

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 588 An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances

PUBLIC 90

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B CAMPBELL R	OTP-AM	S-80

This bill amends the law regarding solicitation by law enforcement officers to remove designated public benefit corporations from that process and instead allows law enforcement agencies and associations to engage directly in fund-raising. The bill also explicitly prohibits door-to-door solicitation.

Committee Amendment "A" (S-80)

This amendment replaces the bill and provides that a law enforcement agency or association that engages in a fund-raising event under the limited exception provided in the Maine Revised Statutes, Title 25, section 3702-C, subsection 1, may, but is not required to, retain a designated public benefit corporation to participate with the law enforcement agency or association in the event. The amendment retains the provision of the bill that prohibits door-to-door solicitations.

Enacted Law Summary

Public Law 2017, chapter 90 provides that a law enforcement agency or association that engages in a fund-raising event under the limited exception provided in the Maine Revised Statutes, Title 25, section 3702-C, subsection 1, may, but is not required to, retain a designated public benefit corporation to participate with the law enforcement agency or association in the event. The law retains the provision of current law that prohibits door-to-door solicitations.

LD 589 Resolve, To Establish a Working Group To Review the Function and Mission of Probation Officers and Establish a Licensing Procedure

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G CARDONE B	ONTP OTP	

This resolve directs the Commissioner of Corrections to convene a working group to review the function and mission of probation officers within the Department of Corrections and to make recommendations to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2018, regarding legislation to update the laws and rules regarding probation officers and establish a procedure and statute for licensure of probation officers. The resolve directs the Commissioner of Professional and Financial Regulation to undertake a sunrise review procedure for licensure of probation officers and directs the commissioner to take into consideration the work and recommendations of the working group. The commissioner is required to report to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2018 regarding the results of the sunrise review procedure and any recommendations regarding licensure of probation officers.

LD 595 An Act Prohibiting a Law Enforcement Officer from Confiscating a Firearm under Certain Conditions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S	ONTP	

Joint Standing Committee on Criminal Justice and Public Safety

This bill prohibits a law enforcement officer from ordering a subordinate officer or other officer under the supervision of the law enforcement officer, pursuant to the authority of a federal law or regulation or executive order of the President of the United States, to seize or confiscate a firearm or firearm accessory or ammunition in the possession of a resident of this State. The bill designates a first violation of the law as a civil violation, punishable by a fine of \$1,000, and a second violation as a Class D crime. The provisions of the bill do not apply to a law enforcement officer who engages in the prohibited conduct if the firearm or firearm accessory or ammunition is being used in the commission of a Class A, Class B or Class C crime or if the law enforcement officer is assisting a federal law enforcement office or agency in conducting an investigative or enforcement action against suspected trafficking in scheduled drugs under the Maine Revised Statutes, Title 17-A, chapter 45 or suspected organized criminal activities.

LD 597 An Act To Make the Reimbursement Rate for Transfers of Inmates from ONTP County Jails Equal to the Federal Reimbursement Rate

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B WHITTEMORE R	ONTP	

This bill makes the reimbursement rate for transfers of inmates from a county jail to another county jail or to the Department of Corrections equal to the federal reimbursement rate for housing prisoners, but no less than \$90 per diem per prisoner.

LD 598 An Act To Strengthen Maine Citizens' Right to Self Defense ONTP

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

This bill removes the requirement that a person who is carrying a concealed handgun without a permit to carry a concealed handgun inform a law enforcement officer of this fact during the course of an arrest, detainment or routine traffic stop.

LD 599 An Act To Prevent Violence against Emergency Responders ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARD K ROSEN K	ONTP	

This bill increases the classification of the crimes of assault on an officer, assault on an emergency medical care provider and assault on a firefighter from Class C to Class B crimes. It also extends the application of the hate crime sentencing laws to a defendant who selects the person against whom a crime is committed because of that person's status as a law enforcement officer, emergency medical care provider or firefighter or who selects property to damage because of such status of the owner or occupant of that property.

An amended version of the proposals in this bill was incorporated into the majority report committee amendment to LD 990.