

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.

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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

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awaiting trial.

In making this determination, the departments shall consider:

1. The number of currently available forensic emergency and crisis beds;
2. The number of individuals currently awaiting placement pretrial;
3. The annual average number of individuals needing forensic services pretrial;
4. Proposals to address unmet needs and associated costs; and
5. Other factors that would lessen wait times for placements and provide needed mental health services to individuals pretrial.

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

LD 1321 An Act To Amend the Laws Governing the Funding Limitation on County Jails ONTP

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

This bill eliminates the 4% growth limitation cap on county assessments to municipalities to fund county correctional services.

LD 1346 An Act To Revise the Good Time Laws To Improve Public Safety ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DESCHAMBAULT S	ONTP	

Beginning January 1, 2020, this bill provides for up to 12 days of deduction per month from a sentence of imprisonment for any person sentenced for a crime on or after October 1, 1983 and for any person who commits a crime on or after January 1, 2020 and is subsequently sentenced for that crime as follows:

1. Up to six days per month may be deducted if the person's conduct and fulfillment of assigned responsibilities is determined to warrant those deductions;
2. Up to four additional days per month may be deducted if the person's participation in educational programming, participation in assigned work, compliance with the person's case plan or fulfillment of other responsibilities is determined to warrant those deductions; and
3. Up to two additional days per month may be deducted if the person's participation in minimum security or community programs in the person's transition plan for community work, education or rehabilitation programs is determined to warrant those deductions.

Awarding of these deductions is determined by the chief administrative officer of the state correctional facility or the sheriff of the county jail in which the person has been detained. The bill caps at 12 days the total days of