

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

or the Attorney General's designee serves as chair. The Attorney General is required to give notice of meetings of the work group to the general public and a broad array of organizations. The work group is required to study the use of body cameras by law enforcement officers, to review current practices in Maine and outside of Maine, to review research on the use of body cameras and to report by March 1, 2020 with any recommendations to the Joint Standing Committee on Criminal Justice and Public Safety.

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 Study Table by joint order, H.P. 1322.

LD 637 An Act Regarding Motor Vehicle Operation and Drug Use ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S RYKERSON D	ONTP	

This bill does the following.

1. It allows as admissible evidence indicating whether a person is operating a motor vehicle under the influence of intoxicants whether the person has an alcohol level of 0.05 grams or less of alcohol per 100 milliliters of blood or 210 liters of breath and has a trace amount of any drug or the metabolite of any drug within the person's blood or urine.
2. It establishes a permissible inference of operating under the influence of intoxicants when a person operates a motor vehicle and has an alcohol level in excess of 0.05 grams of alcohol but less than 0.08 grams of alcohol per 100 milliliters of blood or 210 liters of breath and has a trace amount of any drug or the metabolite of any drug within the person's blood or urine.
3. It establishes a 0.00 nanogram level for THC for a person under 21 years of age who is operating a motor vehicle.
4. It creates a new traffic infraction for a person who consumes marijuana or a marijuana product in a vehicle, possesses an open container of marijuana or a marijuana product in the passenger area of a vehicle or possesses marijuana or a marijuana product that has been placed in a container labeled by the manufacturer of the container as containing a nonmarijuana substance.

See LD 141, related bill on issue of consuming or having an open container of marijuana in a motor vehicle.

LD 648 An Act To Improve Reporting of Operating Under the Influence Offenses PUBLIC 121

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B	OTP-AM	H-152

This bill requires the Department of Public Safety, Bureau of State Police, State Bureau of Identification to maintain separate categories in its uniform crime reporting for offenses that involve operating under the influence of alcohol, offenses that involve operating under the influence of intoxicating substances other than alcohol and offenses that involve operating under a combination of alcohol and other intoxicating substances.

Committee Amendment "A" (H-152)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment replaces the bill. The amendment requires the Department of Public Safety, State Bureau of Identification to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the incidence of operating under the influence offenses pursuant to the Maine Revised Statutes, Title 29-A, section 2411. The report must include separate categories for offenses involving operating under the influence of alcohol, for offenses involving operating under the influence of intoxicating substances other than alcohol and for offenses involving operating under the influence of a combination of alcohol and other intoxicating substances. The report is due by April 1st each year beginning in 2020.

Enacted Law Summary

Public Law 2019, chapter 121 requires the Department of Public Safety, State Bureau of Identification to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the incidence of operating under the influence offenses pursuant to the Maine Revised Statutes, Title 29-A, section 2411. The report must include separate categories for offenses involving operating under the influence of alcohol, for offenses involving operating under the influence of intoxicating substances other than alcohol and for offenses involving operating under the influence of a combination of alcohol and other intoxicating substances. The report is due by April 1st each year beginning in 2020.

LD 677 An Act Regarding the Use of Seizure and Forfeitures by Law Enforcement ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAULKINGHAM B MIRAMANT D	ONTP	

This bill requires the establishment of a record and case tracking system and detailed reporting to the Commissioner of Public Safety when a law enforcement agency seizes, holds or disposes of property as a result of civil forfeiture provisions of the Maine Revised Statutes, Title 15, section 5821 and the criminal forfeiture provisions of Title 15, section 5826. The bill provides that reported information is public information and for public access to that information through a website and mandates reports to the Legislature, Attorney General and Governor. The bill provides rulemaking for the Commissioner of Public Safety and auditing by the State Auditor, with a report from the State Auditor to the Commissioner of Public Safety. The provisions apply to law enforcement agencies, which are defined to include fire departments, that seize, hold or dispose of property as a result of an investigation and arrest carried out in cooperation with a federal law enforcement agency.

LD 678 An Act Requiring the State To Fund 20.25 Percent of the Cost of County Jails ONTP

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

This bill requires the Department of Corrections to reimburse a county for 20.25% of the cost of the county's correctional services.

LD 691 An Act Regarding County Jail Funding ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	ONTP	