

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
128TH 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

STAFF:

JANE ORBETON, SENIOR LEGISLATIVE ANALYST
DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

MEMBERS:

SEN. KIMBERLEY C. ROSEN, CHAIR
SEN. SCOTT W. CYRWAY
SEN. G. WILLIAM DIAMOND

REP. CHARLOTTE WARREN, CHAIR
REP. CATHERINE M. NADEAU
REP. THOMAS R. W. LONGSTAFF
REP. MARTIN J. GROHMAN
REP. LOIS GALGAY RECKITT
REP. RACHEL TALBOT ROSS
REP. KAREN A. GERRISH
REP. DONALD G. MAREAN
REP. PATRICK W. COREY
REP. LLOYD C. HERRICK

STATE OF MAINE

128TH 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 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th 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

Public Law 2017, chapter 432 was enacted as an emergency measure effective July 4, 2018.

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

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

This resolve was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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%.

LD 1168 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights Died On Adjournment

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

This resolution 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, this resolution had not been reported out of committee.

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 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.

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

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The 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

Joint Standing Committee on Criminal Justice and Public Safety

support the cost of electronic monitoring for indigent offenders and for victims who may choose to carry a corresponding device.

LD 1202 An Act To Clear a Path to Employment

**Accepted Majority
(ONTP) Report**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The 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.

The bill prohibits the use of sealed criminal conviction information by all employers that are not criminal justice agencies. It also authorizes individuals whose conviction records have been sealed to respond to inquiries, other than inquiries from a criminal justice agency, as if the sealed conviction and underlying crime had never occurred.

Committee Amendment "A" (S-392)

This amendment, which is the minority report of the committee, replaces the bill and amends the Maine Revised Statutes, Title 15, chapter 310, which provides a motion process for the imposition of special restrictions on the dissemination and use of criminal history record information for a single Class E criminal conviction committed by an individual 18 to 20 years of age. The amendment does the following:

1. It authorizes a court to impose special restrictions on the dissemination and use of criminal history record information for a single Class D or Class E criminal conviction committed by an individual of any age when at least four years have passed since the person has fully satisfied each of the sentencing alternatives imposed for the eligible criminal conviction;
2. It allows dissemination of criminal history record information to a public or private entity to which a person who is the subject of a criminal conviction has applied for licensure or employment when applicable federal or state law, rule or regulation requires that entity to perform a fingerprint-based state or national criminal history record check of the person prior to licensing or employing the person; and
3. It repeals the existing statutory repeal date of October 1, 2019 for the Maine Revised Statutes, Title 15, chapter 310.