

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

LD 600 Resolve, To Provide Grants to Law Enforcement Agencies To Acquire and Train Drug-detecting Dogs

**Accepted Majority
(ONTP) Report**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------------|-------------------------|---------------------------|
| HARRINGTON M WOODSOME D | ONTP OTP-AM | |

This resolve directs the Commissioner of Public Safety to establish a grant program for one year to assist law enforcement agencies to acquire and train drug-detecting dogs. The grant program may provide assistance to up to ten law enforcement agencies. The grant program may pay for the cost of the dog; training for the dog, including but not limited to drug detection academy training; and drug detection training and certification for the law enforcement officer who is the handler of the dog, including but not limited to any overtime pay necessary for training for the officer. The grant program may not pay for the cost of food or veterinary care for the dog or the cost of any certifications for the dog beyond the initial training. The resolve directs the Commissioner of Public Safety to adopt routine technical rules to specify the application form for the grant program and the criteria for awarding grants and to make applications available by January 1, 2018, and grant awards by April 1, 2018.

Committee Amendment "A" (H-63)

This amendment is the minority report of the committee. The amendment limits the grants to a maximum of \$10,000 each and provides that the grants may be provided to up to five law enforcement agencies instead of ten as proposed in the bill. The amendment adds an appropriation of \$50,000 for the grant program.

This amendment was not adopted.

LD 639 An Act To Require an Interstate Identification Index System Background Check for Certain Crimes

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| RECKITT L KEIM L | ONTP | |

This bill amends the criminal procedure laws to require an attorney for the State charging a person with certain crimes, prior to filing the charging instrument with a court, to conduct an interstate identification index system background check on that person. The attorney must certify in the charging instrument or an amendment to the charging instrument that the background check was conducted and must include with the charging instrument or with an amendment to the charging instrument a description of all information obtained from the background check that is relevant to the charges brought.

LD 640 An Act To Require an Ontario Domestic Assault Risk Assessment prior to Setting Bail in Domestic Violence Arrests in Which the Alleged Abuser Has Been Taken into Custody

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| RECKITT L KEIM L | ONTP | |

This bill requires that in every arrest for a Class B, C or D crime in which the defendant is alleged to have committed a domestic violence assault or criminal threatening with a dangerous weapon and the defendant has been

Joint Standing Committee on Criminal Justice and Public Safety

taken into custody, the defendant may not be released until the results have been obtained from a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-C and approved by the Department of Public Safety conducted on the defendant. The validated, evidence-based domestic violence risk assessment that is recommended by the Maine Commission on Domestic and Sexual Abuse and approved by the Department of Public Safety is known as the Ontario Domestic Assault Risk Assessment, ODARA. The bill amends current law that requires the results of the ODARA, when the results are available, to apply the results only to arrests in which the defendant has not been taken into custody. The bill contains a delayed effective date of January 1, 2018.

LD 651 An Act To Expand Substance Abuse Prevention Projects

**Died Between
Houses**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| DION M HAMANN S | ONTP OTP-AM | |

This bill provides an ongoing General Fund appropriation of \$1,200,000 beginning in fiscal year 2017-18 to the Department of Public Safety for the Substance Abuse Assistance Program.

Committee Amendment "A" (S-81)

This amendment is the minority report of the committee. This amendment replaces the bill and changes the title. It changes the name of the Substance Abuse Assistance Program to the Substance Use Disorder Prevention Assistance Program. This amendment, like the bill, provides \$1,200,000 annually to fund the program.

This amendment was not adopted.

LD 654 An Act To Amend the Laws Governing Certain Sexual Offenses

PUBLIC 300

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------|-------------------------|----------------------------|
| CARPENTER M HERBIG E | OTP-AM ONTP | S-113 S-320 HAMPER J |

This bill creates a new violation under the law defining the crime of gross sexual assault in which an actor is guilty of gross sexual assault if the actor engages in a sexual act with another person who has not consented to the sexual act; this violation is a Class C crime. The bill also amends the crime of gross sexual assault by repealing the defense to prosecution that the other person voluntarily consumed or allowed the actor to administer to that person drugs or other intoxicants. The bill also amends the crime of unlawful sexual contact and unlawful sexual touching by eliminating language specifying that the other person did not expressly or impliedly acquiesce to the sexual contact or sexual touching and replaces it with language specifying that the person did not consent to the sexual contact or sexual touching.

Committee Amendment "A" (S-113)

This amendment is the majority report of the committee. This amendment specifies that the Class C crime of gross sexual assault created in the bill applies when the other person has not expressly or impliedly acquiesced to the sexual act. The amendment strikes from the bill amendments to the laws on unlawful sexual contact and unlawful sexual touching and provides funding to the Maine Commission on Indigent Legal Services for an anticipated increase in the use of assigned counsel.