

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

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill changes the crime of assault on an officer to include offensive physical contact and creates the crime of aggravated assault on an officer, which is modeled on the crime of aggravated assault.

Committee Amendment "A" (S-265)

This amendment, which is the majority report of the committee, changes the title and does the following.

1. It amends the existing crimes of assault on an officer, assault on an emergency medical care provider and assault on a firefighter to create new Class B crimes when a person commits an assault on a law enforcement officer, emergency medical care provider or firefighter and the person selected the law enforcement officer, emergency medical care provider or firefighter whom the person assaulted because of that law enforcement officer's, emergency medical care provider's or firefighter's status as a law enforcement officer, emergency medical care provider or firefighter.
2. It amends the existing crime of assault on an officer to create a new Class C crime when a person intentionally or knowingly causes offensive physical contact to a law enforcement officer.
3. It retains the provisions of the bill that create the new Class A and Class B crimes of aggravated assault on an officer.

This amendment was not adopted.

Committee Amendment "B" (S-266)

This amendment, which is a minority report of the committee, changes the title and amends the bill as follows.

1. It removes from the bill the new Class C crime of recklessly causing offensive physical contact to a law enforcement officer.
2. It retains from the bill the new Class C crime of intentionally or knowingly causing offensive physical contact to a law enforcement officer.
3. It retains from the bill the new Class A or Class B crime of aggravated assault on an officer.

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-542)

This amendment strikes language from Committee Amendment "A" that creates a new Class C crime when a person intentionally or knowingly causes offensive physical contact to a law enforcement officer. This amendment also removes the mental state of "recklessly" from the crimes of causing bodily injury to a law enforcement officer, causing bodily injury to an emergency medical care provider and causing bodily injury to a firefighter when the injured's status as a law enforcement officer, emergency medical care provider or firefighter resulted in the selection of the injured as a target.

This amendment was not adopted.

House Amendment "C" To Committee Amendment "A" (H-543)

This amendment removes the Class B crime added by Committee Amendment "A" of causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter. Instead, this amendment makes causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter an aggravating factor that must be considered by the court when sentencing a person convicted of assault of a law enforcement officer, emergency

Joint Standing Committee on Criminal Justice and Public Safety

medical care provider or firefighter.

This amendment was not adopted.

House Amendment "D" To Committee Amendment "A" (H-551)

This amendment removes the Class B crime added by Committee Amendment "A" of causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter. Instead, this amendment makes causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter an aggravating factor that must be considered by the court when sentencing a person convicted of assault of a law enforcement officer, emergency medical care provider or firefighter.

This amendment also removes the Class C crime added by Committee Amendment "A" of intentionally or knowingly causing offensive physical contact to a law enforcement officer while that officer is in the performance of the officer's official duties.

This amendment was not adopted.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 994 An Act To Increase the Class of Crime for Viewing Animal Fighting ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	ONTP	

This bill increases the class of crime for viewing animal fighting from a Class D crime to a Class C crime.

LD 1014 An Act To Require A Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle Died Between Houses

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

This bill makes it a Class D crime for a person to fail to inform a law enforcement officer of the person's possession of a hypodermic apparatus on the person's body during the course of any arrest, detention or routine traffic stop of the person.

Committee Amendment "A" (H-147)

This amendment replaces the bill and, like the bill, it establishes the failure to inform a law enforcement officer of a hypodermic apparatus as a Class D crime. If a person discloses the possession of a hypodermic apparatus as required, the amendment makes the hypodermic apparatus and any contents of the apparatus inadmissible as evidence in a prosecution for a violation of the Maine Revised Statutes, Title 17-A, chapter 45.

This amendment was not adopted.