

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

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.