

MAINE STATE LEGISLATURE

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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

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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

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.