

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**

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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/opla/>

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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 1704 An Act To Fund the Downeast Correctional Facility

Veto Sustained

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| TUELL W MAKER J | OTP-AM | H-593 S-393 MAKER J |

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

This bill requires the Department of Corrections to report proposed changes to the Downeast Correctional Facility to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than April 1, 2019. The report must include detailed plans about any proposed changes concerning the prisoner population at the Downeast Correctional Facility.

The bill also specifies the report must include the related impact on other correctional facilities, the impact of any change to employee compensation and benefits, an economic and community impact analysis on any community affected by a shift in prisoner population and the proposed use of any surplus property generated by facility closure.

The bill requires the Downeast Correctional Facility to remain open and operational prior to the submission of the report to the Legislature and permits the closure of the facility only if legislation approving the closure is enacted into law. The bill also provides funds to restore all positions and related All Other costs in order to continue operation of the Downeast Correctional Facility beyond June 30, 2018.

Committee Amendment "A" (H-593)

This amendment strikes the provision from the bill requiring the Downeast Correctional Facility to remain open and operational pending the submission of a report by the Department of Corrections concerning proposed changes to the Downeast Correctional Facility.

House Amendment "A" (H-630)

This amendment removes the emergency preamble and emergency clause.

This amendment was not adopted.

Senate Amendment "A" (S-393)

This amendment removes the emergency preamble and emergency clause.

LD 1705 An Act To Strengthen Crime Victims' Rights

PUBLIC 386

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| HERBIG E VOLK A | OTP-AM | H-668 |

This bill strengthens the rights of a victim of a crime as follows:

1. It authorizes the victim of a crime to be present at all trial proceedings that are public unless the court determines that the fair administration of justice requires the exclusion of the victim; and

Joint Standing Committee on Criminal Justice and Public Safety

2. It requires that the victim of a crime who so wishes receive notification of the defendant's escape from the jail or institution to which the defendant is committed.

Committee Amendment "A" (H-668)

This amendment strikes section 1 of the bill and specifies that the victim of a crime who so wishes must be notified of the defendant's escape from the jail or from the institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or residential treatment program to which the defendant is committed by the Commissioner of Health and Human Services.

Enacted Law Summary

Public Law 2017, chapter 386 specifies that the victim of a crime who so wishes must be notified of the defendant's escape from the jail or from the institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or residential treatment program to which the defendant is committed by the Commissioner of Health and Human Services.

LD 1706 An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs Died Between Houses

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------|-------------------------|---------------------------|
| TALBOT ROSS R VOLK A | ONTP OTP-AM | |

This bill provides offsetting General Fund appropriations and deappropriations to provide funding to support the Department of Corrections' strategic plan to improve access to and delivery of rehabilitation programs. It also requires that the funds be transferred by financial order by the State Budget Officer upon approval of the Governor and specifies that the transfers are considered adjustments to appropriations and allocations.

Committee Amendment "A" (H-653)

This amendment, which is the minority report of the committee, changes the title and replaces the bill. It clarifies the scope and purpose of the rehabilitation programming offered by the Department of Corrections to be consistent with the department's mission to reduce the likelihood that juvenile and adult offenders will reoffend by providing practices, programs and services that are evidence-based and that hold the offenders accountable.

The amendment also requires the department, within the limits of available resources, to collect data on and track over time the rate of recidivism of the client population served by its correctional facilities and to ensure that the rehabilitation programming offered by the department is designed to reduce the rate of recidivism, thereby enhancing public safety.

LD 1728 An Act To Amend Maine Criminal Code Sentencing Provisions Relating To Increased Sentencing Class Based on Multiple Prior Convictions for Certain Violent or Sexual Crimes PUBLIC 336

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| VITELLI E PIERCE J | OTP-AM | S-355 |

Current law prohibits visual sexual aggression against a child, which is either a Class C crime if the child has not attained 12 years of age or a Class D crime if the child has not attained 14 years of age.