

# MAINE STATE LEGISLATURE

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**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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# STATE OF MAINE

128<sup>TH</sup> 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 128<sup>th</sup> 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 128<sup>th</sup> 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***

**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

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

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.