

# 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***

use of nondeadly force in defense of a person is not justified when the person is engaged in criminal conduct against the other person or the other person's property concurrently with the use of the nondeadly force.

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

**LD 1221      An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CLAXTON N		

This bill allows, in addition to existing deductions in time from a prison or jail sentence, a deduction in time of up to 7.5 days per calendar month for a person's satisfactory performance, while in custody or on probation, in the completion of an educational program leading to a high school equivalency diploma, completion of another educational or vocational training program or a work release program or work for a county or state facility industry that leads directly to the rehabilitation of that person.

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

**LD 1249      An Act To Prohibit Infringing on the Rights of Association of Dependent Adults      HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROW A	OTP-AM	H-546

This bill prohibits abuse and isolation of elder persons and dependent adults. Abuse or isolation of an elder person or dependent adult is a Class C crime. A person commits the crime if the person has or has assumed responsibility for the care, custody or control of an elder person or a dependent adult and subjects the elder person or dependent adult to isolation, neglect, physical abuse, sexual abuse, emotional abuse or financial abuse, including threats of abuse. The new crime is allocated to the chapter of the Maine Criminal Code that establishes crimes against the person.

The bill defines "elder person" to mean a person who is at least 60 years of age. The bill also defines "isolate" to mean to restrict personal rights of association retained by the elder person or dependent adult, including, but not limited to, the right to receive visitors, telephone calls and personal mail, unless the restriction of personal rights is authorized by court order.

When a person is convicted of the crime of abuse or isolation of an elder person or dependent adult, the court may require that the person convicted of the crime participate in appropriate counseling at the convicted person's expense.

The bill is based on a similar law in Rhode Island.

**Committee Amendment "A" (H-546)**

***Joint Standing Committee on Criminal Justice and Public Safety***

This amendment replaces the bill and provides a new title. The amendment adds new variants to the crime of endangering the welfare of a dependent person. The new variants are the Class D crime of recklessly infringing on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person and the Class C crime of intentionally and knowingly infringing on a dependent person's rights of association for the purpose of establishing or maintaining undue influence over that person. The amendment also provides a definition for "undue influence."

**LD 1276      An Act To Better Enforce the Prohibition against Dangerous Persons Possessing Firearms      Accepted Minority (ONTP) Report**

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

This bill requires background checks of purchasers of firearms for all private sales at gun shows or private sales resulting from advertising or marketing.

**Committee Amendment "A" (S-274)**

This amendment is the majority report of the committee. The amendment adds to the bill exemptions to the requirement that a federally licensed firearms dealer perform a background check for a transfer or sale of a firearm under specific listed circumstances. The amendment provides that the first offense for knowingly transferring or selling a firearm in violation of the new provision is a civil violation for which the penalty is a fine of up to \$1,000. The amendment designates subsequent offenses as Class D crimes.

**LD 1293      An Act To Improve Investigative Efficiencies at the State Fire Marshal's Office      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide increased funding to the Department of Public Safety, Office of the State Fire Marshal, criminal investigative unit for additional supervisory and support staff. This bill would also establish a more stable source of funding for the Office of the State Fire Marshal going forward.

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

**LD 1295      An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DOW D		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Department of Health and Human Services and the Department of Corrections to determine the current need for forensic emergency and crisis beds to ensure the prompt and humane treatment of arrested individuals who are suffering from mental illness and