

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 1429 An Act Regarding the Epidemic of Opiate Abuse

**Died On
Adjournment**

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

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill addresses the opiate crisis in Maine as follows:

1. It allows 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;
2. It clarifies that the Class B crimes of aggravated furnishing of scheduled drugs and aggravated trafficking or furnishing of counterfeit drugs are for the death of another person, whose death was caused by drugs furnished by the defendant; and
3. It requires the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the Controlled Substances Prescription Monitoring Program, including the number of prescribers participating and trends in prescription practices.

Committee Amendment "A" (H-510)

This amendment adds to the bill new variants of aggravated trafficking of scheduled drugs that include trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime.

The amendment also adds an appropriations and allocations section.

LD 1490 An Act To Stabilize Funding for the County Jails

PUBLIC 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S BRADSTREET R	OTP-AM	S-268 S-535 HAMPER J

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill transfers funds out of the County Jail Operations Fund program to the Community Based Corrections program within the Department of Corrections to create a separate program for funds distributed pursuant to the Maine Revised Statutes, Title 34-A, section 1210-D, subsection 2.

Committee Amendment "A" (S-268)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment separates the County Jail Operations Fund into a County Jail Operations Fund and a new County Jail Community Corrections Fund and it provides \$3,800,000 per year in additional funding for the County Jail Operations Fund.

Senate Amendment "A" To Committee Amendment "A" (S-535)

This amendment replaces the committee amendment and does the following:

1. It provides ongoing funding to the Department of Corrections, County Jails Operation Fund program of \$3,000,000, of which \$1,700,000 must be spent on community corrections as specified in statute;
2. It provides funding for the Kennebec County Criminogenic Addiction Recovery Academy program; and
3. It provides one-time funding of \$3,000,000 to the Department of Corrections, County Jails Operation Fund program to reimburse county and regional jails in specified amounts for unusually high costs incurred by those jails during fiscal year 2017-18 and to provide a source of funds for such costs incurred in fiscal year 2018-19 that are in excess of the amounts budgeted.

The amendment also requires the State Controller to transfer \$3,000,000 from available balances in Department of Professional and Financial Regulation accounts, as determined by the Commissioner of Professional and Financial Regulation, to the General Fund.

Enacted Law Summary

Public Law 2017, chapter 450 provides funding for the county jails and regional jail as follows:

1. It provides ongoing funding to the Department of Corrections, County Jails Operation Fund program of \$3,000,000, of which \$1,700,000 must be spent on community corrections as specified in statute;
2. It provides funding for the Kennebec County Criminogenic Addiction Recovery Academy program; and
3. It provides one-time funding of \$3,000,000 to the Department of Corrections, County Jails Operation Fund program to reimburse county and regional jails in specified amounts for unusually high costs incurred by those jails during fiscal year 2017-18 and to provide a source of funds for such costs incurred in fiscal year 2018-19 that are in excess of the amounts budgeted.

The law also requires the State Controller to transfer \$3,000,000 from available balances in Department of Professional and Financial Regulation accounts, as determined by the Commissioner of Professional and Financial Regulation, to the General Fund.

LD 1672	An Act To Waive the Fee for Attendance at the Maine Criminal Justice Academy for Former Military Police Officers	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S	ONTP	

This bill provides a waiver of the fee charged for the basic training course at the Maine Criminal Justice Academy for honorably discharged veterans of the United States Armed Forces who served as military police officers and who have been hired for or have received conditional offers of full-time employment as law enforcement officers if the veterans' military experience and education meet certain criteria.