

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. SUSAN A. DESCHAMBAULT, CHAIR
SEN. MICHAEL E. CARPENTER
SEN. KIMBERLEY C. ROSEN

REP. CHARLOTTE WARREN, CHAIR
REP. JANICE E. COOPER
REP. PINNY BEEBE-CENTER
REP. LOIS GALGAY RECKITT
REP. VICTORIA E. MORALES
REP. BRADEN SHARPE
REP. RICHARD A. PICKETT
REP. PATRICK W. COREY
REP. CHRIS A. JOHANSEN
REP. DANNY EDWARD COSTAIN

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/>

STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



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

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

Joint Standing Committee on Criminal Justice and Public Safety

of a law enforcement agency to do so does not affect the validity of a later submission and prosecution.

Enacted Law Summary

Public Law 2019, chapter 80 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 of a law enforcement agency to do so does not affect the validity of a later submission and prosecution.

LD 1143 An Act To Exclude Tractor Pulling from Certain Rules Governing Motor Vehicle Racing ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N HAMPER J	ONTP	

This bill excludes tractor pulling events from motor vehicle racing rules requiring the erection, construction or maintenance of fences or safety barriers.

LD 1169 An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S MORALES V	OTP-AM ONTP	S-233

This bill requires the Technical Building Codes and Standards Board to amend the Maine Uniform Building and Energy Code to require that commercial buildings built or renovated on or after January 1, 2020 with occupancy exceeding 200 individuals have an operational automated external defibrillator on the premises. The bill also requires that retail pharmacies, rural health center pharmacies and free clinic pharmacies have an automated external defibrillator on the premises, and that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public.

Committee Amendment "A" (S-233)

This amendment is the majority report of the committee. The amendment requires that required automated external defibrillators be clearly marked. The amendment removes from the requirements for pharmacies that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public.

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

LD 1188 An Act To Provide Preventive Counseling to Firefighters and Emergency Medical Services' Persons as Part of Their Training ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRIFFIN A GUERIN S	ONTP	