

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 1904

An Act To Prohibit the Practice of Female Genital Mutilation of a Minor

**Died Between
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

S-454 ROSEN K

This bill was reported out by a majority of the committee pursuant to joint order S.P. 709. A minority of the committee voted to report out a different version of the bill, which appears in this summary as committee amendment "A," while a separate minority of the committee voted ought not to pass.

This bill defines "female genital mutilation" as the circumcision, excision, mutilation or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of a female individual but excludes from the definition medical procedures that are 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, as long as the medical procedure was performed by a person licensed in the State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or by a licensed midwife or a person in an approved training program under the supervision of a physician or midwife licensed in this State.

The bill makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age, to knowingly transport a female individual under 18 years of age outside of this State for purposes of female genital mutilation or to knowingly consent to female genital mutilation of a female individual under 18 years of age. Under the provisions of the bill, it is not a defense that the victim or the parent, guardian or person who has immediate custody of the victim consented to the procedure or believed that it was desired as part of a social norm or was necessary for custom, religion or ritual.

The bill extends the statute of limitations for female genital mutilation offenses to the 25th birthday of a victim of female genital mutilation. Commission of a female genital mutilation offense by a person licensed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife licensed in Maine is grounds for permanent revocation of the license of that person.

This bill also requires the Department of Health and Human Services, to the extent existing resources are available, to develop and institute a community outreach program regarding female genital mutilation that provides support services, training and educational materials.

Committee Amendment "A" (S-446)

This amendment, which is a minority report of the committee, removes the portions of the bill that make it a Class A crime to knowingly transport a female individual under 18 years of age outside of this State for purposes of female genital mutilation or to knowingly consent to female genital mutilation of a female individual under 18 years of age.

Senate Amendment "A" (S-454)

The bill excludes from the definition of "female genital mutilation" certain necessary medical procedures performed by a person licensed in the State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or by a licensed midwife or a person in an approved training program under the supervision of one of these licensed professionals.

Because certified midwives and certified professional midwives are not required to be licensed in the State until January 1, 2020, this amendment clarifies that necessary medical procedures performed by a certified midwife or certified professional midwife, or by an individual in an approved training program under the supervision of a certified midwife or certified professional midwife, are also excluded from the definition of "female genital mutilation."

Joint Standing Committee on Criminal Justice and Public Safety

House Amendment "C" To Committee Amendment "A" (H-755)

This amendment amends the definition of "female genital mutilation" to include only the circumcision, excision or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of a female individual so as to conform with the definition set forth in federal law.

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-754)

Committee Amendment "A" removes a portion of the bill that makes it a Class A crime to knowingly consent to female genital mutilation of a female individual under 18 years of age. This amendment restores that provision.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-753)

Committee Amendment "A" removes a portion of the bill that makes it a Class A crime to knowingly transport a female individual under 18 years of age outside of this State for purposes of female genital mutilation. This amendment restores that provision.

This amendment was not adopted.

LD 1910 An Act To Fund Enhanced Data Sharing between the Department of Public Safety, Bureau of State Police and the Maine Judicial Branch

PUBLIC 468

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L		

This bill was not referred to committee. It was carried over from the Second Regular Session of the 128th Legislature to the next special session by joint order S.P. 748. It provides funding to reprogram the Maine telecommunications and routing operations system, or METRO, data switch within the Department of Public Safety, Bureau of State Police in order to support the enhancement of data sharing with the Maine Judicial Branch for data relating to warrants, bail conditions, protection from abuse or harassment orders and criminal history record information and similar public safety-related data exchanges.

Enacted Law Summary

Public Law 2017, chapter 468 provides funding to reprogram the Maine telecommunications and routing operations system, or METRO, data switch within the Department of Public Safety, Bureau of State Police in order to support the enhancement of data sharing with the Maine Judicial Branch for data relating to warrants, bail conditions, protection from abuse or harassment orders and criminal history record information and similar public safety-related data exchanges.