

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

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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

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 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.

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 was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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, which had been voted (OTP-A) but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1249 An Act To Prohibit Infringing on the Rights of Association of Dependent Adults PUBLIC 543

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

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without her signature at the beginning of the Second Regular Session.

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

Joint Standing Committee on Criminal Justice and Public Safety

expense.

The bill is based on similar law in Rhode Island.

Committee Amendment "A" (H-546)

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."

Enacted Law Summary

Public Law 2019, chapter 543 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 law provides a definition for "undue influence."

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

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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.

LD 1422 An Act Regarding Conditions in Correctional Facilities for Female Prisoners CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSSR MOORE M		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to ensure the fair treatment of women who are incarcerated.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of