

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

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.

Joint Standing Committee on Criminal Justice and Public Safety

The bill prohibits the use of sealed criminal conviction information by all employers that are not criminal justice agencies. The bill 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.

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

LD 1219 An Act To Amend the Laws Governing Forensic Examination Kits

PUBLIC 156

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ROSEN K | OTP-AM | S-161 |

This bill amends laws governing forensic examination kits to provide for the kits to be used for testing in relation to alleged crimes other than gross sexual assault. This bill also provides that rules that have been adopted by the Department of Public Safety to implement the Maine Revised Statutes, Title 25, sections 2915 and 3821 may be amended to reflect the changes set forth in this Act without triggering the requirements set forth in the Maine Administrative Procedure Act.

Committee Amendment "A" (S-161)

This amendment amends the laws governing forensic examination kits to provide for the kits to be used for testing in relation to alleged sexual assault crimes other than gross sexual assault, making that change in the Maine Revised Statutes, Title 5, section 3360-M and Title 24, section 2986. The amendment changes the tracking number used on the completed kit from a number assigned by the hospital or health care practitioner to the number assigned by the kit manufacturer. The amendment requires the Victims' Compensation Board to amend its rules regarding forensic examination test kits.

Enacted Law Summary

Public Law 2017, chapter 156 amends the laws governing forensic examination kits to provide for the kits to be used for testing in relation to alleged sexual assault crimes other than gross sexual assault, making that change in the Maine Revised Statutes, Title 5, section 3360-M and Title 24, section 2986. The law changes the tracking number used on the completed kit from a number assigned by the hospital or health care practitioner to the number assigned by the kit manufacturer. The law requires the Victims' Compensation Board to amend its rules regarding forensic examination test kits.

LD 1220 An Act To Repeal the Former Interstate Compact for Juveniles

PUBLIC 127

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ROSEN K | OTP | |

This bill repeals the Uniform Interstate Compact on Juveniles. This compact has been superseded by the Interstate Compact for Juveniles, which has now been ratified by all states.

Enacted Law Summary

Public Law 2017, chapter 127 repeals the Uniform Interstate Compact on Juveniles. This compact has been superseded by the Interstate Compact for Juveniles, which has now been ratified by all states.