

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 1819 An Act Prohibiting Female Genital Mutilation

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H MASON G	ONTP	

This bill defines "female genital mutilation" and makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age for nonmedical purposes or a Class B crime if the person who performs the female genital mutilation is a parent, guardian or someone who has immediate custody of the female individual. This bill also criminalizes transporting a female individual under 18 years of age outside of the State for the purpose of undergoing female genital mutilation. It is not a defense to criminal prosecution that the female individual, or the parent, guardian or person who has immediate custody of the female individual, consented to the procedure or believed that it was necessary for custom, religion or ritual. It is a defense to criminal prosecution that the procedure was done for purposes related to the health of the female individual by a person licensed as a physician in this State.

This bill extends the statute of limitations to the 25th birthday of a victim of female genital mutilation and allows the use of school records or a document filed with a government agency to establish the age of a victim who does not have a birth certificate. In addition, a physician licensed in Maine who performs female genital mutilation of a minor is subject to permanent revocation of that physician's medical license.

Selected portions of this bill and of LD 1822 were incorporated into a new bill prohibiting female genital mutilation, LD 1904, that was reported out by a majority of the committee.

LD 1822 An Act To Amend the Laws Governing Offenses against the Person

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D	ONTP	

This bill defines "female genital mutilation" and makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age for nonmedical purposes. It is not a defense to criminal prosecution that the female individual, or the parent, guardian or person who has immediate custody of the female individual, consented to the procedure or believed that it was necessary for custom, religion or ritual. It is a defense to criminal prosecution that the procedure was necessary to the health of the female individual or performed for medical purposes on a female individual in labor or who has just given birth and was performed by a person licensed in this State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife or a person in an approved training program under the supervision of a physician or midwife licensed in this State.

A person licensed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife licensed in Maine who performs female genital mutilation of a minor is subject to permanent revocation of that person's professional license.

This bill also authorizes the Department of Health and Human Services to institute a community outreach program regarding female genital mutilation for specific communities in which female genital mutilation of minors might be practiced that provides support services, training and educational materials.

Selected portions of this bill and of LD 1819 were incorporated into a new bill prohibiting female genital mutilation, LD 1904, that was reported out by a majority of the committee.