

# 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**

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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.

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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

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firearms dealer. If the firearms and ammunition are surrendered to a law enforcement agency, the firearms and ammunition must be returned to the person at the expiration of the gun violence restraining order; and

5. A person who possesses firearms or ammunition in violation of a gun violence restraining order commits a Class D crime. Part of the sentence must include the prohibition on possession of firearms and ammunition for an additional five years.

**Committee Amendment "A" (S-250)**

This amendment, which is the minority report of the committee, replaces the bill and creates a judicial process for the imposition of a gun violence restraining order whereby a court is authorized to order a person to surrender that person's firearms for a six-month period of time when it has been proved by clear and convincing evidence that the person poses a danger of causing personal injury to that person or to another person. A person who possesses a firearm in violation of a gun violence restraining order commits a Class D crime, the sentence for which must include a prohibition on the possession of firearms for a five-year period of time. The amendment also adds an appropriations and allocations section to provide funding to address anticipated new cases and required information technology updates within the Judicial Department and to provide funding to the Department of Public Safety for increased storage costs relating to retaining firearms under a gun violence restraining order process.

This amendment was not adopted.

**LD 1183      An Act To Expand Use of Electronic Monitoring in Domestic Violence,      CARRIED OVER  
Sexual Assault and Stalking Cases**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K DIAMOND B		

This bill provides funding to expand the use of electronic monitoring as part of a coordinated response to domestic violence, sexual assault and stalking. It provides funds for victim advocates and case management and funds to support the cost of electronic monitoring for indigent offenders and for victims who may choose to carry a corresponding device.

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

**LD 1202      An Act To Clear a Path to Employment      CARRIED OVER**

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

This bill establishes an automatic process for an individual who has been convicted of a Class C, Class D or Class E crime to have the records of that conviction sealed if the crime does not involve domestic violence or sexual assault; the individual has not been convicted of any other crime in this State or another jurisdiction; and at least seven years have passed since the date of conviction. If the Department of Public Safety, Bureau of State Police, State Bureau of Identification objects to the automatic sealing of an individual's criminal conviction records, the individual may file a motion in the underlying criminal proceeding requesting that the records be sealed.

The bill provides for a reduction in the seven-year waiting period for the sealing of records of an eligible criminal conviction if a convicted individual files a motion with the court demonstrating that the individual obtained a high school diploma or postsecondary certificate or degree after the date of conviction.