

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

This bill amends the laws regarding asset forfeiture-related record keeping to clarify that records of property that is forfeited to law enforcement agencies must be maintained by those agencies and to change the specific information that must be included in those records. The bill also provides that such records are open to inspection by anyone. The bill provides that reports concerning the transfer of property held by the Department of Public Safety and then ordered by a court to be forfeited to another governmental entity must be provided upon request to the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review. The Department of Public Safety's reports must account for any such forfeiture that occurred during the 12 months preceding such a request. The bill eliminates the current law that requires the Department of Public Safety to provide these reports at least quarterly to the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review and the current law that requires the Department of Public Safety to maintain a centralized record of property seized, held by the department and ordered to the department, including an estimate of the fair market value of items seized.

Enacted Law Summary

Public Law 2019, chapter 651 amends the laws regarding asset forfeiture-related record keeping to clarify that records of property that is forfeited to law enforcement agencies must be maintained by those agencies and to change the specific information that must be included in those records. The law provides that such records are open to inspection by anyone. The law provides that reports concerning the transfer of property held by the Department of Public Safety and then ordered by a court to be forfeited to another governmental entity must be provided upon request to the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review. The Department of Public Safety's reports must account for any such forfeiture that occurred during the 12 months preceding such a request. The law eliminates the requirement that the Department of Public Safety provides these reports at least quarterly to the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review and the requirement that the Department of Public Safety maintain a centralized record of property seized, held by the department and ordered to the department, including an estimate of the fair market value of items seized.

LD 1991 An Act To Prohibit the Sale of Drug Paraphernalia That Encourage Drug Use by Young People ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	ONTP	

This bill amends the laws governing drug paraphernalia to specifically include so-called stash cans as drug paraphernalia, the sale or advertising of which is prohibited.

LD 2000 An Act To Standardize Language and Improve Correctional Services CARRIED OVER

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

This bill counts as the first full day of a period of confinement the day a juvenile is received into a juvenile correctional facility, regardless of when the juvenile arrives at the facility, and allows the juvenile to be released at any time on the last day of the period of confinement, instead of requiring the juvenile to be released at an exact time dependent on when the juvenile arrived at the facility.

It allows the Commissioner of Corrections to appoint a director of women's services to oversee services and

Joint Standing Committee on Criminal Justice and Public Safety

otherwise act as the chief administrative officer for female prisoners, whether housed in a correctional facility exclusively serving female prisoners or in a female prisoner housing unit in a correctional facility serving both males and females.

It renames the chief administrative officer of the Mountain View Correctional Facility and the Downeast Correctional Facility the warden. It authorizes the warden of the Mountain View Correctional Facility and the warden of the Downeast Correctional Facility, with the written approval of the commissioner, to contract with the Director of the Federal Bureau of Prisons for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States. It allows employees of the Mountain View Correctional Facility and the Downeast Correctional Facility to carry weapons and other security equipment when authorized by the warden. It includes provisions for uniforms and clothing allowances for employees of the Mountain View Correctional Facility and the Downeast Correctional Facility.

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 2037 An Act To Amend the Maine Criminal Code

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

This bill is submitted by the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Part A of the bill authorizes nonconcurrent sentencing when a crime is committed by a convicted person during a stay of execution of any term of imprisonment or after failure to report after a stay of execution of any term of imprisonment. It also authorizes nonconcurrent sentencing when the convicted person is convicted of the crime of failure to report as ordered after a stay of execution of any term of imprisonment.

Part B amends the Maine Revised Statutes, Title 17-A, section 2016 to make it consistent with existing law in Title 17-A, section 2009 with respect to disposition of funds by correctional facilities when they hold funds for the purposes of restitution and the victim cannot be located. Title 17-A, section 2016 currently requires the facility to notify the court and the court to determine distribution of the funds. The bill requires the facility to forward the funds to the Treasurer of State to be handled as unclaimed property, consistent with current Title 17-A, section 2009.

Part C separates two variants of kidnapping under the Maine Revised Statutes, Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3). The crime of kidnapping with the intent to inflict bodily injury is distinct from the crime of kidnapping with the intent to subject a person to criminal activity defined in Title 17-A, chapter 11. The latter remains a Tier III crime requiring registration pursuant to the Sex Offender Registration and Notification Act of 2013. Crimes committed in violation of Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) after the effective date of this legislation will not require registration. In addition, this provision provides clarity in the Maine Criminal Code and a more accurate reference for purposes of crime data.

Part D clarifies that immunity from revocation of probation is limited to the same conduct for which there is immunity from prosecution under the law protecting persons seeking medical assistance or administering naloxone hydrochloride or experiencing a drug-related overdose.

This bill, which had not yet been voted by the committee, was carried over in committee to any special session of