CARRIED OVER
LD 1415	An Act To Provide Additional Deductions from a Sentence of Imprisonment for Completion of Education, Mental Health Treatment and Substance Abuse Treatment Programs	CARRIED OVER

LD 1428	An Act To Relieve Overcrowding in County Jails	Majority (ONTP) Report
LD 1490	An Act To Stabilize Funding for the County Jails	CARRIED OVER

**Public Safety/Emergency Medical Services**

**Enacted**

LD 569	Resolve, Regarding Legislative Review of Chapter 5: Maine Disaster Recovery Fund, a Major Substantive Rule of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency	RESOLVE 7 EMERGENCY
LD 1427	An Act To Make Community Paramedicine Services Permanent	PUBLIC 276

**Not Enacted**

LD 252	An Act To Improve Safety in the Disposal of Expired Marine Flares	Veto Sustained
LD 599	An Act To Prevent Violence against Emergency Responders	ONTP
LD 744	An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Maine Criminal Justice Academy Board of Trustees	Died Between Houses
LD 746	Resolve, To Increase the Permissible Size of Bed and Breakfasts	ONTP
LD 892	An Act To Allow an Attorney Responding to an Incident that Involved the Use of Deadly Force To Use Emergency Lights on a Vehicle	INDEF PP
LD 1389	An Act To Disburse Funds to the Maine Fire Protection Services Commission	CARRIED OVER
LD 1390	An Act To Enhance the Rights of Families of Missing Persons and Homicide Victims	Majority (ONTP) Report
LD 1462	Resolve, To Establish a Pilot Project To Facilitate the Acquisition of Basic Emergency Medical Training in Rural Communities in the State	Veto Sustained
LD 1526	An Act To Provide Funds for Access to Federal Training Facilities for First Responders	ONTP

**Sex Offender Registration**

**Enacted**

LD 138	An Act To Amend the Laws Governing the Sex Offender Registry	PUBLIC 65
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## *Sex Offenses -- Criminal*

### Enacted

LD 654	An Act To Amend the Laws Governing Certain Sexual Offenses	PUBLIC 300
LD 1219	An Act To Amend the Laws Governing Forensic Examination Kits	PUBLIC 156

### Not Enacted

LD 142	An Act To Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System	ONTP
LD 169	An Act To Support Sexual Assault Survivors	ONTP
LD 250	An Act To Increase the Penalty for Aggravated Sex Trafficking	CARRIED OVER
LD 512	Resolve, To Establish the Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth	Veto Sustained
LD 515	An Act To Amend the Laws on Gross Sexual Assault	ONTP
LD 838	An Act To Prevent Sexual Abuse by Members of the Clergy	ONTP
LD 859	An Act To Ensure Thorough Investigation into Allegations of Sexual Assault	ONTP
LD 1128	Resolve, To Establish the Committee To Study the Processing of Evidence from Sexual Assault Test Kits	Died On Adjournment

## *Sex Trafficking*

### Enacted

LD 1261	An Act To Protect Children from Sex Trafficking	PUBLIC 135
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### Not Enacted

LD 951	An Act To Adopt the Uniform Act on Prevention of and Remedies for Human Trafficking	CARRIED OVER
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## *Victim Rights*

### Enacted

LD 1221	An Act To Clarify and Amend Certain Provisions of Law Regarding Victim Services	PUBLIC 128
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