

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

May 2014

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STATE OF MAINE
126TH 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 HOUSESHouse & 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
EMERGENCYenacted 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 126th 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 Judiciary

parent with whom the child is living.

Public Law 2013, chapter 479 was enacted as an emergency measure effective March 16, 2014.

LD 1697 An Act To Provide Funding for the Veterans Treatment Courts

PUBLIC 584

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE BOYLE	OTP-AM	H-649 S-538 HILL

This bill provides a General Fund appropriation of \$1,158,797 in fiscal year 2014-15 for the Judicial Department to expand access to veterans treatment courts statewide.

Committee Amendment "A" (H-649)

This amendment replaces the bill. It provides funding for one half-time Assistant District Attorney to participate in veterans treatment courts.

Senate Amendment "A" To Committee Amendment "A" (S-538)

This amendment reduces the General Fund cost of the bill by \$42,045 in fiscal year 2014-15 by paying for the one-half Assistant District Attorney position through savings from managing vacancies within the Department of Defense, Veterans and Emergency Management.

Enacted Law Summary

Public Law 2013, chapter 584 provides funding for one half-time Assistant District Attorney to work in the Veterans Treatment Court by recognizing Personal Services savings in the Department of Defense, Veterans and Emergency Management.

LD 1720 An Act To Improve the Operations of the Office of the Attorney General

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN VALENTINO	OTP-AM	H-707

This bill funds a litigation support position within the Office of the Attorney General as well as a part-time position to serve as the Domestic Abuse Homicide Review Panel Coordinator. Additionally, this bill appropriates funds necessary to allow the Office of the Chief Medical Examiner to provide for statutorily authorized payments to medical examiners, reimbursement to funeral homes and funds for contracted forensic pathologist services necessary for the operation of the office.

Committee Amendment "A" (H-707)

This amendment deletes from the bill the proposed funding for a trial preparation assistant in the Criminal Division within the Office of the Attorney General and a part-time position to serve as the Domestic Abuse Homicide Review Panel Coordinator.

The amendment increases the proposed funding to the Office of the Chief Medical Examiner within the Office of the Attorney General by \$10,000 in fiscal year 2014 and \$20,000 in fiscal year 2015 to cover the anticipated costs of preparing histological slides.

Joint Standing Committee on Judiciary

The amendment provides funding for one half-time Assistant District Attorney position to handle domestic violence prosecutions that will be funded through a grant secured by Prosecutorial District Number 4.

The amendment retains the provision in the bill that appropriates funds necessary to allow the Office of the Chief Medical Examiner to provide for statutorily authorized payments to medical examiners and reimbursements to funeral homes.

The funding included in this amendment is included in Public Law 2013, chapter 502, Part A, Section A-1.

LD 1730 An Act To Assist Victims of Human Trafficking

**PUBLIC 537
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK	OTP-AM	H-763

This bill proposes to assist victims of human trafficking in three ways.

First, it establishes a defense for a person charged with engaging in prostitution if the person proves that the person was compelled to do so as set forth in the law that describes aggravated sex trafficking.

Second, it creates the Trafficking Prevention and Intervention Fund to support state and local efforts to reduce human trafficking offenses, including sex trafficking. At least half the funds must be spent on prevention, including education programs for offenders and rehabilitation services, such as mental health and substance abuse counseling, parenting skills training, housing relief, education, vocational training, drop-in centers and employment counseling to help individuals transition out of the commercial sex industry. The Department of the Attorney General, Victims' Compensation Board is required to administer the fund, which is funded through an assessment imposed on persons convicted of certain sex crimes and may receive private donations and federal and state funds.

Third, it authorizes a person to file a petition seeking a pardon immediately upon the imposition of a sentence for a crime if the person engaged in the conduct constituting the crime did so as a direct result of being a victim of a human trafficking offense.

Committee Amendment "A" (H-763)

This amendment replaces the bill. It establishes an affirmative defense to the crime of prostitution.

This amendment amends the victims' compensation laws to include two additional crimes for which a victim may seek compensation, as well as providing additional funding sources. It assesses \$1,000 on any person convicted of aggravated sex trafficking, \$500 on any person convicted of sex trafficking, \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging in prostitution and \$500 on a person for the first conviction and \$1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person.

Enacted Law Summary

Public Law 2013, chapter 537 establishes an affirmative defense to the crime of engaging in prostitution. The person charged with engaging in prostitution may raise the affirmative defense that the person engaged in prostitution because the person was compelled to do so as described in the provisions regarding the crime of aggravated sex trafficking.

Public Law 2013, chapter 537 amends the victims' compensation laws to include two additional crimes for which a victim may seek compensation, as well as providing additional funding sources. It allows a victim of aggravated sex