

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE  
AND PUBLIC SAFETY**

May 2014

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION  
**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged 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.

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 Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. 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 1616 An Act Regarding Appointments of Certain Positions in the Department of Corrections**

**PUBLIC 491**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION PLUMMER	OTP-AM	H-677

This bill eliminates one associate commissioner position and creates a deputy commissioner position in the Department of Corrections, and it changes the positions to be appointed by the Commissioner of Corrections. It authorizes the commissioner to appoint regional correctional administrators as necessary.

**Committee Amendment "A" (H-677)**

This amendment prohibits the Commissioner of Corrections from appointing a person to any of the positions changed or specified by the bill as subject to appointment by the commissioner until the person serving in that position on the effective date of the legislation no longer serves in that position.

**Enacted Law Summary**

Public Law 2013, chapter 491 eliminates one associate commissioner position and creates a deputy commissioner position in the Department of Corrections, and it changes the positions to be appointed by the Commissioner of Corrections. It also authorizes the commissioner to appoint regional correctional administrators as necessary.

This law prohibits the Commissioner of Corrections from appointing a person to any of the positions changed or specified by this law as subject to appointment by the commissioner until the person serving in that position on the effective date of Public Law 2013, chapter 491 no longer serves in that position.

**LD 1656 An Act To Increase Safety for Victims of Domestic Violence and Victims of Sexual Assault**

**PUBLIC 478  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN HERBIG	OTP-AM	S-409

Current law limits the ability of bail commissioners to set preconviction bail in cases involving domestic violence; as a result, the period of time between the arrest and the setting of bail by a judge or justice for alleged perpetrators of domestic violence may be greater than it is with other crimes. In order to increase the safety of victims of domestic violence during the period between arrest and the setting of bail, this bill provides that a person is guilty of improper contact prior to the establishment of bail if, while being detained as a result of the person's arrest for specified domestic violence offenses and prior to the establishment of preconviction bail, the person intentionally or knowingly makes direct or indirect contact with the victim of the alleged crime.

Current law also requires that law enforcement officers use and be trained in how to administer an evidence-based domestic violence risk assessment. In order to increase the ability of Maine criminal justice agencies to use information gathered in the course of the risk assessment to keep victims and families safe, this bill permits those agencies to share confidential criminal history record information with advocates for the purpose of planning for the safety of a victim of domestic violence.

This bill also expands the definition of "advocate" to include an employee or volunteer of a Maine tribal program. Under this bill, an advocate who receives confidential criminal history record information must use the information solely for the purpose of planning for the safety of a victim of domestic violence and is prohibited from further disseminating the information.

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

This bill also clarifies that once a person is certified as a participant in the Address Confidentiality Program that person's actual residential street, school or work address or United States Postal Service address may not be used or disclosed by any state or local agency or the courts unless such use or disclosure is approved by the Secretary of State under the circumstances set forth in the program.

### **Committee Amendment "A" (S-409)**

The amendment:

1. Changes the title of the bill to include victims of sexual assault; and
2. Provides that prior to criminal liability for the crime, county jail staff must notify a defendant arrested for a domestic violence offense or sexual assault, and prior to the setting of bail, not to make direct or indirect contact with a specifically identified family or household member who is the victim of the offense.

The bill permits a law enforcement agency to share confidential criminal history record information with an advocate for the sole purpose of planning for the safety of a victim of domestic violence. This amendment also allows the sharing of this information with an advocate of a victim of sexual assault for the same purpose.

This amendment also directs the State Board of Corrections to establish a minimum, uniform policy by June 1, 2014, for notifying defendants detained at a county jail or other correctional facility after being arrested for a domestic violence offense or sexual assault, and prior to the setting of preconviction bail by a justice or judge, that it is a crime to make direct or indirect contact with a victim who is a member of the defendant's family or household.

Finally, the amendment adds an emergency preamble and emergency clause.

### **Enacted Law Summary**

Public Law 2013, chapter 478 creates the new crime of improper contact with a family or household member prior to the setting of preconviction bail, which applies in cases of domestic violence and sexual assault. It provides that prior to criminal liability for the crime, county jail staff must notify a defendant arrested for a domestic violence offense or sexual assault, and prior to the setting of bail, not to make direct or indirect contact with a specifically identified family or household member who is the victim of the offense. Prior to the enactment of Public Law 2013, chapter 475, the law limited the ability of bail commissioners to set preconviction bail in cases involving domestic violence; as a result, the period of time between the arrest and the setting of bail by a judge or justice for alleged perpetrators of domestic violence may be greater than it is with other crimes. This law increases the safety of victims of domestic violence during the period between arrest and the setting of bail.

Current law also requires that law enforcement officers use and be trained in how to administer an evidence-based domestic violence risk assessment. In order to increase the ability of Maine criminal justice agencies to use information gathered in the course of the risk assessment to keep victims and families safe, Public Law 2013, chapter 478 permits those agencies to share confidential criminal history record information with advocates for the purpose of planning for the safety of a victim of domestic violence.

This law expands the definition of "advocate" to include an employee or volunteer of a Maine tribal program and provides that an advocate who receives confidential criminal history record information must use the information solely for the purpose of planning for the safety of a victim of domestic violence and is prohibited from further disseminating the information. It permits a law enforcement agency to share confidential criminal history record information with an advocate. Public Law 2013, chapter 478 also clarifies that once a person is certified as a participant in the Address Confidentiality Program that person's actual residential street, school or work address, or United States Postal Service address may not be used or disclosed by any state or local agency, or the courts unless such use or disclosure is approved by the Secretary of State under the circumstances set forth in the program.

*Joint Standing Committee on Criminal Justice and Public Safety*

This law also directs the State Board of Corrections to establish a minimum, uniform policy by June 1, 2014, for notifying defendants detained at a county jail or other correctional facility after being arrested for a domestic violence offense or sexual assault, and prior to the setting of preconviction bail by a justice or judge, that it is a crime to make direct or indirect contact with a victim who is a member of the defendant's family or household.

Public Law 2013, chapter 478 was enacted as an emergency measure effective March 16, 2014.

**LD 1672 An Act To Amend Maine's Emergency Management Laws**

**PUBLIC 462**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER WILSON	OTP	

This bill changes language in various provisions of the Maine Revised Statutes to conform with the current terminology of the Department of Defense, Veterans and Emergency Management. It also allows disbursements from the Emergency Response Commission Fund to be made for hazardous materials incident response equipment and supplies.

**Enacted Law Summary**

Public Law 2013, chapter 462 changes language in various provisions of the Maine Revised Statutes to conform with the current terminology of the Department of Defense, Veterans and Emergency Management. It also allows disbursements from the Emergency Response Commission Fund to be made for hazardous materials incident response equipment and supplies.

**LD 1679 An Act To Appropriate Funds for the Maine Criminal Justice Academy, Code Enforcement Officer Training, Increased Enforcement of Tax Collection, Water Quality Control, Clinical Staff at the Maine State Prison and HIV Prevention Education**

**PUBLIC 591**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION PLUMMER	OTP-AM	H-617 S-540 HILL

This bill provides ongoing funding for the Department of Public Safety, Maine Criminal Justice Academy.

**Committee Amendment "A" (H-617)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" To Committee Amendment "A" (S-540)**

This amendment changes the title of the bill and, in addition to the funding provided to the Maine Criminal Justice Academy in the bill, provides funding to:

1. The Department of Economic and Community Development to support the code enforcement officer training and certification program;
2. The Maine Lakes Society to manage and analyze certain data to assist with water pollution control, water quality protection and other environmental training programs;
3. The Department of Education for HIV prevention training and education;