

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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
126TH LEGISLATURE
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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 Criminal Justice and Public Safety

This bill provides funding for 14 Investigative Agent positions in the Department of Public Safety, Maine Drug Enforcement Agency and funding for training and costs associated with conducting investigations.

This bill also provides funding for four Assistant Attorney General positions in the Department of the Attorney General that will be dedicated to prosecuting drug crimes.

Committee Amendment "A" (S-498)

This amendment is the majority report. It creates two new District Court Judge positions within the Judicial Department instead of four as proposed in the bill. These judges are appointed to the District Court in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously.

This amendment provides ongoing funding for two Assistant Attorney General positions in the Department of the Attorney General dedicated to prosecuting drug crimes instead of four as proposed in the bill.

This amendment reduces the ongoing General Fund appropriation to the Department of Public Safety to support drug enforcement activities from \$1,692,123 to \$920,812.

Finally, this amendment also provides an ongoing General Fund appropriation of \$750,000 to the Department of Health and Human Services for substance abuse treatment programs.

Committee Amendment "C" (S-500)

This amendment is a minority report. It provides that the four new judge positions are appointed to the District Court and assigned in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously, and adds a General Fund appropriation for the appointment of the four new judges and their support staff.

Committee Amendment "B" (S-499)

This amendment is a minority report of the committee and provides that four new judge positions are appointed to the District Court and assigned in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously.

This amendment requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to develop a plan that includes proposed rules and any legislation needed to implement the personal use, taxation, and regulation of marijuana. The bureau is required to report its plan to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 31, 2015 and authorizes the joint standing committee to report out legislation, which includes enforcement and prosecution of drug crimes, and the treatment of substance abuse, to the First Regular Session of the 127th Legislature.

This amendment amends the bill by submitting the question of legalizing and taxing marijuana to voters in the State at a referendum, and makes establishing the new positions related to the enforcement and prosecution of drug crimes contingent on the availability of sufficient funding received from tax revenues on the sale of marijuana.

LD 1814 An Act To Create a Secure, Therapeutic Mental Health Unit

ONTP

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

This bill provides for the establishment of a secure, therapeutic mental health unit for defendants undergoing court-ordered assessments to determine their competency to stand trial or their criminal culpability. This bill also

Joint Standing Committee on Criminal Justice and Public Safety

provides therapeutic care for forensic patients and authorizes involuntary placement in or transfer to the secure, therapeutic mental health unit for civilly committed patients with mental illness who pose a likelihood of serious harm to others. The bill establishes the unit as follows.

1. It directs the Commissioner of Corrections and the Commissioner of Health and Human Services to enter into an agreement to establish the unit with the sheriff of either Cumberland County or Somerset County.
2. It directs the Department of Corrections to provide security for the unit. Security staff must be dedicated to the unit and trained to provide security in a mental health hospital environment.
3. It directs the Department of Corrections to provide therapeutic mental health care for the unit. The therapeutic mental health care must meet standards established by a national organization on correctional facilities mental health standards. The Department of Health and Human Services may also provide mental health services to the unit upon agreement with the Department of Corrections and the county jail.
4. It requires that the population in a secure, therapeutic mental health unit be separated by sight and sound from the general jail population, and that forensic patients and civil patients must also be separated by sight and sound within the unit.
5. It specifies that a person under a court order to undergo a mental evaluation by the State Forensic Service must be admitted in the unit unless the Department of Health and Human Services determines that the person's mental health condition contraindicates admittance to the unit, the person is an inmate at a state correctional facility, or there is not a suitable bed available.
6. It also provides that a person not in a state correctional facility who poses a likelihood of serious harm must be admitted to the unit unless the Commissioner of Health and Human Services determines that the person's mental health condition contraindicates admittance to the unit or the unit does not have a suitable bed. Inmates with mental illness housed in a state correctional facility must be treated at the Maine State Prison's mental health unit and are not eligible to be admitted to the unit.

This bill establishes a procedure through which a patient who has been involuntarily committed to a state mental health institute may be involuntarily transferred to the secure, therapeutic mental health unit upon the order of a clinical review panel and after completion of a procedure that protects the rights of the patient and provides due process.

It also authorizes a court, in the process of ordering involuntary civil commitment for a person, to order placement in the secure, therapeutic mental health unit and provides for transfer of physical custody to a state mental health institute at the end of the order of involuntary placement.

LD 1824 An Act To Provide Additional Authority to the State Board of Corrections

**PUBLIC 598
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DION	OTP-AM OTP-AM ONTP	S-511 S-533 HILL

This bill directs the State Board of Corrections to establish an essential programs and services funding formula for county jails and to review county jail management models in other states. The bill also authorizes the board to:

1. Approve the budget of each county jail in the State;