

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

July 2013

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STATE OF MAINE

126TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES.....House & Senate disagreed; legislation died
DIED IN CONCURRENCE.....defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX.....chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126th Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Criminal Justice and Public Safety

"administration of juvenile justice" is expressly excluded from the definition of "intelligence and investigative record information" in section 803, subsection 7.

2. Title 15, section 3308-A, subsection 2 clarifies that, to the extent a criminal justice agency has juvenile intelligence and investigative record information that has been made part of the court records of a juvenile proceeding, dissemination of that information by the criminal justice agency must be as provided by section 3307 and section 3308.

3. Title 15, section 3308-A, subsection 3 clarifies that juvenile intelligence and investigative record information is confidential other than as provided in subsection 2. Additionally, subsection 3 lists certain disseminations of confidential juvenile intelligence and investigative record information that are expressly authorized. These parallel those contained in Title 16, section 805.

It also clarifies that Maine courts, unlike other criminal justice agencies, must provide their own internal procedures addressing access and review.

Public Law 2013, chapter 267 authorizes the release of intelligence and investigative record information to the Secretary of State for use in the determination and issuance of a driver's license suspension.

LD 1513 Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System

CARRIED OVER

Sponsor(s)

HASKELL

Committee Report

Amendments Adopted

This resolve requires the Department of Corrections, the Department of Education, the Department of Health and Human Services and the Department of Labor to fund, support the administration of and provide staffing for the statewide coordinated services district system established pursuant to Resolve 2009, chapter 204 to coordinate and implement service delivery initiatives to increase high school graduation rates, reduce the number of youth in the juvenile justice system, reduce child abuse and neglect and increase employment opportunities for youth.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1515 An Act To Increase the Availability of Mental Health Services

CARRIED OVER

Sponsor(s)

MALABY

Committee Report

OTP-AM

Amendments Adopted

This bill authorizes the Commissioner of Corrections to:

1. Under certain circumstances, transfer an adult jail inmate to a correctional facility for the purpose of providing the inmate with mental health services;
2. Accept placement in a mental health unit of a correctional facility for observation of an adult defendant who has been committed to the custody of the Commissioner of Health and Human Services;

Joint Standing Committee on Criminal Justice and Public Safety

3. Accept placement in a mental health unit of a correctional facility for hospital-level care and treatment of an adult defendant who has been found incompetent to stand trial and committed to the custody of the Commissioner of Health and Human Services; and
4. Under certain circumstances, medicate a person with mental illness residing in a correctional or detention facility without that person's consent, subject to the person's right to have a court hearing prior to being involuntarily medicated or a court hearing after the issuance of an ex parte court order in an emergency situation.

Committee Amendment "A" (H-490)

This amendment makes the language in the bill relating to involuntary medication of a person with mental illness residing in a mental health unit of a Department of Corrections correctional facility consistent with the language in the Maine Revised Statutes, Title 34-B relating to involuntary medication of a person with mental illness residing in a state mental health institute.

The amendment also makes clear that the provision for involuntary medication by court order applies only to those persons with mental illness who are at least 18 years of age and residing in a mental health unit of a Department of Corrections correctional facility providing hospital-level care and treatment.

The amendment also adds a new "second opinion" ground that must be met to obtain an involuntary medication order, sets out a clear and convincing evidence standard for all court findings and specifies various elements of the involuntary medication court hearings.

The amendment adds a repeal date of August 1, 2017 to the new involuntary medication provisions and the new transfer and placement provisions. The amendment requires the Department of Health and Human Services and the Department of Corrections to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2017 regarding the operations of a correctional facility's mental health unit. The report must include the average daily population of the mental health unit, the average daily staffing patterns, the average length of stay in the unit, a description of services provided and the number of persons placed in the unit pursuant to the Maine Revised Statutes, Title 34-A, sections 3069-A, 3069-B and 3069-C. The report must also include any recommendations for reallocation of resources or the redesign of services of the mental health unit, the forensic services provided at Riverview Psychiatric Center and the transfer provisions of Title 34-A, sections 3069-A, 3069-B and 3069-C.

The amendment also requires the Department of Corrections, by January 15, 2017, to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the number of applications submitted and orders granted pursuant to Title 34-A, section 3049.

The amendment requires the Department of Health and Human Services to prepare a plan regarding how to fully assess for brain injury or suspected brain injury persons who enter into the custody of the department under Title 15, section 101-D or section 103. The plan must include how the department will meet the needs of persons who have traumatic or acquired brain injuries and must be presented in a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2017.

Finally, the amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-495)

This amendment adds an emergency preamble and an emergency clause to the bill.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).