

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.

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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

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juvenile justice system;

- 3. Develop a plan to close the Long Creek Youth Development Center by 2022 and make recommendations on subsequent use of the land or facility, including identifying options for alternate use of the land or facility that do not include the incarceration of other populations, and a transition plan for the center's staff; and
- 4. Develop recommendations for reinvestment of corrections funds currently designated for youth incarceration into a continuum of community-based alternatives.

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

LD 1111 An Act Regarding Driver's License Suspensions

PUBLIC 467

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT R DESCHAMBAULT S	OTP-AM	H-576

This bill makes the following changes to the laws governing the suspension of a driver's license of a person who negligently operates a motor vehicle in a manner so as to cause the death of another person:

- 1. It removes the requirement that prior to the suspension, the Secretary of State notify any family of the victim and consider written or oral statements received from the family in response to the notice;
- 2. It requires the Secretary of State to find that the person whose license is to be suspended operated a motor vehicle with criminal negligence as described in the Maine Criminal Code; and
- 3. It requires the Secretary of State to find that the person whose license is to be suspended caused the death of another person and to base that finding on the definition of "causation" in the Maine Criminal Code.

Committee Amendment "A" (H-576)

This amendment changes the mandatory minimum period of suspension of a driver's license after a finding of negligence in causing a fatal accident from three years to one year. The amendment deletes from the bill provisions that change the requirement of civil negligence to a requirement of criminal negligence and that require causation to be found as defined in the Maine Criminal Code in Title 17-A, section 33.

Enacted Law Summary

Public Law 2019, chapter 467 changes the mandatory minimum period of suspension of a driver's license after a finding of negligence in causing a fatal accident from three years to one year.

LD 1140 An Act To Improve the Investigation and Prosecution of Sexual Assault Cases

PUBLIC 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C HERBIG E	OTP	

This bill requires a law enforcement agency, within 60 days of receiving a complaint for an alleged sexual assault, to inform the appropriate prosecutor of any evidence and submit the complaint to the appropriate prosecutor for review and a decision by the prosecutor regarding further investigation and commencement of prosecution. Failure