

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

commission, other than that authorized in Title 5, section 12004-G, subsection 25-A, while the member is serving on the commission.

The limitations on members receiving compensation from the commission do not apply to any member serving on the commission as of April 1, 2018 for the duration of the member's term.

4. **Quorum.** ~~Three~~ A quorum is a majority of the current voting members of the commission ~~constitutes a quorum~~. A vacancy in the commission does not impair the power of the remaining members to exercise all the powers of the commission.

Sec. 3. Initial appointments. Notwithstanding the Maine Revised Statutes, Title 4, section 1803, subsection 3, when appointing the members to fill the 4 new seats on the Maine Commission on Indigent Legal Services pursuant to this Act, the Governor shall designate one member to serve an initial term of 3 years, 2 members to serve an initial term of 2 years and one member to serve an initial term of one year. Members serving on the commission on the effective date of this Act continue to serve until the expiration of their terms.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 1, 2018.

**CHAPTER 431
H.P. 369 - L.D. 525**

**An Act To Enhance Maine's
Response to Domestic Violence**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Report on effectiveness of programs. The Department of Corrections shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice matters a report regarding the effectiveness of certified batterers' intervention programs, including any suggested implementing legislation, by December 5, 2020. The joint standing committee may report out legislation addressing the report.

Sec. 2. Sunset of funding for programs. Notwithstanding any provision of law to the contrary, funding provided to the Department of Corrections, Office of Victim Services related to expenditures for certified batterers' intervention programs may not be provided beyond fiscal year 2020-21 without explicit legislative approval.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

Office of Victim Services 0046

Initiative: Provides funds for partial reimbursement of certified batterers' intervention programs for indigent participant fees. These funds are appropriated on an ongoing basis but not after June 30, 2021.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$100,000
GENERAL FUND TOTAL	\$0	\$100,000

Office of Victim Services 0046

Initiative: Provides funds for training programs to sustain and expand the accessibility of certified batterers' intervention programs. These funds are appropriated on an ongoing basis but not after June 30, 2021.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$20,000
GENERAL FUND TOTAL	\$0	\$20,000

Office of Victim Services 0046

Initiative: Provides funds for partial reimbursement of mileage expenses for certified batterers' intervention program facilitators who are providing testimony and information required by the court regarding offender participation in certified batterers' intervention programs as a condition of release. These funds are appropriated on an ongoing basis but not after June 30, 2021.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$5,000
GENERAL FUND TOTAL	\$0	\$5,000

Office of Victim Services 0046

Initiative: Provides funds for the Maine Coalition to End Domestic Violence for the administrative expenses associated with additional funding for certified batterers' intervention program expenses. These funds are appropriated on an ongoing basis but not after June 30, 2021.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$25,000
GENERAL FUND TOTAL	\$0	\$25,000

CORRECTIONS, DEPARTMENT OF		
DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$150,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$150,000

See title page for effective date.

**CHAPTER 432
H.P. 765 - L.D. 1091**

**An Act To Implement Certain
Recommendations of the
Criminal Law Advisory
Commission Relative to the
Maine Criminal Code and
Related Statutes**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation amends the Maine Criminal Code to correct errors in the definitions of "cocaine" and "heroin" in the controlled substances laws, to clarify that the dissemination of certain information pertaining to a person receiving services from the Department of Corrections may be made to any criminal justice agency if necessary to carry out the administration of criminal justice as defined in the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and to clarify and amend other provisions of the Maine Criminal Code; and

Whereas, the amendments to law are immediately necessary to the administration of justice; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 15 MRSA §393, sub-§1-B, as amended by PL 2015, c. 470, §3, is further amended to read:

1-B. Prohibition for domestic violence offenses. A person may not own, possess or have under that person's control a firearm if that person:

A. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A Class D crime in this State in violation of Title 17-A, section 207-A, 209-A, 210-B, 210-C or 211-A; or

(2) A crime under the laws of the United States or any other state that in accordance with the laws of that jurisdiction is elementally substantially similar to a crime in subparagraph (1).

Violation of this paragraph is a Class C crime; or

B. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under this subsection. Violation of this paragraph is a Class C crime.

Except as provided in subsection 1-A, the prohibition created by this subsection for a conviction or adjudication of an offense listed in paragraph A or B expires 5 years from the date the person is finally discharged from the sentence imposed as a result of the conviction or adjudication if that person has no subsequent criminal convictions during that 5-year period. If a person is convicted of a subsequent crime within the 5-year period, the 5-year period starts anew from the date of the subsequent conviction. In the case of a deferred disposition, the 5-year period begins at the start of the deferred disposition period. If, at the conclusion of the deferred disposition period, the court grants the State's motion to allow a person to withdraw the plea and the State dismisses the ~~pending charging instrument charge that gave rise to the prohibition~~ with prejudice, the 5-year period terminates.

For the purposes of this subsection, a person is deemed to have been convicted or adjudicated upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

The provisions of this subsection apply only to a person convicted, adjudicated or placed on deferred disposition on or after October 15, 2015.