

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**

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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

mirrors that currently found in Title 17-A, section 1102, subsection 1, paragraph F. The definition of "heroin" as "any compound, mixture or preparation containing heroin (diacetylmorphine) in any quantity" is in response to State v. Pinkham, Sr., 2016 ME 59, 137 A. 3d 203; and

2. Repeals the definition of "cocaine" in Title 17-A, section 1102, subsection 1, paragraph F, because its content is moved to section 1101.

Part F of the bill does the following:

1. Amends Title 30-A, section 3821, subsection 3 to clarify that hotel and lodging house registers must be kept for 2 years and must be available for inspection by an agent of the authority that licenses the hotel or lodging house; and

2. Amends Title 34-A, section 1216, subsection 1, paragraph D to clarify that dissemination of certain information pertaining to a person receiving services from the Department of Corrections may be made to any criminal justice agency if necessary to carry out the "administration of criminal justice" as separately defined pursuant to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act, and to carry out the "administration of juvenile criminal justice" and the "administration of juvenile justice" as separately defined pursuant to the Maine Juvenile Code.

Committee Amendment "A" (H-361)

This amendment provides funding to the Maine Commission on Indigent Legal Services.

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

**LD 1092 An Act To Exempt United States Military Recruiters from Paying Fees ONTP
for Criminal History Record Checks**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C CYRWAY S	ONTP	

This bill provides an exemption to recruiters for the Armed Forces of the United States from the fee charged by the State Bureau of Identification for criminal history record checks.

**LD 1128 Resolve, To Establish the Committee To Study the Processing of Died On
Evidence from Sexual Assault Test Kits Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M BELLOWS S	OTP-AM ONTP	H-253

This resolve establishes the Committee To Study the Processing of Evidence from Sexual Assault Test Kits. The resolve provides for an 11-member committee that will study the processing of evidence from sexual assault test kits and make recommendations and submit suggested legislation in a report to the Joint Standing Committee on Criminal Justice and Public Safety by December 6, 2017. The resolve authorizes the committee to seek funding contributions to partially or fully fund the costs of the study but does not make the work of the committee contingent on outside funding.

Committee Amendment "A" (H-253)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment removes the requirement that the representative of an organization working to provide victim services to victims of sexual violence and who has had experience in accompanying victims during the collection of forensic evidence be from a statewide organization.

LD 1146 *Resolve, To Provide Wage Parity for Law Enforcement Officers in the Department of Corrections with Other Law Enforcement Officers* CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY A MAKER J		

In Resolve 2015, chapter 80, the salary schedules for certain law enforcement positions, including those in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, but not including the Department of Corrections, were adjusted upward by 12% to 18%.

This resolve requires the salary schedules for law enforcement positions in the Department of Corrections to be adjusted upward by 15%.

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

LD 1154 *An Act To Provide a Voluntary Method of Determining Whether a Purchaser of a Firearm Is Prohibited from Possessing a Firearm without a Background Check* ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAS O	ONTP	

This bill establishes a voluntary method of establishing that a person is not disqualified from possessing a firearm without the need for a criminal background check at the time of the sale. This bill allows an individual who is not a licensed firearm dealer, when selling a firearm, to request proof that the buyer is not disqualified from possessing a firearm. The buyer may present a Maine driver's license or nondriver identification card that has been issued by the Secretary of State that contains indicia of the holder's qualification to possess a firearm as acceptable proof, without the need for a criminal background check.

Beginning in 2018, an applicant for a driver's license or nondriver identification card may request the Secretary of State to verify whether the applicant is disqualified from possessing a firearm. If the applicant is not disqualified, the Secretary of State must indicate that through the use of a permanent mark or some other discreet indicia on the back of the license or identification card. The Secretary of State is required to conduct a public awareness program to inform the public of this method of determining whether the holder of a driver's license or nondriver identification card is qualified to possess a firearm.

LD 1168 *RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights* CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M HERBIG E		

This resolution proposes to amend the Constitution of Maine to enact a Victims' Bill of Rights, designed to ensure specific rights for victims of crime. The purpose of this resolution is to place into the Constitution of Maine various