

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.

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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

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trafficking or sex trafficking to seek compensation from the Victims' Compensation Fund for medical and other costs. 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. Public Law 2013, chapter 607 corrects the assessments to provide that the additional assessment is on those convicted of engaging a prostitute, as described in Title 17-A, section 853-B, rather than engaging in prostitution, as described in Title 17-A, section 853-A.

Public Law 2013, chapter 537 was enacted as an emergency measure effective April 10, 2014.

LD 1734 An Act To Create a Cold Case Homicide Unit in the Department of the Attorney General

PUBLIC 585

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY JACKSON T	OTP-AM	H-708 S-535 HILL

This bill directs the Attorney General in collaboration with the Commissioner of Public Safety to establish a cold case homicide unit within the Department of the Attorney General to work exclusively on unsolved murders in the State.

Committee Amendment "A" (H-708)

This amendment adds an appropriations and allocations section to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-535)

This amendment removes the appropriations and allocations section. It directs the Commissioner of Public Safety and the Attorney General to pursue federal funding for the cost of the cold case homicide unit. The amendment provides that the statutory changes do not take effect unless sufficient funding is available.

Enacted Law Summary

Public Law 2013, chapter 585 directs the Attorney General in collaboration with the Commissioner of Public Safety to establish a cold case homicide unit within the Department of the Attorney General to work exclusively on unsolved murders in the State. It directs the Commissioner of Public Safety and the Attorney General to pursue federal funding for the cost of the cold case homicide unit. The statutory changes do not take effect unless sufficient funding is available.

LD 1737 Resolve, Extending the Date by Which the Family Law Advisory Commission Must Report on Its Study of the Uniform Parentage Act and Other Similar Laws and Proposals

RESOLVE 83

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

This bill was acted upon without reference to committee.

This resolve extends the date for the Family Law Advisory Commission to issue its final report on the Uniform Parentage Act to December 15, 2014. Resolve 2013, chapter 12 established the commission's duty to conduct a comprehensive study and set a reporting date of December 1, 2013. The Family Law Advisory Commission