

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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STATE OF MAINE

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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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.

The law 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 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

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

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;

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2. Clarifies that the Department of Public Safety is responsible for all Uniform Summons and Complaint forms issued to the warden service;
3. Designates the Uniform Summons and Complaint as the form for use in criminal prosecutions and the Violation Summons and Complaint as the form for use in civil prosecutions and provides procedures for their use and for prosecutions under the Maine Revised Statutes, Title 12, Part 13;
4. Makes failure to sign a Violation Summons and Complaint form a Class E crime, as is failure to sign the Uniform Summons and Complaint;
5. Makes improper disposal by a warden or other public employee of a Violation Summons and Complaint form a Class E crime, as is improper disposal of a Uniform Summons and Complaint;
6. Grants jurisdiction to the Unified Criminal Docket for criminal prosecutions under Title 12, Part 13 and jurisdiction to the District Court violations bureau, established pursuant to Title 4, section 164, subsection 12, for civil prosecutions and requires a warden who issues a Violation Summons and Complaint to file the original with the violations bureau within five days of issuance; and
7. Amends the definition of "habitual violators" in the inland fisheries and wildlife laws to apply to criminal violations, civil violations and combinations of civil and criminal violations.

Part B of this bill makes the following changes to the Maine Criminal Code:

1. Regarding civil violations that designate as inadmissible evidence that is obtained pursuant to an unlawful search and seizure, eliminates language that limits that provision to civil violations involving illegal possession of marijuana and butyl nitrite and isobutyl nitrite;
2. Regarding civil violations, adds a provision authorizing a law enforcement officer who has probable cause to make application for a search warrant;
3. Regarding indictment and jurisdiction, grants jurisdiction to the Unified Criminal Docket to try Class D and E crimes, to impose sentence in Class A, B and C crimes in which the Unified Criminal Docket has accepted a plea of guilty and to prosecute an offense under Title 17, chapter 42 when the district attorney has designated the offense as a civil violation;
4. Regarding indictment and jurisdiction, provides jurisdiction to the District Court violations bureau in prosecutions for civil violations except for prosecutions pursuant to Title 17, chapter 42; and
5. Provides for the use statewide of the standardized Violation Summons and Complaint form and provides the procedures for the use of the form. It designates as Class E crimes failure to sign the Violation Summons and Complaint form and improper disposal of a Violation Summons and Complaint form by a law enforcement officer or other public employee, and it requires the issuing law enforcement officer to file the original with the violations bureau within five days of issuance.

Part C of this bill amends the motor vehicle and traffic laws to provide for the use statewide of the standardized Violation Summons and Complaint form and provides the procedures for the use of the form. It designates as Class E crimes failure to sign the Violation Summons and Complaint form and improper disposal of a Violation Summons and Complaint form by a law enforcement officer, and it requires the issuing law enforcement officer to file the original with the District Court violations bureau within five days of issuance.

Part D of this bill provides an effective date for the legislation of January 1, 2020.