

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2015

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STATE OF MAINE

127TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127th Maine Legislature.

The *Digest* is arranged alphabetically by committee and 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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i>	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is October 15, 2015. 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 prohibits the use of consumer fireworks or explosives, either loose or contained in a tube or other enclosure, within 1,000 feet of a field or pasture that contains livestock.

LD 186 An Act To Reverse Jail Consolidation

**PUBLIC 335
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS	OTP-AM	S-304
BLACK	OTP-AM	S-341 HAMPER

Public Law 2007, chapter 653, the so-called jail consolidation law, enacted changes to the correctional laws, including creating a State Board of Corrections, for the purpose of developing and implementing a unified correctional system. The public law established a cap on tax assessments for correctional services for each county based on the fiscal year 2007-08 county tax assessment for correctional-related expenditures and prohibited the counties from collecting taxes from the municipalities for the purpose of retiring any correctional services debt issued after July 1, 2008.

This bill repeals the changes that were made by Public Law 2007, chapter 653, eliminating the State Board of Corrections and all of its duties, and returns the law to the form it was in prior to jail consolidation. This bill requires that the State continue to provide funding to the counties in the same amount that it did in fiscal year 2014-15, \$12,202,104.

Committee Amendment "A" (S-304)

This amendment is the majority report of the committee. The amendment retains the focus of the bill on restoring oversight and control of the county jails to the counties and does the following.

1. It adds an emergency preamble and emergency clause.
2. It allows limited growth in county tax assessments to support the operation of the jails.
3. It provides a structure for boarding rates for prisoners transferred from a jail or correctional facility to another jail or correctional facility.
4. It establishes at \$14,668,000 the amount of state funding to be provided to the jails through the County Jail Operations Fund, which the amendment establishes, and requires jails to report census data to the Department of Corrections to facilitate the distribution of funding to the jails.
5. It sets at 30% the amount of funding from the County Jail Operations Fund that must be spent on community corrections and sets at 70% the amount that must be available for the support of prisoners detained or sentenced to county jails.
6. It requires the Commissioner of Corrections to adopt rules to establish mandatory standards, policies and procedures for the jails, including rules on reporting daily census data, and requires the commissioner to work with the jails to assist them in achieving compliance and to impose monetary penalties for noncompliance.
7. It requires the Commissioner of Corrections to receive, administer and distribute on a quarterly basis funding for the jails.
8. It requires the Department of Corrections, in collaboration with statewide associations of sheriffs and county commissioners, to annually submit a report to the joint standing committee of the Legislature having

Joint Standing Committee on Criminal Justice and Public Safety

jurisdiction over criminal justice and public safety matters on the mandatory standards, policies and procedures for jails, the status of funding for the jails and any need for adjustments to the distribution formula that provides funding to the jails. The amendment authorizes the committee to submit legislation to address issues raised by the report and to improve the funding and operation of the jails.

9. The amendment also adds an appropriations and allocations section.

Committee Amendment "B" (S-305)

This amendment is the minority report of the committee. It replaces the bill and adds an emergency preamble and emergency clause. The amendment changes the membership and quorum of the State Board of Corrections. The amendment also does the following.

1. It changes the composition of the State Board of Corrections, adding five members as follows: the Commissioner of Administrative and Financial Services, the Commissioner of Corrections, the Commissioner of Health and Human Services, the Commissioner of Public Safety and the Chief of the State Police or the designees of each of those persons. It requires the member who represents a statewide organization of sheriffs and the member who represents a statewide organization of county commissioners to be appointed by the Governor.
2. It repeals entitlement to compensation for members of the board.
3. It changes the quorum rules as follows: for voting and rulemaking it changes the quorum from two-thirds of the membership to three members and for a subcommittee hearing it changes the quorum from three to two.
4. It designates the Commissioner of Corrections as chair.

Senate Amendment "B" To Committee Amendment "A" (S-341)

This amendment changes from \$14,668,000 to \$12,202,104 the amount of state funding to be provided to the jails through the County Jail Operations Fund, which is the threshold amount that must be appropriated to the County Jail Operations Fund to trigger a different maximum per prisoner per diem rate.

Enacted Law Summary

Public Law 2015, chapter 335 restores oversight and control of the county jails to the counties and does the following.

1. It allows limited growth in county tax assessments to support the operation of the jails.
2. It provides a structure for boarding rates for prisoners transferred from a jail or correctional facility to another jail or correctional facility.
3. It sets \$12,202,104 as the amount of state funding to be provided to the jails through the County Jail Operations Fund and requires jails to report census data to the Department of Corrections to facilitate the distribution of funding to the jails.
4. It sets at 30% the amount of funding from the County Jail Operations Fund that must be spent on community corrections and sets at 70% the amount that must be available for the support of prisoners detained or sentenced to county jails.
5. It requires the Commissioner of Corrections to adopt rules to establish mandatory standards, policies and procedures for the jails, including rules on reporting daily census data, and requires the commissioner to work with the jails to assist them in achieving compliance and to impose monetary penalties for noncompliance.

Joint Standing Committee on Criminal Justice and Public Safety

6. It requires the Commissioner of Corrections to receive, administer and distribute on a quarterly basis funding for the jails.

7. It requires the Department of Corrections, in collaboration with statewide associations of sheriffs and county commissioners, to annually submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the mandatory standards, policies and procedures for jails, the status of funding for the jails and any need for adjustments to the distribution formula that provides funding to the jails. The law authorizes the committee to submit legislation to address issues raised by the report and to improve the funding and operation of the jails.

Public Law 2015, chapter 335 was enacted as an emergency measure effective July 12, 2015.

LD 195 An Act Regarding County Jails

CARRIED OVER

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

This bill allows the county jails to apply savings from the county's correctional budget to jail debt service without a reduction in payments from the State Board of Corrections.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 230 An Act To Allow a Person To Request a Pardon from the Governor for the Purpose of Restoring Gun Rights

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR BURNS	ONTP OTP	

This bill allows a person who is prohibited from possessing a firearm due to a criminal conviction or other judicial reason to request a pardon from the Governor for the purpose of restoring the person's ability to possess a firearm.

LD 239 An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA BURNS	ONTP OTP	

This bill provides a permanent seat on the Board of Trustees of the Maine Criminal Justice Academy for a representative of the five Wabanaki tribal governments. The tribal representative must be chosen for a two year term by a process determined by the tribal governments. The process must require that the position rotate among the five tribal governments.