

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

See also LDs 326 and 1834.

LD 1014 An Act To Attract and Retain Firefighters

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------|-------------------------|---------------------------|
| HERBIG E THERIAULT T | OTP-AM | S-242 |

This bill provides funding to the Maine Length of Service Award Program to provide length of service awards to eligible volunteer firefighters and emergency medical services personnel.

Committee Amendment "A" (S-242)

This amendment incorporates a fiscal note.

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 1018 Resolve, To Review the Laws Governing the Enforcement of Protection from Abuse Orders

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| ROSEN K WARREN C | ONTP | |

This resolve requires the Department of Public Safety to convene a work group to review the laws governing enforcement of protection from abuse orders and how those orders are enforced by law enforcement officers.

LD 1022 An Act To Establish as a Class C Crime Criminal Conduct in Retaliation against a Witness, Informant, Victim or Juror

PUBLIC 309

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CARPENTER M | OTP-AM | S-159 |

This bill amends the elements of the crime of tampering with a witness, informant, juror or victim by adding the instance of committing an unlawful act in retaliation against a witness, informant, juror or victim for acting in the capacity of a witness, informant, juror or victim.

Committee Amendment "A" (S-159)

This amendment replaces the bill and provides a new title. The amendment creates a new Class C crime of retaliation against a witness, informant, victim or juror if a person, believing that another person is participating or has participated as a witness, informant, victim or juror in an official proceeding, as defined in the Maine Revised Statutes, Title 17-A, section 451, subsection 5, paragraph A, or, in an official criminal investigation, engages in criminal conduct with the intent to retaliate for that other person's role in the official proceeding or criminal investigation.

Enacted Law Summary

Public Law 2019, chapter 309 creates a new Class C crime of retaliation against a witness, informant, victim or juror if a person, believing that another person is participating or has participated as a witness, informant, victim or

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juror in an official proceeding, as defined in the Maine Revised Statutes, Title 17-A, section 451, subsection 5, paragraph A, or, in an official criminal investigation, engages in criminal conduct with the intent to retaliate for that other person's role in the official proceeding or criminal investigation.

LD 1023 An Act Regarding the Definition of "Serious Bodily Injury" in the CARRIED OVER
Maine Criminal Code

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CARPENTER M | OTP-AM | S-116 |

This bill amends the definition of "serious bodily injury" in the Maine Criminal Code by changing "substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health" to "substantial impairment of the health or function of any part of the body or that causes extended convalescence necessary for recovery of physical or mental health." The bill also makes grammatical changes.

Committee Amendment "A" (S-116)

This amendment strikes and replaces the bill. The amendment amends the definition of "serious bodily injury" in the Maine Criminal Code by clarifying the language regarding injury that leads to extended convalescence. The amendment also amends the law regarding the crime of aggravated assault to reflect the changes to the definition of "serious bodily injury" contained in the amendment. The amendment adds an appropriations and allocations section.

This bill was reported out of committee and then carried over in the Senate to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1033 An Act To Protect Children from Accidental Injury Due to Unsafe ONTP
Storage of Firearms

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| PERRY A MILLETT R | ONTP | |

This bill requires that firearms kept in a place where children reside or receive child care services or where persons prohibited from possessing firearms reside be secured in a locked container or with tamper-resistant devices that prevent them from being discharged. It excludes antique firearms from this requirement. A fine is provided for violation of the requirement, and a violation is evidence of wanton or reckless conduct in any criminal or civil case if injury or death was the result of the violation.

LD 1038 Resolve, To Convene a Stakeholder Group on Funding and Training for RESOLVE 49
the State's Hazardous Materials Emergency Response Teams and the
Acquisition of Equipment

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| MADIGAN C CYRWAY S | OTP-AM | H-319 |

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to improve the training and retention of oil and hazardous materials emergency response workers and their ability to respond to oil and hazardous materials emergencies by requiring the State to: