

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

Enacted Law Summary

Public Law 2019, chapter 237 amends the criminal animal welfare laws in the following ways:

1. Consolidates and clarifies the provisions for a possession hearing concerning an animal suspected to have been subject to cruelty, including removing the provisions for a show cause hearing;
2. Provides for emergency euthanasia of an impounded animal that is severely sick or severely injured;
3. Clarifies that a person authorized to make arrests may seize and take possession of a cruelly treated animal;
4. Prohibits an owner or keeper of an animal that has been seized or impounded due to cruel treatment from possessing or acquiring an animal prior to the possession hearing;
5. Clarifies that an owner or keeper subject to forfeiture of an animal may appeal to the Superior Court; and
6. Adds to the definition of animal cruelty intentionally giving an animal a scheduled drug and adds to the prohibition on giving drugs, poison or alcohol to an animal that the act was done with the intent to harm or intoxicate the animal.

LD 1092 An Act To Amend the Laws Governing Critical Incident Stress Management Teams

PUBLIC 89

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S	OTP-AM	S-54

This bill clarifies the qualifications and duties of members of critical incident stress management teams and provides that the services of critical incident stress management teams are provided to employees of state, county or municipal government entities that provide or have the authority to provide fire, emergency medical or police services.

Committee Amendment "A" (S-54)

This amendment expands the list of persons who may be served by a critical incident stress management team and changes the description of the employing entity from "a criminal justice agency" to a "public safety agency" and adds an organization involved in emergency care or response or a county jail or a correctional facility operated by the Department of Corrections. The amendment removes reference to cumulative exposure to stress and traumatic incidents added by the bill. The amendment removes from the bill specific types of training, instead requiring training in accordance with national best practices and standards established by the Commissioner of Public Safety and providing routine technical rulemaking authority to the commissioner. The amendment removes the requirement that a critical incident stress management team have as a member a licensed mental health clinician. The amendment requires the critical incident stress management team to have a relationship with a licensed mental health clinician who is available for consultation with members of the team as needed and with the team at least once per year.

Enacted Law Summary

Public Law 2019, chapter 89 expands the list of persons who may be served by a critical incident stress management team and changes the description of the employing entity from "a criminal justice agency" to a "public safety agency." The law adds to the list of employing agencies an organization involved in emergency care or response or a county jail or a correctional facility operated by the Department of Corrections. The law requires training for the persons serving on the critical incident stress management team in accordance with national best practices and

Joint Standing Committee on Criminal Justice and Public Safety

standards established by the Commissioner of Public Safety and providing routine technical rulemaking authority to the commissioner. The law requires the critical incident stress management team to have a relationship with a licensed mental health clinician who is available for consultation with members of the team as needed and with the team at least once per year.

LD 1096 An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L GATTINE D		

This bill requires the Commissioner of Corrections to establish and maintain a substance use disorder treatment program in the correctional facilities, which must provide for an assessment on intake, provide a variety of behavioral and medication-assisted treatment options and offer peer support and comprehensive treatment options after release. The bill also provides funding for the establishment of the substance use disorder treatment program.

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

LD 1099 An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	ONTP OTP-AM	

This bill requires a 72-hour waiting period between an agreement for the purchase and sale of a firearm and its delivery to the purchaser and makes violation of the waiting period a civil violation with a \$200 to \$500 fine for the first violation and a \$500 to \$1,000 fine for a subsequent violation.

Committee Amendment "A" (S-276)

This amendment is the minority report of the committee. The amendment provides cross-references to define the listed professions of persons who are exempt from the law and adds corrections officers to the list.

LD 1108 Resolve, Establishing the Task Force on Alternatives to Incarceration for Maine Youth CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CARSON B		

This resolve establishes the Task Force on Alternatives to Incarceration for Maine Youth to:

1. Review and evaluate current state and national reports regarding the efficacy of the use of incarceration of youth in the State and nationally;
2. Seek input from juvenile justice system stakeholders, including judges, defense attorneys, prosecutors, agency staff, residential and community-based service providers, youth advocates and youth and families affected by the