

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> 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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# STATE OF MAINE

129<sup>TH</sup> 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 129<sup>th</sup> 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 129<sup>th</sup> 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 379      An Act To Protect Children by Requiring the Safe Storage of Loaded Firearms**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUDERA V CYRWAY S	ONTP OTP	

This bill creates the Class E crime of unlawful storage of a firearm, which a person is guilty of if the person stores or leaves on premises under the person's control a loaded firearm; the person knows or reasonably should know that a child is likely to gain access to the loaded firearm without the permission of the child's parent or guardian; and a child in fact gains access to the loaded firearm and uses the loaded firearm in a reckless or threatening manner, uses the loaded firearm during the commission of a crime or recklessly or negligently discharges the loaded firearm. The bill also requires a firearm dealer to post a warning at each purchase counter regarding the need to secure firearms from unauthorized use.

**LD 396      An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored**

**PUBLIC 94**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAXMIN C CHENETTE J	OTP-AM	H-113

This bill changes the period that a law enforcement agency must store a sexual assault forensic examination kit when the victim has not come forward from 90 days from receipt of the kit to the period of time equal to the limitations period for the underlying crime. This bill also requires investigating agencies in possession of a sexual assault forensic examination kit when the victim has come forward to store the kit for the period of time equal to the limitations period for the underlying crime or until the underlying crime has been prosecuted and a conviction has been obtained, whichever comes first.

**Committee Amendment "A" (H-113)**

This amendment replaces the bill. The amendment changes the period that a law enforcement agency must store a sexual assault forensic examination kit when the victim has not come forward from 90 days from receipt of the kit to eight years.

**Enacted Law Summary**

Public Law 2019, chapter 94 changes the period that a law enforcement agency must store a sexual assault forensic examination kit when the victim has not come forward from 90 days from receipt of the kit to eight years.

**LD 430      An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DESCHAMBAULT S	OTP-AM OTP-AM ONTP	H-627

This bill establishes within the Department of Public Safety programs for the collection and disposal of expired marine flares and for education of the public and state agency personnel regarding expired marine flares.

**Joint Standing Committee on Criminal Justice and Public Safety**

**Committee Amendment "A" (H-627)**

This amendment is the majority report of the committee. The amendment adds to the bill a directive that the Commissioner of Public Safety use appropriated General Fund funding for the purposes of the bill and authorizes the commissioner to accept and use for those purposes gifts, donations and contributions. The amendment adds an appropriation in fiscal year 2019-20 of \$43,500 to enable the State Fire Marshal to purchase a new high temperature thermal destruction incinerator.

**Committee Amendment "B" (H-628)**

This amendment is one of two minority reports of the committee. The amendment adds to the bill a marine flare disposal fee, in a new chapter in the Maine Revised Statutes, Title 36, of 25¢ per flare. The fee will offset the cost to the General Fund of paying for the marine flare education, collection and disposal programs in the bill. The marine flare disposal fee takes effect on January 1, 2020. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

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 449      An Act To Impose a Mandatory Sentence for the Crime of Aggravated      ONTP**  
**Unlawful Operation of a Methamphetamine Laboratory**

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

This bill adds the crime of aggravated unlawful operation of a methamphetamine laboratory to the list of drug offenses that carry a mandatory four-year minimum sentence.

**LD 460      An Act Requiring the State To Reimburse Counties for All Costs      ONTP**  
**Exceeding the Tax Assessment for Correctional Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S FARRIN B	ONTP	

This bill requires the Department of Corrections to reimburse a county for the annual costs of correctional services that exceed the county's tax assessment for those services.

**LD 485      An Act Regarding Actions of the Owner or Keeper of a Dog That      PUBLIC 134**  
**Assaults a Person and Causes an Injury That Requires Medical**  
**Attention**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M HARNETT T	OTP-AM	S-65

This bill requires the owner or keeper of a dangerous dog that assaults a person and causes serious bodily injury to remain at the scene of the assault until after providing the owner's or keeper's name and current address to the