

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

LD 1221 An Act To Clarify and Amend Certain Provisions of Law Regarding Victim Services

PUBLIC 128

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-116

This bill adds to the protections of the victim notification laws by requiring victim notification of funeral and deathbed visits by prisoners, by adding to the definition of "victim" a person who has obtained from a court a protection from abuse order or received court approval for a protection from abuse consent agreement and by allowing victims to request notification directly from the Department of Corrections.

It allows a court to revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited by a condition of probation or by the department.

It also eliminates two redundant statutory provisions regarding the department's Victim Services Coordinator and allows the Commissioner of Corrections to delegate supervision of the coordinator.

Committee Amendment "A" (S-116)

This amendment amends the bill by providing that a court may revoke the probation of an offender who has contact with a victim during incarceration at a county or regional jail if contact has been prohibited by the county or regional jail. The bill provides that a court may revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited by a condition of probation or by the Department of Corrections.

Enacted Law Summary

Public Law 2017, chapter 128 adds to the protections of the victim notification laws by requiring victim notification of funeral and deathbed visits by prisoners, by adding to the definition of "victim" a person who has obtained from a court a protection from abuse order or received court approval for a protection from abuse consent agreement and by allowing victims to request notification directly from the Department of Corrections.

The law also allows a court to revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited by a condition of probation, by the department or by a county or regional jail. It eliminates two redundant statutory provisions regarding the department's Victim Services Coordinator and allows the Commissioner of Corrections to delegate supervision of the coordinator.

LD 1223 An Act To Facilitate the Continued Operation of the Department of Corrections Intensive Mental Health Unit

**PUBLIC 147
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K LONGSTAFF T	OTP	

This bill removes the provisions of law that on August 1, 2017 repeal provisions enacted in Public Law 2013, chapter 434 that enable the Department of Corrections to establish an intensive mental health unit, which provides services to the department's prisoners and to prisoners of jails, and that enable the department to obtain court orders for the involuntary medication of prisoners with mental illness.

Enacted Law Summary

Public Law 2017, chapter 147 removes the August 1, 2017 sunset provisions applicable to Public Law 2013, chapter 434 that enable the Department of Corrections to establish an intensive mental health unit within the Maine State

Joint Standing Committee on Criminal Justice and Public Safety

Prison. The intensive mental health unit provides services to the department's prisoners and to prisoners of jails and enables the department to obtain court orders for the involuntary medication of prisoners with mental illness.

Public Law 2017, chapter 147 was enacted as an emergency measure effective June 8, 2017.

LD 1238 An Act To Permit the Expungement of Records Relating to Proceedings That Do Not Result in Convictions ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J	ONTP	

This bill establishes a process for an individual who was arrested for or charged with a state crime, but who was not ultimately convicted of that state crime or a related crime, to seek expungement of all criminal history records held by a law enforcement agency or state court concerning the individual's arrest or the state court criminal proceeding.

LD 1261 An Act To Protect Children from Sex Trafficking PUBLIC 135

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B STEWART H	OTP-AM	S-92

This bill:

1. Creates the crime of electronic enticement of a minor to engage in a commercial act as a Class C crime;
2. Creates the crime of arranging travel for sex tourism involving a minor as a Class C crime; and
3. Includes in the elements of the crime of aggravated sex trafficking when a person purchases or solicits or offers or attempts to purchase or solicit a sexual act with a minor or a person the person believes to be a minor.

Committee Amendment "A" (S-92)

This amendment replaces the bill and creates a new Class D crime of soliciting a child to engage in prostitution if the actor knowingly solicits directly or indirectly by any means a person the actor knows or believes is under 18 years of age to engage in prostitution.

Enacted Law Summary

Public Law 2017, chapter 135 creates a new Class D crime of soliciting a child to engage in prostitution if the actor knowingly solicits directly or indirectly by any means a person the actor knows or believes is under 18 years of age to engage in prostitution.

LD 1266 An Act To Transfer Operations and Ownership of County Jail Facilities to the State ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B SPEAR J	ONTP	

This bill establishes the process for transferring county jail facilities and operational responsibilities to the State as