

# 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**

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# STATE OF MAINE

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

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

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

amendment provides a defense to the new crime of female genital mutilation that, when the procedure was consented to or permitted by a parent, guardian or custodian of a female person under 18 years of age, the parent, guardian or custodian was compelled to consent to or permit the procedure by force or by threat of death or bodily injury to that person or another person.

This amendment was not adopted.

### **Committee Amendment "B" (H-484)**

This amendment, which is a minority report of the committee, replaces the bill, changes the title and directs the Department of Health and Human Services to develop, establish and administer a community-based education and outreach program to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced, including a culturally sensitive professional training program. The amendment also provides funding to implement the program.

This amendment was not adopted.

### **Committee Amendment "C" (H-485)**

This amendment, which is a minority 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 amendment provides a defense to the new crime of female genital mutilation that, when the procedure was consented to or permitted by a parent, guardian or custodian of a female person under 18 years of age, the parent, guardian or custodian was compelled to consent to or permit the procedure by force or by threat of death or bodily injury to that person or another person.

The amendment also directs the Department of Health and Human Services to develop, establish and administer a community-based education and outreach program to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced, including a culturally sensitive professional training program, and provides funding to implement the program.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-292)**

This amendment retains the provisions of the bill, as amended by Committee Amendment "A", and adds a provision directing the Department of Health and Human Services to develop and administer a community-based education and outreach program to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced.

This amendment was not adopted.

### **Senate Amendment "B" To Committee Amendment "A" (S-298)**

This amendment retains the provisions of the bill, as amended by Committee Amendment "A," and adds a provision directing the Department of Health and Human Services, within its existing resources, to administer community-based education and outreach to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced.

This amendment was not adopted.

### **Senate Amendment "C" To Committee Amendment "A" (S-313)**

This amendment removes language that provides a defense to the new crime of female genital mutilation that, when

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

the procedure was consented to or permitted by a parent, guardian or custodian of a female person under 18 years of age, the parent, guardian or custodian was compelled to consent to or permit the procedure by force or by threat of death or bodily injury to that person or another person. This amendment also adds a provision directing the Department of Health and Human Services, within its existing resources, to administer community-based education and outreach to provide culturally specific services for communities in the State in which female genital mutilation of minors might be practiced.

This amendment was not adopted.

**Senate Amendment "D" To Committee Amendment "A" (S-341)**

This amendment amends the bill, as amended by Committee Amendment "A," to remove language that makes it a 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. This amendment also incorporates language from Senate Amendment "C" to Committee Amendment "A," which directs the Department of Health and Human Services, within its existing resources, to administer education and outreach to communities in the State in which the procedure might be practiced.

This amendment was not adopted.

**LD 746      Resolve, To Increase the Permissible Size of Bed and Breakfasts      ONTP**

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

This resolve requires the Department of Public Safety to amend its rules to increase the permissible size of bed and breakfast lodging to a maximum of 11 bedrooms and a maximum of 32 guests.

**LD 814      An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases      PUBLIC 105**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-83

This bill requires a court to provide justification when participation in a batterers' intervention program is not ordered in sentencing a person for certain crimes against a current or former spouse, domestic partner, sexual partner or dating partner or an individual with whom the person is living or lived as a spouse. The bill adds an additional purpose to the sentencing provisions of the Maine Criminal Code. The additional purpose recognizes domestic abuse as a serious crime and recognizes certified batterers' intervention programs as the most appropriate and effective community intervention in cases involving domestic abuse.

**Committee Amendment "A" (S-83)**

This amendment amends the bill as follows.

1. To ensure consistency within the Maine Criminal Code, it replaces the term "domestic abuse" with the term "domestic violence."
2. It clarifies the responsibility of the attorney for the State when submitting a plea agreement to the court as it