

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH 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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STATE OF MAINE

128TH 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 128th 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. An appendix provides a summary of relevant session statistics.

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 128th Legislature is Wednesday, November 1, 2017. 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

- 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

Joint Standing Committee on Criminal Justice and Public Safety

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