

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE

128TH 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 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

LD 512 Resolve, To Establish the Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM ONTP	S-131

This bill prohibits minors from being charged with the crime of engaging in prostitution.

Committee Amendment "A" (S-131)

This amendment replaces the bill with a resolve that establishes the Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth, and to assess the current policies, systems and resources; to assess gaps in the current policies, systems and resources; and to make recommendations related to improving the policies, systems and resources. The committee is required to report no later than December 6, 2017 with its findings and recommendations and suggested legislation to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Health and Human Services. The amendment authorizes the committee to seek funding to partially or fully fund the study, subject to approval by the Legislative Council.

LD 514 An Act To Authorize the Expungement of Records of Nonviolent Crimes ONTP

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

This bill allows a person convicted of a Class E, Class D or Class C crime to petition the court where the person was convicted to expunge all records of the crime five years after the completion of the person's sentence. Expungement is not available for persons who have subsequent convictions or pending criminal charges; for crimes involving violence or sex offenses; or crimes that had as an element of the offense victims who were minors or are 65 years of age or older.

LD 515 An Act To Amend the Laws on Gross Sexual Assault ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TURNER B	ONTP	

This bill requires a mandatory term of imprisonment of at least 20 years for the crime of gross sexual assault when the victim is a person who has not attained 12 years of age.

LD 516 An Act To Improve the Management of Inmates in County and Regional Jails PUBLIC 214

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M WARREN C	OTP-AM	S-264

Joint Standing Committee on Criminal Justice and Public Safety

This bill requires a law enforcement agency that commits a prisoner to the sheriff's charge prior to arraignment on a nonviolent Class D or Class E crime to reimburse the sheriff for each day that the prisoner is held by the sheriff prior to arraignment and to pay a one-time surcharge of \$50 for holding the prisoner. The bill defines "nonviolent Class D or Class E crime" to mean a Class D or Class E crime other than a violation of the Maine Revised Statutes, Title 17-A, chapter 9, 11, 12 or 13; a violation of Title 17-A, section 506-B; a violation of Title 17-A, section 1002 or 1004; or a crime involving domestic violence as defined in Title 15, section 1003, subsection 3-A. The bill requires that the per diem rate for the prisoner is the same per diem rate that is established by the Department of Corrections for the purposes of funding county jail operations.

Committee Amendment "A" (S-264)

This amendment replaces the bill and changes the title. The amendment does the following.

1. The amendment provides that if a probationer is committed to jail without bail pending a probation revocation hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance. The amendment eliminates the provision that allows the court in its discretion to allow the hearing to be held after 45 days.
2. The amendment requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of Corrections regarding interjail boarding rates. The amendment requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding interjail boarding rate information and any recommendations.
3. The amendment requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of Corrections regarding financial audits performed for the jails. The amendment requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the financial audit information and any recommendations.
4. The amendment requires that, beginning November 1, 2017, each county jail and the regional jail report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located on the pretrial detention population in the jail, using a form provided by the Unified Criminal Docket.
5. The amendment requires that, beginning November 1, 2017, the Department of Corrections offer to provide technical assistance and advice to county jails and the regional jail regarding audits for the purpose of achieving and maintaining compliance with the federal Prison Rape Elimination Act of 2003, Public Law 108-79, as requested by the county jails and regional jail.

Enacted Law Summary

Public Law 2017, chapter 214 does the following.

1. The law provides that if a probationer is committed to jail without bail pending a probation revocation hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance. The law eliminates the provision that allows the court in its discretion to allow the hearing to be held after 45 days.
2. The law requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of Corrections regarding interjail boarding rates. The law requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding interjail boarding rate information and any recommendations.
3. The law requires that, beginning November 1, 2017, the county jails and regional jail report to the Department of

Joint Standing Committee on Criminal Justice and Public Safety

Corrections regarding financial audits performed for the jails. The law requires that by January 15th each year, beginning January 15, 2018, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters regarding data derived from the financial audit information and any recommendations.

4. The law requires that, beginning November 1, 2017, each county jail and the regional jail report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located on the pretrial detention population in the jail, using a form provided by the Unified Criminal Docket.
5. The law requires that, beginning November 1, 2017, the Department of Corrections offer to provide technical assistance and advice to county jails and the regional jail regarding audits for the purpose of achieving and maintaining compliance with the federal Prison Rape Elimination Act of 2003, Public Law 108-79, as requested by the county jails and regional jail.

LD 523 Resolve, To Establish the Commission To Review the Laws Governing Domestic Violence

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L BELLOWS S	OTP-AM ONTP	H-362

This resolve establishes the Commission To Review the Laws Governing Domestic Violence, which is directed to conduct a comprehensive examination of the laws governing domestic violence in the State to determine whether the principles of ensuring victim safety and batterer accountability are upheld under the existing statutory scheme.

Committee Amendment "A" (H-362)

This amendment incorporates a fiscal note.

LD 524 An Act To Amend the Laws on Domestic Violence

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	OTP-AM	H-138

This bill creates the crime of domestic violence aggravated assault, which a person commits if the person commits aggravated assault, elevated aggravated assault or elevated aggravated assault on a pregnant person and the victim is a family or household member. This bill also makes a violation of a protection from abuse order a Class C crime if the person has two or more prior convictions for violating a protection from abuse order.

Committee Amendment "A" (H-138)

This amendment replaces the bill and creates the crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person. The amendment also makes violation of a protection from abuse order a Class C crime if the person has two or more prior convictions for violating a protection from abuse order. The amendment also adds an emergency preamble and emergency clause.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.