

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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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 1838 An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos

PUBLIC 397

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M HERBIG E	OTP-AM	S-419

This bill provides that a person is guilty of the Class E crime of indecent conduct if the actor exposes the actor's genitals with the intent to create images that the actor transmits to another person by mechanical or electronic means under circumstances that in fact are likely to cause affront or alarm. It also provides that a subsequent violation by a person who has two or more prior convictions for indecent conduct or visual sexual aggression against a child is a Class D crime.

Committee Amendment "A" (S-419)

This amendment replaces the bill and changes the title. It establishes new variants of the crime of harassment by telephone or by electronic communication device. The amendment prohibits using a telephone or electronic communication device, with the intent to cause affront or alarm or for the purpose of arousing or gratifying sexual desire, to send an image or video of a sexual act or of the actor's or another person's genitals if the person called or contacted is under 14 years of age, is 14 or 15 years of age when the actor is at least five years older or suffers from a mental disability that is reasonably apparent or known to the actor. The amendment designates these new variants of harassment by telephone or electronic communication device as Class D crimes. The amendment also prohibits using a telephone or by electronic communication device to send an image or video of a sexual act or the actor's or another person's genitals without the consent of the person called or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos. The amendment designates this new variant of harassment by telephone or by electronic communication device as a Class E crime.

Enacted Law Summary

Public Law 2017, chapter 397 establishes new variants of the crime of harassment by telephone or by electronic communication device. The law prohibits using a telephone or electronic communication device, with the intent to cause affront or alarm or for the purpose of arousing or gratifying sexual desire, to send an image or video of a sexual act or of the actor's or another person's genitals if the person called or contacted is under 14 years of age, is 14 or 15 years of age when the actor is at least five years older or suffers from a mental disability that is reasonably apparent or known to the actor. The law designates these new variants of harassment by telephone or electronic communication device as Class D crimes. The law also prohibits using a telephone or by electronic communication device to send an image or video of a sexual act or the actor's or another person's genitals without the consent of the person called or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos. The law designates this new variant of harassment by telephone or by electronic communication device as a Class E crime.

LD 1841 An Act To Authorize a Prerelease Facility in Washington County

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	ONTP OTP-AM	

This emergency bill, which is a concept draft pursuant to Joint Rule 208, proposes to authorize a prerelease facility to be located in Washington County.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (S-455)

This amendment is the minority report of the committee and it replaces the bill. The amendment establishes the Washington County Prerelease and Job Training Center to provide vocational training and rehabilitative programs, including but not limited to work release and work involving public restitution, for 50 or fewer prisoners. The amendment provides mechanisms for obtaining the rights to develop land or for purchasing land for the Washington County Prerelease and Job Training Center and for selling or leasing the Downeast Correctional Facility. The proceeds from the sale or lease of the Downeast Correctional Facility must, as designated by the Commissioner of Administrative and Financial Services, be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements.

The amendment also adds an appropriations and allocations section.

**LD 1855 An Act To Fund the Reorganization of the Department of Public Safety,
State Bureau of Identification** **PUBLIC 383
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K DIAMOND B	OTP-AM	H-658

This bill provides funding for a management-initiated reorganization of the Department of Public Safety, State Bureau of Identification. The Department of Administrative and Financial Services, Bureau of Human Resources has reviewed and authorized the position reclassifications required to support the reorganization.

Committee Amendment "A" (H-658)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2017, chapter 383 provides funding for a management-initiated reorganization of the Department of Public Safety, State Bureau of Identification.

Public Law 2017, chapter 383 was enacted as an emergency measure effective April 12, 2018.

**LD 1859 An Act To Include Operating a Motor Vehicle in a Parking Area in the
Law Regarding Operating after Habitual Offender Revocation** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	OTP	

Current law provides that a person commits the crime of operating after habitual offender revocation if that person operates a motor vehicle on a public way when that person's license to operate a motor vehicle has been revoked under certain circumstances. This bill provides that a person also commits the crime of operating after habitual offender revocation if that person operates a motor vehicle in a parking area when that person's license to operate a motor vehicle has been revoked under certain circumstances.