

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

August 2019

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th 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 date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. 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 205 **An Act To Add Work Assignments to the Law Regarding Notification of a Defendant's Release or Escape** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H MOORE M	ONTP	

This bill adds work assignments for a defendant to the circumstances for which notification to the victim of a crime is required for a victim who has requested to be notified.

LD 215 **An Act To Increase the Reimbursement Rate for Ambulance Service Paid by the Department of Corrections** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B MIRAMANT D	OTP-AM	H-283

This bill requires the Department of Corrections, or its contracted medical provider, to pay to a provider of ambulance services 225% of the allowable reimbursement under the MaineCare program for ambulance services provided for a person residing in a correctional or detention facility.

Committee Amendment "A" (H-283)

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 223 **An Act Regarding Community Service Sentencing** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROW A CARPENTER M	ONTP	

This bill allows a court to sentence an offender to community service such as litter collection and custodial duties for and under the supervision of the municipality in which the offense was committed.

LD 262 **An Act To Protect Law Enforcement and Corrections Officers by Creating the Crime of Aggravated Assault on an Officer** **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S HANLEY J	ONTP OTP-AM	

This bill changes the crime of assault on an officer to include offensive physical contact and creates the crime of aggravated assault on an officer, which includes assaults against law enforcement officers and corrections officers and other corrections personnel and which is modeled on the crime of aggravated assault.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (S-74)

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment provides for a mandatory minimum term of imprisonment for an aggravated assault on a victim who is a law enforcement officer, a corrections officer or corrections supervisor or a member of the staff of a correctional institution who is in the performance of the victim's official duties if the defendant planned the assault prior to the assault or targeted that person because of that person's employment. The amendment provides a procedure and standards for the court to impose a sentence of imprisonment less than the mandatory minimum.

This amendment was not adopted.

**LD 263 An Act To Prohibit Certain Sex Offenders from Establishing Residence ONTP
in Certain Multiunit Residential Buildings in which Minors Reside**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S ARATA A	ONTP	

This bill prohibits certain convicted sex offenders who were convicted of an offense against a minor under 14 years of age from intentionally or knowingly establishing residence in a dwelling unit of a multiunit residential building in which another dwelling unit that shares the same entryway is occupied by a person under 18 years of age. The bill makes violation of this provision a Class E crime.

**LD 264 An Act Regarding Liability for Taking a Blood Sample from an PUBLIC 189
Operator of a Motor Vehicle Involved in a Fatal Crash**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S ARATA A	OTP-AM	S-118

This bill allows an emergency medical services person or law enforcement officer whose training allows that person to draw blood samples to draw a specimen of blood from the operator of a motor vehicle involved in a fatal traffic accident for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite. This bill extends to those same persons the current law shielding persons from liability for acts done or omitted in collecting or withdrawing specimens of blood.

Committee Amendment "A" (S-118)

This amendment changes the title of the bill and strikes and replaces the bill. The amendment makes grammatical changes to clarify the law providing immunity from liability for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer and extends that immunity to an emergency medical services person, a law enforcement officer, an emergency medical service and a law enforcement agency.

Enacted Law Summary

Public Law 2019, chapter 189 amends the law regarding persons shielded from liability for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer. The law clarifies that immunity extends to health care providers whose occupational licenses or training allow them to draw blood, including but not limited to emergency medical services persons and law enforcement officers, emergency medical services and law enforcement agencies.

See related bill LD 1676.