

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

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	

Joint Standing Committee on Criminal Justice and Public Safety

This bill requires the State Police to process a forensic examination kit within 180 days of receipt of a kit that has been used to obtain forensic evidence from an alleged victim of sexual assault or within 180 days of receipt of consent to analysis of that kit by the alleged victim of the sexual assault, whichever occurs later. The bill requires the State Police to conduct annual audits of forensic examination kits and to report to the general public and to the Legislature by July 1, 2018, and annually thereafter, regarding the status of analyses of forensic examination kits in the possession of the State Police.

LD 861 An Act To Provide Wage Parity for Certain State Law Enforcement Personnel CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C MAKER J		

This bill provides for a 15% upward adjustment of salary schedules in fiscal year 2017-18 for certain law enforcement positions in the Department of Corrections; the Department of Agriculture, Conservation and Forestry; Baxter State Park Authority; the Department of Defense, Veterans and Emergency Management, Maine Military Authority; the Office of the Attorney General; and the Office of the Secretary of State, Bureau of Motor Vehicles. The bill requires that, beginning in fiscal year 2018-19, revenue from a sales tax imposed on the retail sale of recreational marijuana is to be used to offset the cost of the salary increase for Adult Probation Officer and Juvenile Community Corrections Officer positions in the Department of Corrections.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 888 An Act To Strengthen Protections against Civil Asset Forfeiture Accepted Majority (ONTP) Report

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

This bill requires that for property to be forfeited under the criminal forfeiture laws the owner of the property be convicted of a crime in which the property was involved, and it prohibits a law enforcement agency or other entity from circumventing the law by an agreement to transfer or refer the property seized to a federal agency. This bill also requires that the records of forfeited property be posted by the Department of Public Safety on a publicly accessible website.

Committee Amendment "A" (S-53)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to provide funding to the Department of Public Safety to create and maintain an online system containing records of forfeited property.

This amendment was not adopted.