

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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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

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	

Joint Standing Committee on Criminal Justice and Public Safety

This bill requires that firefighter training include preventive and post-trauma counseling, at which a counseling professional licensed under the Maine Revised Statutes, Title 32, chapter 119 or the fire department chaplain must be available to work with the firefighters, as required by the fire chief. The bill provides that, with advice from and in consultation with each regional council and its medical control committee and with the statewide emergency medical services' medical director, the Emergency Medical Services' Board may adopt routine technical rules setting mandatory requirements for preventive and post-trauma counseling for basic and advanced training for emergency medical services' persons for initial licensing and relicensing. The requirements may include the services of a counseling professional licensed under Title 32, chapter 119 or a chaplain to be provided by ambulance services and nontransporting emergency medical services.

LD 1199 An Act To Protect the Safety of Health Care Workers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D	ONTP	

This bill provides that an assault on a health care practitioner while that health care practitioner is providing medical care or an assault on a hospital employee or person working for a hospital on a contractual basis while that employee or person is performing duties related to the provision of care for a patient or a prospective patient is a Class C crime.

See also LD 926.

**LD 1210 Resolve, To Direct the Commissioner of Corrections To Study Changes CARRIED OVER
in Corrections Practices and Reinvestment in Corrections Resources To
Reduce Recidivism and Control Correctional Facility Costs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CARPENTER M		

This resolve directs the Commissioner of Corrections to establish a working group to study changes in corrections practices and reinvestment of corrections resources in various ways to reduce recidivism and control correctional facility costs, including upstream interventions, diversion and alternative sentencing, prevention and harm reduction and mental health and substance use disorder treatment.

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

**LD 1215 An Act Relating to Defenses and Self-defense in the Maine Criminal CARRIED OVER
Code**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M		

This bill amends the Maine Criminal Code by clarifying that determination of the applicability of a defense is a preliminary question of fact under the Maine Rules of Evidence that must be proved by the totality of the circumstances and not by viewing the evidence in a light most favorable to the defendant and by providing that the