

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

Senate Amendment "A" To Committee Amendment "A" (S-320)

This amendment removes the appropriations and allocations section added by Committee Amendment "A."

Enacted Law Summary

Public Law 2017, chapter 300 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 expressly or impliedly consented to the sexual act; this violation is a Class C crime. The law 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.

LD 665 An Act To Give the Courts Sentencing Discretion When a Person with a Developmental Disability Has Been Convicted of a Crime Accepted Majority (ONTP) Report

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

This bill provides that, notwithstanding any provision of law to the contrary, if the court finds that a convicted person has an abnormal condition of the mind as a result of an intellectual disability or an autism spectrum disorder, the court may in its discretion impose a sentence that is less severe than any mandatory minimum sentence that is required by law, including, but not limited to, the Maine Revised Statutes, Title 17-A, chapter 51 or 53. The bill defines "intellectual disability" as a disability characterized by significant limitations in both intellectual functioning and the conceptual, social and practical skills that are required for successful everyday functioning and that are recognized by professionals in the field of developmental disabilities as adaptive behavior.

Committee Amendment "A" (S-82)

This amendment is the minority report of the committee. The amendment changes the title of the bill. The amendment removes from the bill a requirement that the court find that the individual has an abnormal condition of the mind as a result of an intellectual disability or an autism spectrum disorder and instead requires the court to find that the individual has an intellectual disability or an autism spectrum disorder. The amendment provides that the sentencing discretion that the court has does not apply to a sentence for murder. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

LD 670 An Act To Allow for Consistent Application of Credit for Driver's License Suspensions Imposed by the Court PUBLIC 99

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R CAMPBELL R	OTP	

Current law allows a defendant to receive credit for an OUI alcohol administrative suspension already served from the Secretary of State upon receipt of a court suspension. Because there is a lag between the time the court orders the suspension and the Secretary of State applies the credit for the administrative suspension, current law provides an exception that allows the court to stay the license suspension for up to seven days. This bill provides the same exception for OUI drug suspensions that is currently in effect for OUI alcohol suspensions.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted Law Summary

Public Law 2017, chapter 99 provides the same exception for OUI drug suspensions that is currently in effect for OUI alcohol suspensions. Current law allows a defendant to receive credit for an OUI alcohol administrative suspension already served from the Secretary of State upon receipt of a court suspension. Because there is a lag between the time the court orders the suspension and the Secretary of State applies the credit for the administrative suspension, current law provides an exception that allows the court to stay the license suspension for up to seven days. This law allows OUI drug suspension credits on the same terms as OUI alcohol suspension credits.

**LD 671 An Act To Allow for Accurate Credit for a License Suspension for
Operating under the Influence PUBLIC 107**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R CAMPBELL R	OTP	

This bill provides that if the Secretary of State administratively suspends a person's license for operating a motor vehicle with an excessive alcohol level or for operating a motor vehicle under the influence of drugs, the amount of time the license was administratively suspended must be deducted when suspending that person's license after a conviction.

Enacted Law Summary

Public Law 2017, chapter 107 provides that if the Secretary of State administratively suspends a person's license for operating a motor vehicle with an excessive alcohol level or for operating a motor vehicle under the influence of drugs, the amount of time the license was administratively suspended must be deducted when suspending that person's license after a conviction.

**LD 676 Resolve, To Study the Development of a Behavioral Health Unit at the
Cumberland County Jail Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH R CHIPMAN B	ONTP OTP	

This resolve directs the Department of Health and Human Services, the Department of Corrections and the Cumberland County Sheriff's Office to jointly study and recommend a proposal for the development of a behavioral health unit at the Cumberland County Jail to provide support such as substance abuse and mental health services and a diversion program to allow for the rehabilitation of prisoners with behavioral issues. This resolve directs the Department of Health and Human Services, the Department of Corrections and the Cumberland County Sheriff's Office to submit the results of the study along with recommendations to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety, who may report out legislation to the Second Regular Session of the 128th Legislature.

**LD 721 An Act To Mandate the Reporting of a Planned Act of Terrorism by a
Person with Knowledge of That Plan Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R	OTP-AM	S-114