

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

Committee Amendment "A" (S-305)

This 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.

LD 1569 An Act To Prohibit Untraceable and Undetectable Firearms ONTP

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

This bill regulates the manufacture, distribution and possession of so-called ghost guns and so-called 3-D printed guns or 3-D guns, which are fully functioning firearms that can be made at home by unlicensed firearm manufacturers, sellers and distributors either by purchasing the necessary parts separately, or as part of mail order gun kits, and then assembling them at home or by downloading a computer code from the Internet that allows the user to manufacture the gun using a 3-D printer. This bill provides definitions of "undetectable firearm" and "untraceable firearm" and prohibits the manufacture, import, sale, transfer and possession of such firearms with certain exceptions. This bill also prohibits, with certain exceptions, the dissemination of downloadable gun code from which untraceable firearms can be manufactured.

LD 1632 An Act Regarding Criminal Procedure with Respect to Allowable Defenses PUBLIC 462

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C CHENETTE J	OTP ONTP	

This bill prohibits the use of what is referred to as the "gay and trans panic defense."

The bill provides that when considering whether a defendant has an abnormal condition of the mind in determining whether a requisite culpable mental state exists in the defendant, a determination of abnormal condition of the mind may not be based on the defendant's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which

Joint Standing Committee on Criminal Justice and Public Safety

the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The bill excludes from the affirmative defense for murder that the defendant acted on the basis of extreme anger or extreme fear based on provocation by prohibiting the alleged cause of provocation from being solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The bill provides that a person's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship, may not be used as the sole justification for the use of force against the victim.

Enacted Law Summary

Public Law 2019, chapter 462 prohibits the use of what is referred to as the "gay and trans panic defense."

The law provides that when considering whether a defendant has an abnormal condition of the mind in determining whether a requisite culpable mental state exists in the defendant, a determination of abnormal condition of the mind may not be based on the defendant's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

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The law provides that a person's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship, may not be used as the sole justification for the use of force against the victim.

LD 1636 An Act To Increase the Efficiency of the Criminal Justice System

ONTP

Sponsor(s)
CARPENTER M

Committee Report
ONTP

Amendments Adopted

Part A of this bill makes changes to law enforcement by Department of Inland Fisheries and Wildlife game wardens. Specifically, it does the following:

1. Requires the Commissioner of Inland Fisheries and Wildlife to designate for the warden service the Uniform Summons and Complaint as the citation form for criminal violations and the Violation Summons and Complaint for civil violations;