

# 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**

August 2017

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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.

*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

*Joint Standing Committee on Criminal Justice and Public Safety*

of July 1, 2020.

**LD 1268      An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R BRAKEY E		

This bill amends the Maine Bail Code to require the development and use of a risk assessment instrument for determining appropriate pretrial release conditions, as well as a needs screening and, as necessary, a clinical assessment with regard to substance abuse or mental health issues of defendants to identify defendants appropriate for diversion to treatment. The bill prohibits the use of monetary bail.

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

**LD 1296      An Act To Prohibit the Privatization of State Correctional Facilities and the State's Forensic Hospitals      Died Between Houses**

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

This bill prohibits the privatization of state correctional facilities and forensic hospitals that provide psychiatric services to the correctional system and the Maine court system.

**Committee Amendment "A" (H-486)**

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment provides findings of legislative intent and prohibitions on contracting for certain services by the Department of Corrections with regard to correctional services and the Department of Health and Human Services with regard to state mental health institutes and less intensive residential facilities for persons in the custody of the Commissioner of Health and Human Services. The services that may not be contracted are services relating to the operation of direct care and supervision, administration and management, with an exception for services subject to a contract on the effective date of the Act or services that are similar to those contracted services that are provided by a contract entered into after the effective date of the Act. The amendment prohibits the Department of Corrections from decreasing the population, capacity or staffing of a state correctional facility by more than 25% within any fiscal biennium unless the department has first sought the participation and approval of the Legislature through legislation or major substantive rules. The amendment requires that any action by the department to decrease population, capacity or staffing of a state correctional facility in excess of the limit of 25% within any fiscal biennium may only be taken after passage of legislation by the Legislature and approval by the Governor or adoption of major substantive rules on a nonemergency basis, as provided in the Maine Revised Statutes, Title 5, section 8072, subsections 1 and 2 and approval of the Legislature as provided in Title 5, section 8072, subsections 8 and 9.

This amendment was not adopted.

**Senate Amendment "A" To Committee Amendment "A" (S-296)**

This amendment provides that a state correctional facility established in the Maine Revised Statutes may be closed only after enactment of legislation by the Legislature approving the closure.