

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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. It requires that the victim of a crime who so wishes receive notification of the defendant's escape from the jail or institution to which the defendant is committed.

Committee Amendment "A" (H-668)

This amendment strikes section 1 of the bill and specifies that the victim of a crime who so wishes must be notified of the defendant's escape from the jail or from the institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or residential treatment program to which the defendant is committed by the Commissioner of Health and Human Services.

Enacted Law Summary

Public Law 2017, chapter 386 specifies that the victim of a crime who so wishes must be notified of the defendant's escape from the jail or from the institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or residential treatment program to which the defendant is committed by the Commissioner of Health and Human Services.

LD 1706 An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VOLK A	ONT OTP-AM	

This bill provides offsetting General Fund appropriations and deappropriations to provide funding to support the Department of Corrections' strategic plan to improve access to and delivery of rehabilitation programs. It also requires that the funds be transferred by financial order by the State Budget Officer upon approval of the Governor and specifies that the transfers are considered adjustments to appropriations and allocations.

Committee Amendment "A" (H-653)

This amendment, which is the minority report of the committee, changes the title and replaces the bill. It clarifies the scope and purpose of the rehabilitation programming offered by the Department of Corrections to be consistent with the department's mission to reduce the likelihood that juvenile and adult offenders will reoffend by providing practices, programs and services that are evidence-based and that hold the offenders accountable.

The amendment also requires the department, within the limits of available resources, to collect data on and track over time the rate of recidivism of the client population served by its correctional facilities and to ensure that the rehabilitation programming offered by the department is designed to reduce the rate of recidivism, thereby enhancing public safety.

LD 1728 An Act To Amend Maine Criminal Code Sentencing Provisions Relating To Increased Sentencing Class Based on Multiple Prior Convictions for Certain Violent or Sexual Crimes PUBLIC 336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E PIERCE J	OTP-AM	S-355

Current law prohibits visual sexual aggression against a child, which is either a Class C crime if the child has not attained 12 years of age or a Class D crime if the child has not attained 14 years of age.

Joint Standing Committee on Criminal Justice and Public Safety

This bill amends that law to provide that visual sexual aggression against a child who has not attained 14 years of age is a Class C crime and retains as an element of the crime the motivation of the actor committing the crime for the purpose of causing affront or alarm when the actor exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor.

Committee Amendment "A" (S-355)

This amendment changes the title, replaces the bill and amends sentencing provisions under the Maine Criminal Code to include crimes involving sexual exploitation of minors, sex trafficking, prostitution and public indecency among the list of crimes for which the sentencing class is elevated based on multiple prior convictions or for which a prior conviction may serve to elevate the sentencing class of certain other crimes.

Enacted Law Summary

Public Law 2017, chapter 336 amends sentencing provisions under the Maine Criminal Code to include crimes involving sexual exploitation of minors, sex trafficking, prostitution and public indecency among the list of crimes for which the sentencing class is elevated based on multiple prior convictions or for which a prior conviction may serve to elevate the sentencing class of certain other crimes.

LD 1735 An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement

**PUBLIC 373
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M TIMBERLAKE J	OTP-AM	S-383 S-384 ROSEN K

This bill authorizes a regional medical control committee that has been approved by the Department of Public Safety, Emergency Medical Services' Board to carry out a plan of quality improvement to have access to data collected by Maine Emergency Medical Services that allows identification of persons receiving emergency medical treatment for the purpose of quality improvement.

Committee Amendment "A" (S-383)

This amendment specifies that a regional medical control committee established to carry out a plan of quality improvement that has been approved by the Department of Public Safety, Emergency Medical Services' Board may have access to data collected by Maine Emergency Medical Services that allow identification of persons receiving emergency medical treatment for purposes relating to the approved quality improvement plan so long as the release of the data is approved by the Emergency Medical Services' Board, the Medical Direction and Practices Board and the Director of Maine Emergency Medical Services.

The amendment also clarifies that the Emergency Medical Services' Board is required to ensure that confidential information submitted to the board by any entity is easily accessible by that entity without charge for a period of four years from the date that the confidential information is submitted to the board.

Senate Amendment "A" To Committee Amendment "A" (S-384)

This amendment replaces language in Committee Amendment "A" requiring that information submitted to the Department of Public Safety, Emergency Medical Services' Board by an entity be accessible by that entity without charge for a period of four years from the date of submission with language requiring that such information be accessible by that entity in accordance with rules adopted by the board that enable compliance with federal and state laws.

Enacted Law Summary