

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 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

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rights regarding notification of public proceedings at which the victim has a right to be heard, the right to confer with the prosecution and the right to prompt and full restitution. This resolution requires a court to grant a request by the victim to enforce the rights of the victim and to provide a remedy for violations of the victim's rights, including the appeal of a sentence. This resolution does not provide a victim a cause of action for compensation or damages against the State or a political subdivision of the State, including the courts, or any officer, employee or agent of the State or a political subdivision of the State.

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

LD 1173 An Act To Require That Information on Prisoners' Furlough Be Reported to the National Crime Information Center, Department of Public Safety and State Bureau of Identification ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S PIERCE J	ONTP	

This bill requires the sheriff or administrator of a county jail or regional jail and the chief administrative officer of a correctional facility or detention facility to report information on a prisoner who is granted a furlough to the Federal Bureau of Investigation, National Crime Information Center; the Department of Public Safety for access to that information by law enforcement officers; and the Department of Public Safety, Bureau of State Police, State Bureau of Identification. This information must include the name and date of birth of the prisoner, the name of the county jail, regional jail, correctional facility or detention facility to which the prisoner is committed, the beginning and end times for the furlough and any conditions of release.

LD 1175 An Act To Expand Options for the Prevention of Domestic Violence Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M WARREN C	ONTP OTP-AM	

This bill creates a gun violence restraining order to authorize a court to order a person to surrender that person's firearms and ammunition for a specific period of time when it has been proved that the person poses a danger of causing personal injury to that person or another person. The bill provides that:

1. A law enforcement officer may file for a temporary emergency gun violence restraining order, which expires in 21 days;
2. A law enforcement officer or a family or household member of the person may request an ex parte gun violence restraining order, which expires in 21 days. The court is required to hold a hearing to determine if a one-year order should be issued within 21 days;
3. A law enforcement officer or a family or household member of the person may request that a one-year gun violence restraining order be issued. The plaintiff must prove by clear and convincing evidence that the person poses a significant danger and that the order is necessary to prevent injury because less restrictive alternatives have been tried or are inappropriate in the specific case;
4. The subject of a gun violence restraining order is required to surrender all firearms and ammunition in the person's possession to a law enforcement officer or to sell the firearms and ammunition to a federally licensed