

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
129TH 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 2019

MEMBERS:

SEN. SUSAN A. DESCHAMBAULT, CHAIR
SEN. MICHAEL E. CARPENTER
SEN. KIMBERLEY C. ROSEN

REP. CHARLOTTE WARREN, CHAIR
REP. JANICE E. COOPER
REP. PINNY BEEBE-CENTER
REP. LOIS GALGAY RECKITT
REP. VICTORIA E. MORALES
REP. BRADEN SHARPE
REP. RICHARD A. PICKETT
REP. PATRICK W. COREY
REP. CHRIS A. JOHANSEN
REP. DANNY EDWARD COSTAIN

STAFF:

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

STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



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 129th 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 129th Legislature is Thursday, September 19, 2019. 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 64 An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense

PUBLIC 99

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-105

This bill sets the minimum amount of time a person convicted of animal cruelty may not own, possess or have on the person's premises an animal as five years for a Class D crime and 15 years for a Class C crime and makes a violation of these time periods a Class D crime. This bill also provides that a person may petition the court to reduce the amount of time that the person may not own, possess or have on the person's premises an animal upon a showing that the person does not present a danger to animals and meets other criteria.

Committee Amendment "A" (H-105)

This amendment replaces the bill and changes the title. The amendment authorizes the court in a proceeding for a violation of cruelty to animals to impose conditions, including but not limited to prohibiting ownership or possession of an animal or having an animal on the defendant's premises and prohibiting employment that involves the care of or other contact with animals. The amendment provides that an intentional or knowing violation of a court order issued pursuant to the provisions of the amendment is a Class D crime. The amendment provides a procedure for a defendant to obtain a court order modifying the conditions or restrictions set in a court order.

Enacted Law Summary

Public Law 2019, chapter 99 authorizes the court in a proceeding for a violation of cruelty to animals to impose conditions, including but not limited to prohibiting ownership or possession of an animal or having an animal on the defendant's premises and prohibiting employment that involves the care of or other contact with animals. The law provides that an intentional or knowing violation of a court order issued pursuant to the provisions of this law is a Class D crime. The law provides a procedure for a defendant to obtain a court order modifying the conditions or restrictions set in a court order.

LD 67 An Act To Ensure Access to Justice for Victims of Sexual Assault

PUBLIC 483

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E MOONEN M	OTP-AM	S-72

This bill amends the Maine Criminal Code to extend from 8 years to 20 years the statute of limitations applicable to prosecutions for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault. These changes apply only to those Class A, Class B and Class C crimes of unlawful sexual contact or gross sexual assault committed on or after the effective date of this legislation or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this legislation. The bill also makes a number of technical corrections to the provisions of the Maine Criminal Code governing statutes of limitations to provide additional clarity within those provisions.

Committee Amendment "A" (S-72)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 483 amends the Maine Criminal Code to extend from 8 years to 20 years the statute of

Joint Standing Committee on Criminal Justice and Public Safety

limitations applicable to prosecutions for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault. These changes apply only to those Class A, Class B and Class C crimes of unlawful sexual contact or gross sexual assault committed on or after September 19, 2019 or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to September 19, 2019. The law makes a number of technical corrections to the provisions of the Maine Criminal Code governing statutes of limitations to provide additional clarity within those provisions.

LD 94 An Act To Prohibit the Dissemination of Obscene Material by Public Schools ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ARATA A CYRWAY S	ONTP	

This bill removes public schools from the institutional exceptions to the law prohibiting the dissemination of obscene material to minors.

LD 113 An Act To Exclude Antique Tractors from the Laws Governing Motor Vehicle Racing ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHANSEN C	ONTP	

This bill excludes antique tractors from regulation under the motor vehicle racing laws.

LD 128 An Act To Reopen the Downeast Correctional Facility ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MOORE M	ONTP	

This bill requires the Department of Corrections to reopen the Downeast Correctional Facility. The facility must remain open and operational, and the bill permits the closure of the facility only if legislation approving the closure is enacted into law. Funding is provided to restore all positions and for related All Other costs to reopen and operate the Downeast Correctional Facility beginning October 1, 2019.

LD 134 An Act Concerning the Composition of the Criminal Law Advisory Commission Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W	ONTP OTP	

This bill amends the membership of the Criminal Law Advisory Commission to require that at least one member be a law enforcement officer from a state law enforcement agency and at least one member be a law enforcement officer from a county or municipal law enforcement agency.