

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

JANE ORBETON, SENIOR LEGISLATIVE ANALYST
JEANNETTE SEDGWICK, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

MEMBERS:

SEN. SUSAN A. DESCHAMBAULT, CHAIR
SEN. MICHAEL E. CARPENTER
SEN. KIMBERLEY C. ROSEN

REP. CHARLOTTE WARREN, CHAIR
REP. JANICE E. COOPER
REP. PINNY BEEBE-CENTER
REP. LOIS GALGAY RECKITT
REP. VICTORIA E. MORALES
REP. BRADEN SHARPE
REP. RICHARD A. PICKETT
REP. PATRICK W. COREY
REP. CHRIS A. JOHANSEN
REP. DANNY EDWARD COSTAIN

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

Enacted Law Summary

Resolve 2019, chapter 133 provides approval for portions of Chapter 4: Water-based Fire Protection Systems, a major substantive rule of the Department of Public Safety, Office of the State Fire Marshal.

Resolve 2019, chapter 133 was finally passed as an emergency measure effective March 18, 2020.

LD 2085 An Act To Ensure Access to Sexual and Reproductive Health Care and Education in All Maine's Jails and State Correctional and Detention Facilities CARRIED OVER

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

This bill requires the provision of comprehensive access to sexual and reproductive health care and education for a person who is a female or who has a uterus admitted to or detained or incarcerated in a jail or county correctional facility or a state detention or correctional facility. The bill establishes the Sexual and Reproductive Health Care Advisory Committee to review and develop adequate standards, policies and materials for the provision of sexual and reproductive health care and education for persons who are incarcerated and requires a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2021.

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 2139 An Act To Increase Government Accountability CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S		

This bill repeals the provision of law that prohibits a Maine criminal justice agency from confirming the existence or nonexistence of confidential intelligence and investigative record information to any person or public or private entity that is not eligible to receive the information itself.

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 2144 An Act To Protect Maine Residents from Stalking and Unauthorized Surveillance by Use of an Unmanned Aerial Vehicle CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS J BELLOWS S		

This bill adds the use of unmanned aerial vehicles, also known as drones, to the laws governing stalking in the Maine Criminal Code. With respect to the Class D crime of violation of privacy, it provides that the crime can be committed through the use of an unmanned aerial vehicle and adds a provision that prohibits a person from

Joint Standing Committee on Criminal Justice and Public Safety

intentionally using outside a private place an unmanned aerial vehicle flying at an altitude of less than 400 feet above the private place or its curtilage at any time without the written permission of the resident or owner of the private place.

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

LD 2151 An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force CARRIED OVER

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

This bill was reported by the committee pursuant to joint order, H.P. 1515, and the referred back to the committee for processing in the normal course.

This bill repeals a provision of the Maine Juvenile Code that establishes as a purpose of pre-adjudication detention providing physical care for a juvenile who cannot return home because there is no parent or other suitable person willing and able to supervise the juvenile adequately.

The bill establishes benchmarks for measuring progress in reducing the average daily populations of detained youths and committed youths through July 1, 2023.

The bill requires the Commissioner of Corrections to work with the task force established by the Juvenile Justice Advisory Group in 2019 to study and make recommendations on juvenile justice system assessment and reinvestment regarding implementation of the bill. The task force is required to provide advice, input and feedback to the Department of Corrections and the Department of Health and Human Services regarding the development of a community-based system of therapeutic services for justice-involved youth that works to divert youth from detention and commitment, reduce the rates of detention and commitment across the State and achieve the benchmarks for progress established in this bill.

The bill requires four annual reports on juvenile justice from the Department of Corrections to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters through January 31, 2024.

The bill requires that by January 1, 2021, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on possible locations for two to four small, secure, therapeutic residences for youth for the purposes of providing detention and confinement for a maximum occupancy of a total of 30 youths. One of the residences must be located in Cumberland County, one must be in Penobscot County and two other possible locations may be identified. Options must include existing structures for renovation as small, secure, therapeutic residences. The report must include information regarding options and cost estimates at each location for the provision of therapeutic services and programs, including educational services, for youth living in the residences.

The bill appropriates \$2,500,000 to the Department of Corrections and \$1,000,000 to the Department of Health and Human Services to provide ongoing funding for community-based, therapeutic services or programs for the purpose of diverting justice-involved youth from detention and commitment and reducing the rate of youth detention and commitment.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, SP. 899.