

# 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*

alternative element of intimidation, which the bill defines as direct or indirect threatening or placing in fear.

**Committee Amendment "A" (S-160)**

This amendment clarifies that the crime of robbery includes the threatened use of force and intentionally or knowingly placing a person present in fear of the imminent use of force. The amendment removes from the bill the use of the concept of intimidation.

**Enacted Law Summary**

Public Law 2017, chapter 157 includes in the crime of robbery the threatened use of force and intentionally or knowingly placing a person present in fear of the imminent use of force.

**LD 1388     An Act To Prohibit the Falsification of Medical Records     CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM ONTP	S-162

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 bodily injury or the impairment of a person's mental or behavioral condition.

**Committee Amendment "A" (S-162)**

This amendment is the majority report of the committee. The amendment specifies that the crime of falsifying health care records applies if a person intends to deceive a governmental entity, as well as another person. The amendment removes veterinary hospitals from the definition of "health care provider." The amendment requires that the type of bodily injury that is required to elevate the crime to Class C is serious bodily injury.

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.

**LD 1389     An Act To Disburse Funds to the Maine Fire Protection Services Commission     CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT T CYRWAY S		

This bill authorizes the disbursement of the full \$2,000 appropriation to be paid to the Maine Fire Protection Services Commission by September 1st in each year of the 2017-2019 biennium.

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

**LD 1390     An Act To Enhance the Rights of Families of Missing Persons and Homicide Victims     Accepted Majority (ONTP) Report**

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

***Joint Standing Committee on Criminal Justice and Public Safety***

This bill amends the current law regarding victims' rights to enhance and improve the communication between law enforcement agencies and prosecutors and the families of murder victims and missing persons and to increase public awareness of unsolved murder and missing person cases. Specifically, this bill:

1. Requires the Department of Public Safety to establish a publicly accessible website that contains relevant information about open, or unsolved, murder and missing person cases;
2. Requires the law enforcement agency responsible for the investigation of an open murder or missing person case to hold a press conference or issue a press release annually on the anniversary date of the murder or the day the person was reported missing regarding the status of the case, unless the family of the victim requests otherwise;
3. Allows the family of a murder victim or missing person to seek the assistance of an investigative journalism organization and requires the investigating law enforcement agency to cooperate with the organization to the extent that cooperating does not jeopardize the resolution of the case;
4. After a case has been open for at least 10 years, allows the family to require the investigating law enforcement agency to seek help in solving the case from a federal law enforcement agency;
5. Requires at least annual communication by the investigating law enforcement agency and a victim advocate with the family of a murder victim or a missing person regarding the status of the case, unless the family requests otherwise. Any change in status or new information regarding the case must be reported to the family within 14 days; and
6. Requires that personal property that belonged to the murder victim or missing person in the possession of the State be returned to the family of the victim or person if it is determined that the property is not necessary to the investigation or prosecution of the case and requires the family to be notified if any other evidence collected, compiled or produced during the investigation is destroyed or lost.

The actions required by this legislation are intended to be in addition to the rights of and responsibilities to victims and victims' families already in statute.

**Committee Amendment "A" (H-340)**

This amendment is the minority report of the committee. The amendment replaces the bill and changes the title. The amendment requires the Department of Public Safety to adopt a policy that provides a procedure for a victim of an unsolved crime to request and receive annual updates from the department regarding the status of the investigation of the crime.

This amendment was not adopted.

**LD 1401      An Act To Allow Nonviolent Felons To Own Firearms at the Court's Discretion      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	ONTP	

This bill allows a court to exempt from the prohibition against owning a firearm a person convicted of a Class A, Class B or Class C crime or a similar offense if bodily injury to another person was not threatened and did not result and the court determines that the person does not pose a threat to public safety.