

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

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.

Joint Standing Committee on Criminal Justice and Public Safety

This amendment was not adopted.

LD 1322 An Act Regarding Mental Health First Aid Training for Corrections Personnel

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VITELLI E	OTP-AM OTP-AM	H-499

This bill requires that the Maine Criminal Justice Academy provide eight hours of mental health first aid training as part of basic corrections training and that each jail, prison and correctional facility in the State send two corrections officers to the academy for training. After the first two corrections officers receive mental health first aid training at the academy, the jail, prison or state correctional facility is required to send two other corrections officers to the academy for training and to repeat this process until all corrections officers at the jail, prison or state correctional facility have received mental health first aid training at the academy. This bill requires each jail, prison and correctional facility to report to the Commissioner of Corrections when all corrections officers have received mental health first aid training at the Maine Criminal Justice Academy and the commissioner to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters after receiving the report from all jails, prisons and correctional facilities.

Committee Amendment "A" (H-499)

This amendment is the majority report of the committee. The amendment requires that the Maine Criminal Justice Academy provide eight hours of mental health first aid training as part of basic corrections training. It also requires that each jail, prison and correctional facility in the State ensure that 20% of correctional officers are trained in mental health first aid by 2022. The amendment requires each jail, prison and correctional facility to report to the Commissioner of Corrections when corrections officers have received the required mental health first aid training at the Maine Criminal Justice Academy. The amendment requires the commissioner to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters after receiving the report from all jails, prisons and correctional facilities.

Committee Amendment "B" (H-500)

This amendment is the minority report of the committee. The amendment requires that the Maine Criminal Justice Academy periodically report on the hours of mental health first aid training provided to corrections officers across the State by the Maine Criminal Justice Academy as basic training and as ongoing training and by the law enforcement agencies that employ the corrections officers as part of ongoing training provided as a requirement of employment.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

This amendment was not adopted.

LD 1332 An Act To Prohibit Possession of Black Powder and Muzzle-loading Firearms by Certain Persons

PUBLIC 227

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERRICK L CYRWAY S	OTP-AM	H-336

Currently, the only nonconcealed firearm permit that the Commissioner of Public Safety grants to a person convicted of certain crimes, formerly known as felonies, is a permit to possess a black powder weapon, also known