

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE  
AND PUBLIC SAFETY**

October 2018

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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 1048**

**An Act To Reclassify Certain Offenses and Increase the Efficiency of the Criminal Justice System**

**Died On  
Adjournment**

Sponsor(s)

VOLK A

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was again carried over to the Second Special Session by joint order S.P. 748; on the adjournment of the Second Special Session, the bill had not been reported out of committee.

This bill requires the use of the Uniform Summons and Complaint form for criminal violations of the Maine Revised Statutes, Titles 12, 17-A and 29-A and the Violation Summons and Complaint for civil violations of those titles. This bill requires the Violation Summons and Complaint form to be the same form that is currently used for traffic infractions and standardizes the use, including the issuance and disposition, of that form by law enforcement officers and the Maine Warden Service. This bill specifies that district attorneys are required to prosecute only criminal violations of the inland fisheries and wildlife laws and removes references to citations, which are no longer used by the warden service.

**LD 1091 An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes**

**PUBLIC 432  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-361

S-522 HAMPER J

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill makes changes to the laws recommended by the Criminal Law Advisory Commission.

Part A of the bill does the following:

1. It amends the Maine Revised Statutes, Title 15, section 393, subsection 1-B by replacing the words "pending charging instrument" with the words "the charge that gave rise to the prohibition" to eliminate a potential ambiguity; and
2. It enacts as Title 15, section 1094-C a provision that makes it a Class C crime for a person arrested for an alleged murder to intentionally or knowingly make direct or indirect contact with any specifically identified family or household member of the alleged victim if that person is detained because a Harnish bail proceeding has not yet taken place, the proceeding has been waived in open court by the person, or the proceeding has taken place and the person's conditional right to bail has been extinguished and bail has been denied by the court, and who has been properly notified not to make direct or indirect contact with any specifically identified family or household member of the alleged victim of the murder for which the person is being detained.

Part B clarifies provisions of the Criminal History Record Information Act as they apply to granted petitions for full and free pardons.