

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

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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

LD 1440

An Act To Amend the Laws Regarding the Department of Corrections and Correctional Services

**PUBLIC 291
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN	OTP-AM	S-251

This bill authorizes law enforcement officers and juvenile community corrections officers to refer juveniles who commit minor offenses to diversion or restorative justice programs. In order to facilitate the effectiveness of these programs, the protection provided against admissibility in evidence for admissions made at other early stages of the juvenile justice process is provided for admissions made in connection with these diversion and restorative justice programs. An outdated reference to "community resolution teams" is also removed.

The bill adds to the protections of the victim notification statute by requiring victim notification of funeral and deathbed visits by prisoners, by adding to the definition of "victim" a person who has obtained from a court a protection from abuse order or received the court's approval for a protection from abuse agreement and by allowing victims to request notification directly from the Department of Corrections.

The bill allows a court to revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited as a condition of probation.

The bill clarifies that the exemption from the payment of a health care copayment for certain mentally ill or developmentally disabled prisoners applies only to health care addressing the mental illness or developmental disability and not to unrelated health care. These provisions apply to both jail and Department of Corrections prisoners. The bill also removes a provision that is outdated as a result of recently enacted statutes prohibiting anyone under 18 years of age from being incarcerated in an adult facility.

The bill removes language providing that certain positions in the Department of Corrections serve at the pleasure of the commissioner. The positions include facility heads and regional community corrections administrators.

The bill expands the arrest powers of probation officers so that, in addition to the other categories of offenders they may arrest, they are also authorized to arrest escapees from facilities of the Department of Corrections.

The bill repeals an outdated uniform interstate compact for juveniles.

The bill amends the provision of law requiring a court sentencing a juvenile bound over and convicted as an adult to imprisonment to commit the juvenile to a Department of Corrections juvenile facility until the person attains 18 years of age, with any imprisonment time remaining after the person attains 18 years of age to be served in an adult facility. Currently, this provision is limited to certain serious crimes. The bill eliminates the limitation, thus preventing a person who has not attained 18 years of age who commits a less serious crime from being incarcerated in an adult facility.

Committee Amendment "A" (S-251)

This amendment removes from the bill provisions related to juvenile community corrections officer duties, statements made during a diversion or restorative justice program, preliminary procedures in juvenile corrections, victim notification, revocation of probation and repeal of the Uniform Interstate Compact on Juveniles. The amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2015, chapter 291 does the following.

Joint Standing Committee on Criminal Justice and Public Safety

1. It clarifies that the exemption from the payment of a health care copayment for certain mentally ill or developmentally disabled prisoners applies only to health care addressing the mental illness or developmental disability and not to unrelated health care. These provisions apply to both jail and Department of Corrections prisoners.
2. It repeals a provision that is outdated as a result of recently enacted statutes prohibiting anyone under 18 years of age from being incarcerated in an adult facility.
3. It repeals language providing that certain positions in the Department of Corrections serve at the pleasure of the commissioner. The positions include facility heads and regional community corrections administrators.
4. It expands the arrest powers of probation officers so that, in addition to the other categories of offenders they may arrest, they are also authorized to arrest escapees from facilities of the Department of Corrections.

Public Law 2015, chapter 291 was enacted as an emergency measure effective June 30, 2015.