

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE

129TH LEGISLATURE
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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 324 An Act Regarding Forfeiture of Assets of Persons Convicted of
Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses,
Aggravated Criminal Forced Labor Offenses and Criminal Forced
Labor Offenses**

PUBLIC 97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	OTP-AM	H-106

This bill provides for criminal forfeiture of property of a person convicted of certain criminal restraint offenses in violation of the Maine Revised Statutes, Title 17-A, section 302, subsection 1; aggravated sex trafficking offenses in violation of Title 17-A, section 852; and sex trafficking offenses in violation of Title 17-A, section 853.

Committee Amendment "A" (H-106)

This amendment strikes and replaces the bill and the title. The amendment adds aggravated sex trafficking and sex trafficking offenses and aggravated criminal forced labor and criminal forced labor offenses to the offenses subject to criminal forfeiture of assets pursuant to a court procedure specified in statute, after a criminal conviction, and with distribution of the forfeited property or proceeds of the forfeited property in accordance with statute and as ordered by the court. The amendment broadens one of the allowable uses of the property forfeited or the proceeds of the property. In current law, property or proceeds may be given to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders; in the amendment, property or proceeds may be given to a law enforcement agency that provides case management and other social services to persons affected by crimes that are subject to forfeiture of property.

Enacted Law Summary

Public Law 2019, chapter 97 adds aggravated sex trafficking and sex trafficking offenses and aggravated criminal forced labor and criminal forced labor offenses to the offenses subject to criminal forfeiture of assets pursuant to a court procedure specified in statute, after a criminal conviction, and with distribution of the forfeited property or proceeds of the forfeited property in accordance with statute and as ordered by the court. The law broadens one of the allowable uses of the property forfeited or the proceeds of the property to allow the property or proceeds to be given to a law enforcement agency that provides case management and other social services to persons affected by crimes that are subject to forfeiture of property.

LD 326 An Act To Decriminalize Engaging in Prostitution

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	ONTP	

Part A decriminalizes engaging in prostitution by making the following amendments to the laws.

1. It changes the term "prostitute" to the term "prostituted person" in the law on funding for the Victims' Compensation Fund and in the definitions in the Maine Revised Statutes, Title 17-A, section 851.
2. It repeals the crime of engaging a prostitute in Title 17-A, section 853-B and places the provision in Title 17-A, chapter 11, which governs sexual assaults, in section 253-A using the term "engaging a prostituted person" instead of the term "engaging a prostitute." It provides definitions in chapter 11 for "engaging a prostituted person" and "prostitution."

Joint Standing Committee on Criminal Justice and Public Safety

3. It repeals the crime of engaging in prostitution.

4. It removes from the adoption assistance program reference to prostitution in the examples of family background factors that are used to define a special needs child.

Part B allows a person convicted of a crime of engaging in prostitution in this State to petition the court in which the conviction was recorded to expunge the record of the conviction. It authorizes the court to order all records of the conviction expunged if the convicted person has not been convicted of a violation of Title 17-A, section 253-A, 852 or 853 or former section 853-A and has no formal charging instrument pending in this State for a violation of Title 17-A, section 253-A, 852 or 853. Part B requires the Department of Public Safety, State Bureau of Identification, following receipt of a court order for expungement, to make the necessary arrangements with the identification division of the Federal Bureau of Investigation to have all references to the expunged crime deleted from the Federal Bureau of Investigation's identification record and any state materials returned to the contributing agency.

See also LD 974.

This bill was voted Ought Not to Pass as a companion vote to LD 1834.

LD 329 An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency

PUBLIC 137

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B DESCHAMBAULT S	OTP-AM ONTP	H-178

This bill exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

Committee Amendment "A" (H-178)

This amendment, which is the majority of the committee, incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 137 exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

LD 332 An Act To Remove the Statute of Limitations for Certain Sex Crimes

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R HERBIG E	ONTP	