

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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STATE OF MAINE

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

This bill removes the requirements that a person retreat if it is safe to do so and if the person can comply with a demand that the person abstain from performing an act that the person is not obliged to perform. The bill also permits the use of deadly force to prevent death or serious bodily injury in self-defense, in defense of a 3rd person, in defense of a dwelling or to prevent the forcible commission of a kidnapping, a robbery or a gross sexual assault.

Committee Amendment "A" (H-501)

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

This amendment was not adopted.

LD 548 An Act Regarding Charging a Person under 18 Years of Age with the PUBLIC 131
Crime of Engaging in Prostitution

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	OTP-AM ONTP	S-48

This bill prohibits minors from being charged with the crime of engaging in prostitution.

Committee Amendment "A" (S-48)

This amendment, which is the majority report of the committee, changes the title of the bill and conforms the reference to a person's age to the drafting standards of the Maine Criminal Code.

Enacted Law Summary

Public Law 2019, chapter 131 limits the persons who may be charged with engaging in prostitution to persons who are 18 years of age or older.

LD 608 An Act To Provide Funding for a Correctional Facility in Downeast CARRIED OVER
Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M TUELL W		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide funding to establish a correctional facility in the eastern coastal region of Maine in Washington and Hancock counties.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 628 An Act To Ensure Comprehensive Access to Menstrual Products in All PUBLIC 139
Maine's Jails, County Correctional Facilities and State Correctional and
Detention Facilities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C DESCHAMBAULT S	OTP-AM ONTP	H-176

Joint Standing Committee on Criminal Justice and Public Safety

This bill adds to the rights of a person residing in a correctional or detention facility under the jurisdiction of the Department of Corrections the right to comprehensive access to menstrual products, including sanitary pads, tampons and menstrual cups, provided without charge to a female person residing in the correctional or detention facility. This bill provides that any female person incarcerated in a jail or other county correctional facility has a right to comprehensive access to menstrual products, including, but not limited to, sanitary pads, tampons and menstrual cups, without charge to the incarcerated person.

Committee Amendment "A" (H-176)

This amendment is the majority report of the committee. The amendment changes the person entitled to menstrual products from a female person to a person who menstruates. The amendment removes menstrual cups from the products in the bill that are required to be provided. The amendment requires that products, including but not limited to sanitary pads and tampons, be provided and available at all times and without inconvenience to the person who resides in the jail, county correctional facility or state correctional or detention facility.

Enacted Law Summary

Public Law 2019, chapter 139 adds to the rights of a person who menstrates who is residing in a correctional or detention facility under the jurisdiction of the Department of Corrections or who is incarcerated in a jail or other county correctional facility the right to comprehensive access to menstrual products, including sanitary pads and tampons, provided and available at all times and without inconvenience.

LD 635 An Act Related to Community Reparations Boards

ONTP

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

This bill provides that, if a court imposes a sentencing alternative that includes a period of deferred disposition, the court may, with the express approval of the prosecuting attorney, require as a condition of the deferred disposition that the person subject to the deferred disposition appear before a community reparations board and abide by any requirement imposed by the board if the court finds no circumstance that makes the appearance inappropriate.

LD 636 Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S PICKETT R	OTP-AM ONTP	S-236

This bill requires that, beginning January 1, 2021, a law enforcement agency shall ensure that each law enforcement officer in its employ is equipped with a body-worn camera and that such body-worn camera is in operation and creating a recording at all times the officer is in uniform and engaged in law enforcement-related encounters or activities. Use of body-worn cameras by law enforcement officers and the maintenance and retention of data and recordings must be consistent with model policies and procedures developed by the Board of Trustees of the Maine Criminal Justice Academy.

Committee Amendment "A" (S-236)

This amendment, which is the majority report of the committee, replaces the bill with a resolve establishing the Work Group To Study the Use of Body Cameras by Law Enforcement Officers, consisting of nine members appointed by the President of the Senate, the Speaker of the House and the Attorney General. The Attorney General