

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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129TH LEGISLATURE
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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

- 3. It repeals the crime of engaging in prostitution.
- 4. It removes from the adoption assistance program reference to prostitution in the examples of family background factors that are used to define a special needs child.

Part B allows a person convicted of a crime of engaging in prostitution in this State to petition the court in which the conviction was recorded to expunge the record of the conviction. It authorizes the court to order all records of the conviction expunged if the convicted person has not been convicted of a violation of Title 17-A, section 253-A, 852 or 853 or former section 853-A and has no formal charging instrument pending in this State for a violation of Title 17-A, section 253-A, 852 or 853. Part B requires the Department of Public Safety, State Bureau of Identification, following receipt of a court order for expungement, to make the necessary arrangements with the identification division of the Federal Bureau of Investigation to have all references to the expunged crime deleted from the Federal Bureau of Investigation's identification record and any state materials returned to the contributing agency.

See also LD 974.

This bill was voted Ought Not to Pass as a companion vote to LD 1834.

LD 329 An Act To Exempt from Criminal Liability Persons Reporting a PUBLIC 137
Drug-related Medical Emergency

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B DESCHAMBAULT S	OTP-AM ONTP	H-178

This bill exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

Committee Amendment "A" (H-178)

This amendment, which is the majority of the committee, incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 137 exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

LD 332 An Act To Remove the Statute of Limitations for Certain Sex Crimes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R HERBIG E	ONTP	

Joint Standing Committee on Criminal Justice and Public Safety

This bill amends the portions of the Maine Criminal Code pertaining to statutes of limitations to remove statutes of limitations governing the prosecution of Class A, Class B or Class C crimes involving incest; unlawful sexual contact; sexual abuse of a minor; or rape or gross sexual assault, formerly denominated as gross sexual misconduct. These changes apply only to those sexual crimes committed on or after the effective date of this legislation or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this legislation.

LD 342 An Act To Require a Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M	ONTP	

This bill establishes the failure to inform a law enforcement officer of a person's possession of a hypodermic apparatus as a Class D crime. Under the bill, if a person discloses the possession of a hypodermic apparatus as required, the hypodermic apparatus and any contents of the apparatus are inadmissible as evidence in a prosecution for a violation of the Maine Revised Statutes, Title 17-A, chapter 45.

LD 353 An Act Regarding the Safety of Recovery Residences PUBLIC 358

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J	OTP-AM	H-577

This bill requires a recovery residence located in a house to be considered a one-family dwelling under rules concerning safety to life from fire if the recovery residence has no more than six occupants and contains a fire extinguisher and smoke detector in each room. This bill also defines "recovery residence" as an alcohol-free and illegal substance-free shared living residence for persons recovering from substance use disorder that provides peer support and connects residents to support services and community resources.

Committee Amendment "A" (H-577)

This amendment replaces the bill and provides a new title. The amendment provides an exception to the rules for life safety code requirements for recovery residences that are certified by a nationally recognized organization that supports persons recovering from substance use disorder and that meet other listed criteria. The amendment defines a recovery residence as a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

Enacted Law Summary

Public Law 2019, chapter 358 provides an exception to the rules for life safety code requirements for recovery residences that are certified by a nationally recognized organization that supports persons recovering from substance use disorder and that meet other listed criteria. The law defines a recovery residence as a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.