

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

STAFF:

JANE ORBETON, SENIOR LEGISLATIVE ANALYST
DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

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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 1414 An Act To Ensure the Availability of In-person Visitation in County Jails

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R ROSEN K		

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to enact measures designed to ensure the availability in county jails of in-person visitation between a prisoner and a visitor of the prisoner. In addition to requiring that all prisoners have the opportunity for in-person visits in county jails, such measures may include:

1. Limiting conditions on in-person visits to only those conditions and limitations required for safety and security, except that the jail may provide video-only visitation if needed for a particular prisoner's safety and security or may provide video-only visitation on a short-term basis if the jail is unable to provide a safe and secure location for in-person visitation;
2. Requiring opportunities for informal communication between a prisoner and a visitor of the prisoner, including opportunities for physical contact, and prohibiting the use of devices that preclude physical contact except in cases of substantiated security risk; or
3. Establishing a minimum number of in-person visit opportunities per week; requiring that video visitation be used only as a supplement to, and not a replacement of, in-person visitation; ensuring that video visitation service fees are affordable for prisoners and their families; and using, as a reward for good behavior, a certain number of free video visits per month.

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

LD 1415 An Act To Provide Additional Deductions from a Sentence of Imprisonment for Completion of Education, Mental Health Treatment and Substance Abuse Treatment Programs

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R ROSEN K		

This bill provides for deductions from a prison sentence based on achievement of goals in a person's transition plan for educational, vocational, career or technical training programs or mental health treatment or substance abuse treatment programs for a person who commits a crime on or after October 1, 2017. The deductions are earned upon achievement of a transition plan goal and may not be denied or withdrawn based on consideration of disciplinary factors or daily attendance or a decision of an employee of the Department of Corrections. A person may earn only one deduction per sentence of imprisonment. The goals and the deductions are: for achievement of a high school equivalency diploma, a deduction of 90 days from the sentence; for achievement of an adult high school diploma, a deduction of 120 days; for achievement of an associate degree from an accredited institution of higher education, a deduction of 180 days; for achievement of a bachelor's degree from an accredited institution of higher education, a deduction of 365 days; for achievement of completion of a vocational, career or technical training program authorized and approved by the department, a deduction of 60 days; for achievement of completion of a mental health program and treatment course, a deduction of 60 days; and for achievement of completion of a substance abuse program and treatment course, a deduction of 60 days.

Joint Standing Committee on Criminal Justice and Public Safety

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

LD 1427 An Act To Make Community Paramedicine Services Permanent

PUBLIC 276

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K	OTP-AM	H-489

This bill makes community paramedicine pilot projects established by the Emergency Medical Services' Board permanent. The bill also prohibits the use of state funds to fund community paramedicine projects.

Committee Amendment "A" (H-489)

This amendment changes the term in the bill "community paramedicine projects" to "community paramedicine services." The amendment strikes the provision of the bill that prohibits the use of state funds for the purposes of the bill.

Enacted Law Summary

Public Law 2017, chapter 276 makes community paramedicine services established by the Emergency Medical Services' Board permanent, no longer pilot projects.

LD 1428 An Act To Relieve Overcrowding in County Jails

Accepted Majority (ONTP) Report

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

This bill requires that a probationer held without bail pending hearing after an initial appearance for a probation violation must be transferred to the custody of the Department of Corrections and within seven days transported to a department facility.

Committee Amendment "A" (H-507)

This amendment is the minority report of the committee. The amendment incorporates a fiscal note.

This amendment was not adopted.

LD 1429 An Act Regarding the Epidemic of Opiate Abuse

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M DION M	OTP-AM	H-510

This bill addresses the opiate crisis in Maine by:

1. Allowing funds from property forfeited pursuant to a criminal forfeiture action to be assigned by the court, upon the request of the investigating or prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders;