

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SAL  
ROS

L.D. 1478

Date: 6-15-21

(Filing No. H-663)

MAJORITY

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1093, L.D. 1478, "An Act To Decriminalize Homelessness"

Amend the bill by striking out the title and substituting the following:

'An Act To Require the Use of Homelessness Crisis Protocols by Law Enforcement Agencies'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 17-A MRSA §18 is enacted to read:

§18. Homelessness crisis protocol

A person who lacks a home who commits a listed offense because the person lacks a home must be treated in accordance with the homelessness crisis protocol adopted by the responding law enforcement agency under subsection 2.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Law enforcement agency" has the same meaning as in Title 25, section 3701, subsection 1.

B. "Listed offense" means:

- (1) Criminal trespass in violation of section 402, subsection 1, paragraph C or F;
- (2) Disorderly conduct in violation of section 501-A, subsection 1, paragraph A;
- (3) Indecent conduct in violation of section 854 that is based on urinating in public;
- (4) Possession of a scheduled drug in violation of chapter 45 that is based on using the scheduled drug; or
- (5) Public drinking in violation of Title 17, section 2003-A, subsection 2.

**COMMITTEE AMENDMENT**

1 2. Adoption of homelessness crisis protocol. This subsection governs the adoption  
2 of homelessness crisis protocols by the Attorney General and law enforcement agencies. A  
3 homelessness crisis protocol must include access and referral to crisis services, mental  
4 health and substance use disorder professionals, emergency and transitional housing and  
5 case management services.

6 A. By January 1, 2022, the Attorney General shall adopt a model homelessness crisis  
7 protocol.

8 Rules adopted pursuant to this paragraph are routine technical rules as defined by Title  
9 5, chapter 375, subchapter 2-A.

10 B. By March 1, 2022, all law enforcement agencies shall adopt homelessness crisis  
11 protocols. The protocol of a law enforcement agency may, but is not required to,  
12 conform to the protocol adopted by the Attorney General.

13 3. Law enforcement response to a listed offense by a person who lacks a home. A  
14 law enforcement officer who responds to a call regarding or encounters a person who is  
15 committing or has committed a listed offense shall inquire whether the person has a home  
16 or lacks a home. If the person lacks a home, the law enforcement officer shall respond to  
17 the person using the homelessness crisis protocol adopted by the officer's law enforcement  
18 agency under subsection 2.'

19 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
20 number to read consecutively.

21 **SUMMARY**

22 This amendment, which is the majority report of the committee, replaces the bill. This  
23 amendment directs the Attorney General to adopt a model homelessness crisis protocol and  
24 directs law enforcement agencies to adopt protocols, which may, but are not required to,  
25 conform to the model protocol adopted by the Attorney General. The amendment requires  
26 a homelessness crisis protocol to include access and referral to crisis services, mental health  
27 and substance use disorder professionals, emergency and transitional housing and case  
28 management services.

29 The amendment defines certain violations of the Maine Criminal Code as "listed  
30 offenses." The amendment requires a law enforcement officer who responds to a listed  
31 offense to inquire whether the person committing the offense lacks a home. If the person  
32 lacks a home, the law enforcement officer is required to respond in accordance with the  
33 homelessness crisis protocol.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 130th MAINE LEGISLATURE

LD 1478

LR 1680(02)

An Act To Decriminalize Homelessness

Fiscal Note for Bill as Amended by Committee Amendment *A(H-663)*

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

---

## Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Highway Fund

### Fiscal Detail and Notes

Additional costs to the Office of the Attorney General and to the Department of Public Safety associated with adopting homelessness crisis protocols can be absorbed within existing budgeted resources.