

# 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*

**LD 892**      **An Act To Allow an Attorney Responding to an Incident that Involved the Use of Deadly Force To Use Emergency Lights on a Vehicle**      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B		

This bill was not referred to committee.

This bill allows a vehicle operated by an attorney directly involved in and responding to an incident involving the use of deadly force by a law enforcement officer to use a blue light or a combination of blue and white lights and a siren.

**LD 908**      **An Act Establishing the Crime of Child Abuse in the Maine Criminal Code**      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H MAKER J	ONTP	

This bill creates the crime of child abuse. Child abuse occurs when a person intentionally, knowingly or recklessly neglects or abuses a child. The sentencing classes for the crime of child abuse range from a Class C crime to a Class A crime, depending on the severity of the abuse and the level of intentionality of the person inflicting the abuse. The bill repeals several provisions regarding endangering the welfare of a child that have been incorporated into the crime of child abuse. It also requires expert testimony from a licensed physician who has completed an accredited residency in psychiatry or a licensed psychologist to establish mental injury in a child abuse case.

**LD 918**      **An Act Regarding Maine's Criminal Code**      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C DIAMOND B	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the Maine Criminal Code and other laws imposing criminal penalties.

**LD 951**      **An Act To Adopt the Uniform Act on Prevention of and Remedies for Human Trafficking**      **CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to adopt a law that is based on the Uniform Act on Prevention of and Remedies for Human Trafficking, the text of which may be found here:

<http://legislature.maine.gov/uploads/originals/uniform-act-on-prevention-of-and-remedies-for-human-traf.pdf>.

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

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

**LD 983      An Act To Increase Efficiency in the Enforcement of Restitution and Bail Orders      PUBLIC 221**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M MCCREAD D	OTP-AM	S-115

This bill provides that if a court determines that an offender has violated unsecured preconviction bail and that the violation is not excused, the court must enter an order of forfeiture of bail, which may not exceed the amount of the unsecured bail previously set. The bill authorizes an attorney for the State or a prosecutorial district to take action to collect the amount of forfeited bail and requires the State Tax Assessor to withhold funds owed to a taxpayer with regard to whom a forfeiture order has been entered. This bill also allows the court to order the State Tax Assessor to withhold restitution owed by an offender from any tax refund owed to that offender.

**Committee Amendment "A" (S-115)**

This amendment changes a reference to unpaid judgments to unpaid restitution and changes a cross-reference. The amendment strikes three sections of the bill that are unnecessary because prosecutorial districts are currently authorized to request that the State Tax Assessor offset an income tax refund to satisfy a liquidated debt.

**Enacted Law Summary**

Public Law 2017, chapter 221 provides that if a court determines that an offender has violated unsecured preconviction bail and that the violation is not excused, the court must enter an order of forfeiture of bail, which may not exceed the amount of the unsecured bail previously set. The law authorizes the State Tax Assessor to withhold funds owed to a taxpayer with regard to whom a forfeiture order has been entered.

**LD 986      An Act To Improve School Safety      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D SIROCKI H	ONTP	

This bill provides for a mandatory one-year suspension of a driver's license for a person convicted of terrorizing if the terrorizing causes the evacuation of a public elementary or secondary school. If the person does not have a driver's license, the bill specifies a one-year delay in the issuance of the driver's license from the date of the conviction of the offense or, if the person is not eligible for a driver's license, a one-year delay from the date that the person is eligible for the license. This bill also requires that a notice of the provisions of the law be conspicuously posted in at least one location in every public middle and secondary school.

**LD 990      An Act To Prevent Violence against Law Enforcement Officers, Emergency Medical Care Providers and Firefighters      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TURNER B	OTP-AM ONTP OTP-AM	S-265 H-542 NADEAU C