

# 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*

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:

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1. Pay or waive the fee for workers for the cost of necessary training courses and any materials required for those courses;
2. Compensate workers fairly for the time spent in training courses, while on call and when responding to hazardous materials emergencies; and
3. Purchase hazardous materials emergency response equipment for use by municipalities or reimburse municipalities that purchase hazardous materials emergency response equipment.

**Committee Amendment "A" (H-319)**

This amendment replaces the concept draft bill with a resolve. The resolve directs the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to convene a stakeholder group to review and make recommendations regarding the funding currently provided to the State's hazardous materials emergency response teams, including the eight regional response teams and the seven decontamination strike teams, funding options, the training of the teams and equipment acquisition. The recommendations of the stakeholder group must be compatible with the strategic plan of the State Emergency Response Commission. The director is required to invite to the stakeholder group representatives of the Maine Fire Chiefs' Association, fire chiefs from municipalities with regional response teams and decontamination strike teams and other persons who express interest in the work of the stakeholder group. The amendment directs the director to present the findings and recommendations of the stakeholder group to the Joint Standing Committee on Criminal Justice and Public Safety by November 6, 2019. Following receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out legislation based on the report to the Second Regular Session of the 129th Legislature.

**Enacted Law Summary**

Resolve 2019, chapter 49 directs the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to convene a stakeholder group to review and make recommendations regarding the funding currently provided to the State's hazardous materials emergency response teams, including the eight regional response teams and the seven decontamination strike teams, funding options, the training of the teams and equipment acquisition. The recommendations of the stakeholder group must be compatible with the strategic plan of the State Emergency Response Commission. The director is required to invite to the stakeholder group representatives of the Maine Fire Chiefs' Association, fire chiefs from municipalities with regional response teams and decontamination strike teams and other persons who express interest in the work of the stakeholder group. The resolve directs the director to present the findings and recommendations of the stakeholder group to the Joint Standing Committee on Criminal Justice and Public Safety by November 6, 2019. Following receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out legislation based on the report to the Second Regular Session of the 129th Legislature.

**LD 1071      An Act To Prohibit the Sale of High-capacity Magazines**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B GRATWICK G	ONTP	

This bill makes sale of a high-capacity magazine a Class D crime. A high-capacity magazine is a firearm magazine or other device that is used to load ammunition into the chamber of a firearm and that has the capacity to contain or accept more than 10 rounds of ammunition.