

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

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

Joint Standing Committee on Criminal Justice and Public Safety

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.

LD 1751 An Act Regarding the Victims' Compensation Fund

PUBLIC 348

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K WARREN C	OTP-AM	S-386

Current law provides that compensation may not be paid from the Victims' Compensation Fund to any claimant who does not fully cooperate with the Victims' Compensation Board or with the reasonable requests of law enforcement officers or prosecution authorities or to or on behalf of any person who violated a criminal law that caused or contributed to the injury or death for which compensation is sought. This bill provides that the board may deny compensation in whole or in part in these circumstances.

Committee Amendment "A" (S-386)

This amendment replaces the bill. The amendment allows compensation from the Victims' Compensation Fund to a claimant for expenses when the victim is the victim of a criminal homicide and the claimant was not involved in the criminal conduct that caused or contributed to the death of the victim.

Enacted Law Summary

Public Law 2017, chapter 348 allows compensation from the Victims' Compensation Fund to a claimant for expenses when the victim is the victim of a criminal homicide and the claimant was not involved in the criminal conduct that caused or contributed to the death of the victim.

LD 1782 An Act To Provide for In-person Visitation of Incarcerated Persons

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	ONTP OTP	

This bill requires a county sheriff to provide for in-person visitation at a county jail between a prisoner and a visitor of the prisoner, subject to conditions and limitations imposed on a case-by-case basis as required for the safety and security of the jail as determined by the sheriff and subject to an exception for video-only visitation. It allows a sheriff to provide video-only visitation only after a determination is made on a case-by-case basis, documented in the record of the prisoner, that in-person visitation may jeopardize the safety and security of the jail or that, on a short-term basis, the jail facility is unable to provide a safe and secure location for in-person visitation.

LD 1783 An Act To Amend the Laws Regarding Aggravated Trafficking of Scheduled Drugs

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K DIAMOND B	OTP-AM	H-736