

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

STAFF:

JANE ORBETON, SENIOR LEGISLATIVE ANALYST
DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

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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

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

Joint Standing Committee on Criminal Justice and Public Safety

Public Law 2017, chapter 373 authorizes 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 to access 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.

Public Law 2017, chapter 373 also provides that information submitted to the Department of Public Safety, Emergency Medical Services' Board by an entity must 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.

Public Law 2017, chapter 373 was enacted as an emergency measure effective April 6, 2018.

LD 1740 An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking PUBLIC 416

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A GIDEON S	OTP-AM	S-385

This bill creates the crimes of criminal forced labor, a Class C crime, and aggravated criminal forced labor, a Class B crime, under the Maine Criminal Code. It provides that a person is guilty of criminal forced labor if the person, without the legal right to do so, intentionally or knowingly compels another person to provide labor or services having economic value through certain coercive acts. A person is guilty of aggravated criminal forced labor if the person compelled to provide labor or services has not in fact attained 18 years of age.

Committee Amendment "A" (S-385)

This amendment changes the title of the bill and adds criminal forced labor and aggravated criminal forced labor to the definition of "human trafficking offense" in the law providing civil remedies for human trafficking. The amendment provides an affirmative defense to prosecution for a person who violates the criminal forced labor or aggravated criminal forced labor provision in the bill or the sex trafficking provision in current law that the violator was compelled to violate the provision. The amendment requires the Department of Labor to provide to the Department of Transportation, the Maine Turnpike Authority, and certain businesses and employers signs that contain a telephone number for a national human trafficking hotline. The amendment requires that the Department of Transportation, the Maine Turnpike Authority, and certain businesses and employers post the signs and provides a civil violation penalty of \$300 per violation against certain businesses and employers for failure to post the required signs.

Enacted Law Summary

Public Law 2017, chapter 416 creates the crimes of criminal forced labor, a Class C crime, and aggravated criminal forced labor, a Class B crime, under the Maine Criminal Code. It provides that a person is guilty of criminal forced labor if the person, without the legal right to do so, intentionally or knowingly compels another person to provide labor or services having economic value through certain coercive acts. A person is guilty of aggravated criminal forced labor if the person compelled to provide labor or services has not in fact attained 18 years of age. The law adds criminal forced labor and aggravated criminal forced labor to the definition of "human trafficking offense" in the law providing civil remedies for human trafficking. The law provides an affirmative defense to prosecution for a person who violates the laws on criminal forced labor, aggravated criminal forced labor or sex trafficking that the violator was compelled to violate those laws. The law requires the Department of Labor to provide to the Department of Transportation, the Maine Turnpike Authority and certain businesses and employers signs that contain a telephone number for a national human trafficking hotline. The law requires that the Department of