

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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 250 **An Act To Increase the Penalty for Aggravated Sex Trafficking**

**Accepted Majority
(ONTP) Report**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| STEWART H ROSEN K | ONTP OTP-AM | |

This bill was reported out of committee and then recommitted to the committee in the First Regular Session. It was then carried over to the Second Regular Session of the 128th Legislature.

This bill increases the crime of aggravated sex trafficking from a Class B crime to a Class A crime and requires a minimum sentence of imprisonment of 25 years to life.

Committee Amendment "A" (H-220)

This amendment was the majority report of the committee in the First Regular Session. The amendment replaces the bill and changes the title. The amendment increases the penalty for the crime of sex trafficking if the person who is trafficked is less than 18 years of age to a Class C crime. The amendment increases the penalty for the crime of aggravated sex trafficking if the person who is trafficked is less than 18 years of age from a Class B crime to a Class A crime if the actor compels the minor to enter into, engage in or remain in prostitution.

House Amendment "A" To Committee Amendment "A" (H-541)

This amendment removes the penalty increases contained in the bill, as amended by Committee Amendment "A," and instead, with respect to the crime of sex trafficking of a person less than 18 years of age, directs the court to treat the age of the person trafficked as an aggravating sentencing factor.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-311)

Current law provides that a person who promotes prostitution of a person less than 18 years old is guilty of aggravated sex trafficking, which is a Class B crime. The bill, as amended by Committee Amendment "A," increases the class of this crime to Class A and adds that the person must compel the minor to enter into, engage in or remain in prostitution to be guilty of aggravated sex trafficking. This amendment removes the added element of compulsion from the crime. This amendment also strikes language that would have established promotion of prostitution of a person less than 18 years of age as a Class C crime and promotion of prostitution of others as a Class D crime.

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-552)

This amendment requires the court to treat the age of the person promoted into prostitution as an aggravating sentencing factor. This amendment also increases the class of crime for sex trafficking if the person who is trafficked is less than 18 years of age from a Class C crime to a Class B crime.

This amendment was not adopted.

Committee Amendment "B" (H-651)

This amendment is the minority report of the committee in the Second Regular Session. The amendment replaces the bill. It increases the class for the crime of aggravated sex trafficking from a Class B to a Class A crime if the

Joint Standing Committee on Criminal Justice and Public Safety

person who is trafficked is less than 18 years of age. It increases the class for the crime of aggravated sex trafficking from a Class B to a Class A crime if the person who is trafficked suffers from a mental disability that is reasonably apparent or known to the actor and that in fact renders the other person substantially incapable of appraising the nature of the conduct involved.

LD 377 Resolve, To Establish the York County Jail Drug Detoxification and Rehabilitation Pilot Program

**Died On
Adjournment**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------|-------------------------|---------------------------|
| CHENETTE J GROHMAN M | OTP-AM ONTP | S-112 |

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill establishes the County Jail Drug Rehabilitation and Treatment Grant Program to provide state funding in the form of grants to partially fund the creation of drug rehabilitation and treatment facilities and programs attached to or affiliated with county jails or regional jails. The bill requires the Department of Corrections to seek the advice of a statewide association of county commissioners and a statewide association of sheriffs in designing, adopting standards for and periodically reviewing effectiveness of the grant program. The bill specifies that the grant program provides partial funding to counties that are planning to affiliate with or build or convert a portion of county or regional jails or jail facilities for use as short-term or long-term residential drug rehabilitation and treatment facilities or programs. The bill requires the department to adopt grading standards for awarding grants that require county funding contributions to the drug rehabilitation and treatment facility or program of at least 50% of the cost, that take into consideration the level of county support and county funding and that take into consideration county need. The department is directed to compile a priority list that reflects priorities derived from the grading standards.

The bill allows the department to accept funding from private and public sources and provides for funding from the County Jail Drug Rehabilitation and Treatment Grant Program Dedicated Fund, which is established in the bill as a nonlapsing, dedicated fund. The bill provides that department funds remaining and unencumbered at the end of a state fiscal year lapse to the County Jail Drug Rehabilitation and Treatment Grant Program Dedicated Fund.

Committee Amendment "A" (S-112)

This amendment is the majority report of the committee. The amendment changes the title and replaces the bill with a resolve that establishes the York County Jail Drug Detoxification and Rehabilitation Pilot Program to provide one-time state funding for the creation of drug detoxification and rehabilitation programs in therapeutic communities within the York County Jail or in facilities attached to or affiliated with the jail. The pilot program is required to provide services to inmates of the York County Jail and may provide services to inmates from other counties as agreed between the York County Sheriff and the sheriffs of other counties in this State. The amendment provides funding from the General Fund of \$975,000 per year for state fiscal years 2017-18 and 2018-19. The funding does not lapse but carries forward from year to year.