

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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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

LD 1397

An Act Regarding the Admissibility of Certain Statements of Juveniles

PUBLIC 220

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORALES V	OTP-AM	H-299

This bill amends the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during an informal adjustment or during a restorative justice program or substance use disorder or mental health treatment program attended by the juvenile in connection with an informal adjustment are not admissible in evidence at an adjudicatory hearing against that juvenile if a petition based on the same facts is later filed. The bill also removes a cross-reference to a provision of law regarding community resolution teams, which has been repealed.

Committee Amendment "A" (H-299)

This amendment replaces the bill and provides a new title. The amendment amends the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during an informal adjustment or during a restorative justice program or made to a clinical provider during substance use disorder, sexual behavior or mental health assessment or treatment attended by the juvenile are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts that caused the referral for informal adjustment, restorative justice, assessment or treatment. The amendment provides for similar protections in school disciplinary proceedings. The amendment adds a definition of "restorative justice program." The amendment also retains the provision of the bill that removes a cross-reference to a provision of law regarding community resolution teams, which has been repealed.

Enacted Law Summary

Public Law 2019, chapter 220 amends the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during an informal adjustment or during a restorative justice program or made to a clinical provider during substance use disorder, sexual behavior or mental health assessment or treatment attended by the juvenile are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts that caused the referral for informal adjustment, restorative justice, assessment or treatment. The law provides similar protections in school disciplinary proceedings. The law adds to the Juvenile Code a definition of "restorative justice program."

LD 1407

An Act To Revise and Recodify Certain Provisions of the Maine Criminal Code

**PUBLIC 113
EMERGENCY**

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

This bill, which was submitted by the Criminal Law Advisory Commission, recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3 and other portions of the Maine Criminal Code and amends other laws affected by this recodification and revision accordingly. The purpose of this bill is to reorganize certain portions of the Maine Criminal Code to be more logical and user-friendly while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 17-A. While much of the revision throughout this bill is intended to be technical in nature, the following changes are more substantive. This bill is an emergency measure.

PART A