

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> 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

128<sup>TH</sup> 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 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> 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*

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

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

This bill was reported out of committee during the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the Second Special Session by joint order S.P. 748.

This bill makes aggravated trafficking in fentanyl powder a Class A crime.

**Committee Amendment "A" (H-736)**

This amendment incorporates a fiscal note.

**LD 1795 An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission**

**PUBLIC 377  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP	H-650

This emergency bill makes the following corrections to the criminal and related laws and to the law on possession of more than 2 1/2 ounces of marijuana.

1. Public Law 2017, chapter 144, section 3 failed to distinguish, in the laws on service of process on providers of electronic communication service and providers of remote computing service, between foreign entities that are governed by laws of states other than Maine and those that are governed by laws of foreign countries. The bill distinguishes these two types of foreign entities and provides a cross-reference to the Maine Rules of Evidence for each type of foreign entity.
2. Public Law 2017, chapter 1, section 20 designated possession of up to 2 1/2 ounces of marijuana by a person under 18 years of age a violation of the Maine Juvenile Code, which was one of two options for prosecution under prior law. Chapter 1 repealed the option of prosecution of possession as a civil violation. The bill retains the designation of possession as a juvenile crime and restores the designation of possession as a civil violation. Neither the juvenile crime nor the civil violation applies to possession of up to 2 1/2 ounces by a person under 21 years of age who is a qualified patient for the purposes of the Medical Use of Marijuana Act.
3. Public Law 2017, chapter 300 created a new version of the crime of gross sexual assault, specifically, engaging in a sexual act with another person when that other person has not expressly or impliedly acquiesced to the sexual act. The law neglected to create a corresponding registration provision for the newly defined variant of gross sexual assault. The bill designates gross sexual assault based on lack of acquiescence to the sexual act as a Tier II offense under the Sex Offender Registration and Notification Act of 2013. The registration obligation will apply to conduct committed on or after the effective date of this Act.

**Committee Amendment "A" (H-650)**

This amendment is the majority report of the committee. The amendment eliminates the reference to the fine amount for Class E crimes to avoid confusion regarding the status of the juvenile crimes of possession of under 2 1/2 ounces of marijuana, possession of drug paraphernalia, illegal transportation of drugs by a minor and certain offenses involving alcoholic beverages. Instead, the amendment changes the language of the provision to explicitly state that the maximum fine is \$1,000. The amendment does not change the maximum fine.

**Enacted Law Summary**

Public Law 2017, chapter 377 makes the following corrections to the criminal and related laws and to the law on possession of more than 2 1/2 ounces of marijuana.

1. Public Law 2017, chapter 144, section 3 failed to distinguish, in the laws on service of process on providers of