

# 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*

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	

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

This bill requires that instead of a specific dollar amount the State provide at least 20.22% of the cost of county jail operations to the County Jail Operations Fund for distribution to county jails.

**LD 693      An Act To Create a Regional Prerelease Center**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish and fund a regional prerelease center.

**LD 700      An Act To Prevent Internet Theft**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HANLEY J		

This bill creates the crime of organized electronic theft, of which a person is guilty if the person commits two or more thefts under the Maine Criminal Code pursuant to a scheme or course of conduct involving thefts committed by electronic means. "Thefts committed by electronic means" includes, but is not limited to, thefts committed using Internet-based sales platforms and Internet-based fundraising, including so-called crowdfunding platforms. The severity of punishment for the crime of organized electronic theft is dependent upon the total value of the property stolen. The bill also includes an appropriation to establish a computer forensic analyst position within the Department of Public Safety dedicated to the investigation of organized electronic theft.

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

**LD 735      An Act To Create a Seat for a Representative of the Wabanaki Tribal Governments on the Board of Trustees of the Maine Criminal Justice Academy**

**PUBLIC 103**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M	OTP-AM	H-111

This bill provides a permanent seat on the Board of Trustees of the Maine Criminal Justice Academy for a representative of the five Wabanaki tribal governments. The tribal representative must be a law enforcement official and must be chosen for a two-year term by a process determined by the tribal governments. The process must require that the position rotate among the five tribal governments.

**Committee Amendment "A" (H-111)**

This amendment changes the title and provides a seat on the Board of Trustees of the Maine Criminal Justice Academy for a person appointed by the Governor who is knowledgeable about public safety and who has been recommended to the Governor by the Wabanaki tribal governments of the Aroostook Band of Micmacs, the Houlton