

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

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

INDEF PP

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The 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. It prohibits the use of monetary bail.

Committee Amendment "A" (H-732)

This amendment, which is the majority report of the committee, replaces the bill and establishes the Statewide Criminal Justice Coordinating Council to accept and review data on encounters between law enforcement agencies and members of the public and data gathered through the use of nationally validated screening and assessment tools when persons are admitted to jail. The council consists of 12 members and is required to collect and review data submitted by law enforcement agencies, sheriffs and regional jail administrators, review and summarize the data and provide an annual report beginning January 15, 2021 to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and health and human services matters. The report must contain any recommendations for legislative action. A legislative committee that receives a report from the Statewide Criminal Justice Coordinating Council may report out legislation based on the report to the Legislature. Staffing and administrative support for the council may be provided by the Department of Public Safety or by contract with a person having relevant experience.

The amendment requires each law enforcement agency in the State to submit to the Department of Public Safety on a quarterly basis beginning January 15, 2020 data that identifies law enforcement calls for service and encounters between law enforcement officers and certain members of the public and requires the department to forward that data to the Statewide Criminal Justice Coordinating Council.

The amendment requires a county sheriff who operates a jail and a regional jail administrator to submit in summary form to the Department of Public Safety information gathered through the use of a nationally validated screening and assessment tool related to the mental health condition and substance use disorder needs of persons entering jail beginning January 15, 2020. The department is required to forward this information to the Statewide Criminal Justice Coordinating Council.

The amendment adds a mandate preamble and an appropriations and allocations section.

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

PUBLIC 436

<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 was reported out of committee during the First Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the

Joint Standing Committee on Criminal Justice and Public Safety

Second Special Session by joint order S.P. 748.

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.

Enacted Law Summary

Public Law 2017, chapter 436 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 law 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 law 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.

LD 1388 An Act To Prohibit the Falsification of Medical Records

PUBLIC 410

Sponsor(s)

ROSEN K

Committee Report

OTP-AM
ONTP

Amendments Adopted

S-162

This bill was reported out of committee during First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table.

This bill provides that the falsification of health care records maintained by a health care provider with the intent to deceive another person is a Class D crime except that it is a Class C crime if any reliance on the falsification causes