

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
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.

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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

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relates to the participation of the person subject to the plea agreement in a certified batterers' intervention program.

Enacted Law Summary

Public Law 2017, chapter 105 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 law also adds an additional purpose to the sentencing provisions of the Maine Criminal Code recognizing domestic violence as a serious crime and recognizing certified batterers' intervention programs as the most appropriate and effective community intervention in cases involving domestic violence.

LD 838 An Act To Prevent Sexual Abuse by Members of the Clergy ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M VOLK A	ONTP	

This bill makes it unlawful for a member of the clergy who is in a position of trust or authority over another person to use that clergy person's position of trust or authority to engage in a sexual act, sexual contact or sexual touching with the other person. The bill amends the laws on the crimes of gross sexual assault, unlawful sexual contact and unlawful sexual touching.

LD 839 Resolve, To Address Substance Use and Addiction in County Jails Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN K DION M	OTP-AM ONTP	

This resolve provides funding to the Department of Corrections to establish a four month pilot project to assist in the rehabilitation of individuals incarcerated at county jails who are experiencing substance use issues or addiction, especially issues or addiction related to opioid use.

Committee Amendment "A" (H-219)

This amendment is the majority report of the committee. The amendment provides funding in the amount of \$300,000 in fiscal year 2017-18 to the County Jail Operations Fund for a pilot project to assist in the rehabilitation of inmates who are experiencing substance use issues or addiction, especially issues or addiction related to opioid use. The bill proposes to provide funding in the amount of \$500,000 for the pilot project.

This amendment was not adopted.

LD 859 An Act To Ensure Thorough Investigation into Allegations of Sexual Assault ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BATES D DIAMOND B	ONTP	