

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
128TH 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 2017

STAFF:

JANE ORBETON, SENIOR LEGISLATIVE ANALYST
DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

MEMBERS:

SEN. KIMBERLEY C. ROSEN, CHAIR
SEN. SCOTT W. CYRWAY
SEN. G. WILLIAM DIAMOND

REP. CHARLOTTE WARREN, CHAIR
REP. CATHERINE M. NADEAU
REP. THOMAS R. W. LONGSTAFF
REP. MARTIN J. GROHMAN
REP. LOIS GALGAY RECKITT
REP. RACHEL TALBOT ROSS
REP. KAREN A. GERRISH
REP. DONALD G. MAREAN
REP. PATRICK W. COREY
REP. LLOYD C. HERRICK

STATE OF MAINE

128TH LEGISLATURE
FIRST 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 First Regular Session of the 128th 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 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 First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. 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

registration laws when those violations are committed on or after October 1, 2017.

Enacted Law Summary

Public Law 2017, chapter 65 makes violations of the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph F and section 255-A, subsection 1, paragraphs K and L registrable offenses under sex offender registration laws when those violations are committed on or after October 1, 2017.

LD 141 An Act Regarding Bringing Certain Criminal Charges ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes that a body or process be created to which a victim of theft of money or merchandise can appeal if the investigating law enforcement agency determines that the matter is civil and declines to bring criminal charges against the offender.

LD 142 An Act To Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J DAVIS P	ONTP	

This bill establishes within the State Police the responsibility to establish, operate and maintain a sexual assault forensic examination kit tracking system. The bill sets forth the requirements for the tracking system and requires the State Police to adopt routine technical rules, including rules regarding participation in the tracking system, confidentiality and the operation of the tracking system. The bill provides civil immunity for participants in the tracking system for actions required by law or rule.

LD 169 An Act To Support Sexual Assault Survivors ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C VOLK A	ONTP	

This bill enacts protections for alleged victims of gross sexual assault that mirror protections provided in federal law.

The bill contains the following provisions.

1. The bill requires a prosecutor or law enforcement agency to provide written information to an alleged victim concerning the right to undergo a forensic examination and the right to receive the results and any report resulting from a forensic examination unless disclosure to the alleged victim could impede or compromise an ongoing investigation or an ongoing prosecution.

Joint Standing Committee on Criminal Justice and Public Safety

2. The bill requires the prosecutor or law enforcement agency that has custody of the results and any report to retain the results and any report without charge until the expiration of the period of the statute of limitations. The bill requires the prosecutor or law enforcement agency, at least 60 days prior to destroying or disposing of the results and report, to provide notice of the intended destruction or disposal to the victim and allows for further retention upon the objection of the victim. The bill provides for routine technical rulemaking by the Chief of the State Police regarding retention and destruction or disposal of the results and any report.

LD 179 An Act To Make Creating a Police Standoff a Class E Crime

PUBLIC 86

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF T	OTP-AM ONTP	H-163

This bill changes the offense of creating a police standoff from a civil violation to a Class E crime. This bill also removes from the provision governing police standoffs the ability of a person to avoid the offense of creating a police standoff by surrendering within 1/2 hour of receiving police instruction to do so.

Committee Amendment "A" (H-163)

This amendment is the majority report of the committee and replaces the bill. The amendment repeals the civil violation of creating a police standoff that exists in the Maine Revised Statutes, Title 25 and enacts a Class E crime of creating a police standoff in Title 17-A. The amendment provides that a person is guilty of creating a police standoff when the person is barricaded as a result of the person's own actions, including when the person barricades himself or herself in a vehicle, is or claims to be armed with a dangerous weapon, is instructed by law enforcement to leave the barricaded location and fails to leave within 1/2 hour. The amendment does not include the provision from the repealed law that relates to restitution since restitution will be available with regard to the new Class E crime for economic loss incurred for police costs as an emergency response under Title 17-A, chapter 54.

Enacted Law Summary

Public Law 2017, chapter 86 repeals the civil violation of creating a police standoff that exists in the Maine Revised Statutes, Title 25 and enacts a Class E crime of creating a police standoff in Title 17-A. The law provides that a person is guilty of creating a police standoff when the person is barricaded as a result of the person's own actions, including when the person barricades himself or herself in a vehicle, is or claims to be armed with a dangerous weapon, is instructed by law enforcement to leave the barricaded location and fails to leave within 1/2 hour. The law does not provide specifically for restitution since restitution will be available with regard to the new Class E crime for economic loss incurred for police costs as an emergency response under Title 17-A, chapter 54.

LD 217 An Act Regarding the Place of Imprisonment of Certain Prisoners

ONTP

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

This bill requires that the Commissioner of Corrections determine whether to transfer to a correctional facility or retain at a county jail a person who is imprisoned at a county jail for longer than nine months. If the person is retained at the county jail, the bill requires the commissioner to reimburse the county jail on a per diem basis for the cost of imprisonment beyond nine months. The bill requires that when a previously suspended sentence of imprisonment for a Class A, Class B or Class C crime is vacated, in whole or in part, as the result of a probation revocation, the court must respecify as the place of imprisonment the place in which the person was imprisoned prior to release on probation.