

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<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 2016

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

SECOND REGULAR SESSION



## 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 Second Regular Session of the 127<sup>th</sup> 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.

*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 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 First Regular Session of the 127<sup>th</sup> Legislature is July 29, 2016. 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 195 An Act Regarding County Jails**

**ONTP**

Sponsor(s)

DAVIS P  
BLACK R

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

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.

**LD 440 An Act To Create a Secure, Therapeutic Mental Health Unit**

**Accepted Majority  
(ONTP) Report**

Sponsor(s)

GERZOFSKY S  
DION M

Committee Report

ONTP  
OTP-AM

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

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.

**Committee Amendment "A" (S-458)**

This amendment is the minority report of the committee. The amendment does the following.

1. It retains the provisions of the bill that establish a secure, therapeutic mental health unit for defendants undergoing court-ordered assessments to determine their competency to stand trial or their criminal culpability, to provide therapeutic care for forensic patients and to provide care for jail inmates who meet the criteria for involuntary civil commitment under the Maine Revised Statutes, Title 34-B, chapter 3. The amendment directs the Department of Health and Human Services to establish one or more units.

2. It adds to the laws governing the placement process a requirement for a determination by a court that a secure, therapeutic mental health unit is appropriate for the defendant.

3. It assigns responsibility for operation of a secure, therapeutic mental health unit to the Commissioner of Health and Human Services and allows contracts with multiple jails for multiple secure, therapeutic mental health units. It specifies that staffing must be dedicated to the units, that staff must be trained, who may provide the training, that a unit must be separated from the general jail population at all times and that the Department of Health and Human Services and the county sheriff for the county in which a unit is located must work to obtain and maintain any federal certification that is required or available and through which funding may be secured for the unit.

4. It directs the Department of Health and Human Services, by January 15, 2017, after consultation with the county sheriff of a county in which a secure, therapeutic mental health unit is located, to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the operations of the units. The report must include data on population, length of stay, staffing and services. The

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

report must also include recommendations regarding the reallocation of resources for the units, the designs of the units, the provisions of forensic services at the Riverview Psychiatric Center and the units and the transfer provisions of Title 34-A, sections 3069, 3069-A and 3069-B.

**LD 655      *Resolve, To Provide the Engineering Study and Planning Needed for a Statewide, Centrally Located Emergency Services Training Facility and Several Regional Training Facilities*      **Veto Sustained****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE M DUTREMBLE D	OTP-AM ONTP	H-528 S-502    HAMPER J

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve directs the Department of Public Safety to hire an independent consultant to study the feasibility of establishing a statewide, centrally located firefighter training facility and several regional firefighter training facilities. The resolve includes a General Fund appropriation and requires the department to submit a report based on the results of the study to the Joint Standing Committee on Criminal Justice and Public Safety by January 6, 2016.

**Committee Amendment "A" (H-528)**

This amendment is the majority report of the committee. This amendment replaces the resolve and changes the title.

This amendment directs the Maine Fire Protection Services Commission, after consultation with the State Fire Marshal, to contract with an independent consultant to conduct an engineering study and complete the planning needed for a statewide, centrally located emergency services training facility, to be designated as the Maine Emergency Services Institute, and several regional emergency services training facilities, to be designated as branches of the Maine Emergency Services Institute.

This amendment includes a General Fund appropriation and requires the Maine Fire Protection Services Commission to submit a report based on the results of the engineering study and planning to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 6, 2017.

**Senate Amendment "A" To Committee Amendment "A" (S-502)**

This amendment removes the funding provided in Committee Amendment "A" for a contract with an independent consultant to conduct an engineering study and complete the planning for the emergency services training facility.

**LD 823      *An Act To Upgrade the Concealed Handgun Permit Law*      **Accepted Majority (ONTP) Report****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW M	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

It amends the laws concerning permits to carry concealed handguns by:

1. Making the Chief of the State Police the sole issuing authority for a permit to carry concealed handguns;