

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> 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

128<sup>TH</sup> 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 128<sup>th</sup> 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 128<sup>th</sup> 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**

**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

**Joint Standing Committee on Criminal Justice and Public Safety**

This bill makes a person's failure to report a planned act of terrorism to an appropriate law enforcement agency when the person has knowledge of the plan to perform an act of terrorism a Class E crime.

**Committee Amendment "A" (S-114)**

This amendment replaces the bill. It creates a new strict liability Class C crime for failure to report a planned act of terrorism. A person is guilty of this crime if the person knows that another person is planning to act with terroristic intent and does not report it to law enforcement.

**LD 744      An Act To Create a Permanent Wabanaki Law Enforcement Seat on the      Died Between  
Maine Criminal Justice Academy Board of Trustees      Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA M MAKER J	ONTP OTP-AM	

This bill provides a permanent seat on the Maine Criminal Justice Academy Board of Trustees for a representative of the five Wabanaki tribal governments. The tribal representative must be chosen for a two year term by a process determined by the tribal governments. The process must require that the position rotate among the five tribal governments.

**Committee Amendment "A" (H-64)**

This amendment is the minority report of the committee. The amendment strikes from the bill the provision that limits to two years the term of the representative of the Wabanaki tribal governments.

This amendment was not adopted.

**LD 745      An Act To Prohibit Female Genital Mutilation      Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H MAKER J	OTP-AM OTP-AM ONTP OTP-AM	

This bill makes it a Class B crime to perform female genital mutilation on a female person under 18 years of age for nonmedical purposes. The bill also makes it a Class B crime for a parent, guardian or person who has immediate custody of a female person under 18 years of age to consent to or permit female genital mutilation of that female person for nonmedical purposes or for a person to remove the female person from the State for such a procedure. Under the provisions of the bill it is not a defense that the female person, or the parent, guardian or person who has immediate custody of the female person, consented to the procedure but it is a defense that the procedure was done for medical purposes.

**Committee Amendment "A" (H-483)**

This amendment, which is the majority report of the committee, elevates from Class B to Class A the new crime of performing female genital mutilation on a female person under 18 years of age. The amendment reduces from a Class B to a Class C crime the first offense of a parent, guardian or custodian of the female person under 18 years of age in consenting to or permitting the procedure but retains as a Class B crime any subsequent offenses. The