

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**

November 2020

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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

the 129th Legislature by joint order, S.P. 788.

LD 1466 An Act To Allow Community-based Organizations To Participate in Diversion Projects for Persons with Substance Use Disorder CARRIED OVER

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

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

This bill amends the Substance Use Disorder Assistance Program, which is a program that provides grants to municipalities, counties and regional jails to carry out projects designed to reduce substance use, substance use-related crimes and recidivism, to include community-based organizations as entities eligible for grants under the program. "Community-based organization" is defined as a nonprofit community organization that provides substance use disorder services to individuals, including, without limitation, substance use assessment, treatment, education or support group service.

This bill, which had been voted 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 1492 An Act To Reform Drug Sentencing Laws CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P SANBORN L		

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

This bill amends the Maine Criminal Code provisions regarding scheduled drugs by relaxing or eliminating provisions regarding trafficking and furnishing, unlawful possession of scheduled drugs, trafficking, furnishing or possession of hypodermic apparatuses, use of drug paraphernalia and trafficking or furnishing of imitation drugs.

This bill, which had been voted (OTP-A/ONTP) 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 1550 An Act To Create a Victims' Compensation Fund for Victims of Property Crimes PUBLIC 549

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM ONTP	S-305 S-356 LIBBY N

This bill was passed to be enacted 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 creates the Victims' Property Compensation Fund to compensate victims of crimes in which the victims

Joint Standing Committee on Criminal Justice and Public Safety

suffered property losses, patterned after the existing Victims' Compensation Fund, which compensates victims of crimes for damages resulting from personal injuries resulting from those crimes. The Victims' Property Compensation Fund is funded by an assessment of \$10 on any person convicted of murder or a Class A crime, Class B crime or Class C crime and \$5 on any person convicted of a Class D crime or Class E crime and may compensate a victim of a property crime up to \$5,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The bill provides that the existing Victims' Compensation Board hears claims made upon the Victims' Property Compensation Fund.

Committee Amendment "A" (S-305)

This amendment is the majority report of the committee. The amendment adds two members to the Victims' Compensation Board, amends its quorum from two to three members and clarifies that the board performs the duties assigned to it under the victims' property compensation program beginning July 1, 2022.

The amendment allows the board to compensate a victim of a crime up to \$1,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The amendment provides July 1, 2022, as the date on which the board is authorized to begin to process or pay claims. The amendment removes from the bill the prohibition on the court's waiving the imposition of the assessment that funds the Victims' Property Compensation Fund. The amendment removes from the bill eligibility for an award for a person who is the victim of a crime that occurred in another state or a crime of terrorism that occurred outside of the country.

The amendment provides for rulemaking for the Victims' Property Compensation Fund and designates rules for both this fund and the Victims' Compensation Fund as routine technical rules. The amendment amends the law on restitution for victims of a crime so that, once a victim has been compensated as allowed by law from either fund or a combination of a fund and restitution, any additional restitution payments are paid into the applicable fund. The provisions of law incorporating the Victims' Property Compensation Fund into the duties of the Victims' Compensation Board and increasing the membership of that board do not apply until July 1, 2022.

Senate Amendment "A" To Committee Amendment "A" (S-356)

This amendment authorizes the judicial branch in fiscal year 2019-20 to retain up to \$10,000 of the funds collected pursuant to the assessments imposed on convicted persons to be used by the judicial branch for technology-related upgrades.

Enacted Law Summary

Public Law 2019, chapter 549 creates the Victims' Property Compensation Fund to compensate victims of crimes in which the victims suffered property losses, patterned after the existing Victims' Compensation Fund, which compensates victims of crimes for damages resulting from personal injuries resulting from those crimes.

The Victims' Property Compensation Fund is funded by an assessment of \$10 on any person convicted of murder or a Class A crime, Class B crime or Class C crime and \$5 on any person convicted of a Class D crime or Class E crime and may compensate a victim of a property crime up to \$1,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The Victims' Compensation Board hears claims made upon the Victims' Property Compensation Fund.

The law adds two members to the Victims' Compensation Board, amends its quorum from two to three members and clarifies that the board performs the duties assigned to it under the victims' property compensation program beginning July 1, 2022. The law authorizes the board to begin to process or pay claims July 1, 2022. The law provides for rulemaking for the Victims' Property Compensation Fund and designates rules for both this fund and the Victims' Compensation Fund as routine technical rules. The law amends the law on restitution for victims of a crime so that, once a victim has been compensated as allowed by law from either fund or a combination of a fund and restitution, any additional restitution payments are paid into the applicable fund.

Joint Standing Committee on Criminal Justice and Public Safety

The provisions of law incorporating the Victims' Property Compensation Fund into the duties of the Victims' Compensation Board and increasing the membership of that board do not apply until July 1, 2022. The law authorizes the judicial branch in fiscal year 2019-20 to retain up to \$10,000 of the funds collected pursuant to the assessments imposed on convicted persons to be used by the judicial branch for technology-related upgrades.

LD 1723 An Act To Allow the Confinement of Female Prisoners at the Long Creek Youth Development Center CARRIED OVER

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

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 female adult prisoners to be confined at the Long Creek Youth Development Center.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1727 An Act To Correct Various Statutes Related to the Department of Corrections ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P	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 makes corrections to various statutory provisions related to the Department of Corrections.

Sections 1 and 2 amend the part of the Maine Juvenile Code having to do with authorized places of detention for juveniles that, due to an oversight, was not amended when the Maine Revised Statutes, Title 34-A was amended to allow adults to be housed at the Mountain View Correctional Facility.

Section 3 amends a statutory provision having to do with the collection of restitution from former Department of Corrections clients to recognize that the time and method of payment of restitution are, in some cases, determined by the sentencing court and not the department.

Section 4 removes an inapposite reference from a statutory provision authorizing rules for work release, furlough and other rehabilitative programs.

Section 5 corrects a grammatical error in a statutory provision relating to supervised community confinement.