

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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STAFF:

JANE ORBETON, SENIOR LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

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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

provide opportunities for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 76 requires the sheriff of a county jail to provide for in-person visitation between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff. The law authorizes the sheriff to provide video-only visitation for all visitation at the jail or for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

LD 779 An Act To Improve the Definition of "Strangulation" in the Aggravated Assault Laws PUBLIC 91

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N	OTP-AM	S-47

This bill removes the requirement that the act of strangulation has to be intentional in order to be considered aggravated assault.

Committee Amendment "A" (S-47)

This amendment clarifies that, in order for the act of strangulation to be considered aggravated assault, the actor must intentionally, knowingly or recklessly apply pressure on another person's throat or neck.

Enacted Law Summary

Public Law 2019, chapter 91 clarifies in the law that, in order for the act of strangulation to be considered aggravated assault, the actor must intentionally, knowingly or recklessly apply pressure on another person's throat or neck.

LD 788 An Act To Authorize the Use of Handheld Narcotics Analyzers Accepted Majority (ONTP) Report

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

This bill provides that a law enforcement agency that has in its possession a drug or substance for analysis as a scheduled drug may, in addition to or instead of analysis of the drug or substance in a laboratory, submit the drug or substance for analysis by means of a handheld narcotics analyzer that has been evaluated and certified by the Department of Health and Human Services, Health and Environmental Testing Laboratory as reliable for field testing of scheduled drugs. The bill requires that a law enforcement officer who analyzes a drug or substance by means of a handheld narcotics analyzer in accordance with procedures adopted by the Health and Environmental Testing Laboratory must upon completion of the analysis issue a signed certificate stating the results of the analysis. The bill provides that such a certificate, when duly signed and sworn to by a person certified as qualified for this purpose by the Department of Health and Human Services under certification standards set by that department, is admissible in evidence in a court of the State, and gives rise to a permissible inference under the Maine Rules of

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Evidence, Rule 303 that the composition, quality and quantity of the drug or substance are as stated in the certificate, unless, with 10 days' written notice to the prosecution, the defendant requests that a qualified witness testify as to the composition, quality and quantity.

LD 802 An Act To Recruit and Retain Corrections Support Staff

CARRIED OVER

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

This bill requires staff in support, maintenance and other nonsupervisory positions, but not including guards, in correctional facilities maintained by the Department of Corrections to be given a \$2 per hour increase in their wages. In 2016, guards in the department were given a \$2 per hour wage increase but other employees in the correctional facilities were not.

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

LD 804 An Act To Ensure Programming for Long-term Incarcerations at County Jails

Leave to Withdraw Pursuant to Joint Rule

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to ensure programming for long-term incarcerations at county jails.

LD 810 An Act To Require Background Checks for All Private Firearm Sales or Transfers Except between Family Members

ONTP

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

This bill allows the transfer or sale of a firearm between two individuals who are not licensed as firearm dealers if the person to whom the firearm is being transferred submits to a background check conducted by a licensed firearm dealer; the dealer must conduct a background check and complete the sale or transfer as though selling or transferring the dealer's own inventory. This bill does not restrict transfers to a family member, which is broadly defined to include a spouse, domestic partner, intimate partner, child, parent, sibling, grandparent, grandchild, stepchild, stepparent, niece, nephew, first cousin, aunt, uncle and in-law; temporary transfers between persons who are hunting or sport shooting together; transfers done for emergency self-defense; the transfer of an antique weapon or curio; a transfer involving a law enforcement officer or agency, member of the military or licensed security guard; or a transfer that occurs by operation of law upon a person's death.