

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

December 2021

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JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

LD 573 An Act Concerning Records of the Employment of Law Enforcement Officers and Corrections Officers

ENACTED LAW SUMMARY

Public Law 2021, chapter 256 requires a law enforcement officer or corrections officer who applies for employment with a law enforcement agency, correctional facility or county or regional jail, when the applicant is employed by or within 90 days prior to the application employed by another law enforcement agency, correctional facility or county or regional jail, to request that the officer's personnel records, employment records and records of the job performance be released to the other agency, facility or jail. The law does not cover internal investigation records. The request form, which must be signed and witnessed, must include a waiver of any rights that the applicant has to the privacy of the personnel and employment records and records of performance. The law directs the board of trustees of the Maine Criminal Justice Academy to adopt routine technical rules to establish the request and waiver form. The law requires the agency, facility or jail to which the request was made to promptly release the requested information. The law provides civil and criminal immunity to both the sending and the receiving agency, facility or jail.

The law also requires an agency, facility or jail that performs a polygraph examination on a law enforcement officer or corrections officer to notify the head of the agency, facility or jail that employs the officer if the results indicate probable cause to believe that the officer is or has been involved in criminal activity.

LD 661 An Act To Ensure Equity in Petitions for Rulemaking under the Maine Administrative Procedure Act

ENACTED LAW SUMMARY

Public Law 2021, chapter 257 provides a mechanism for petitions for rulemaking submitted by persons incarcerated in a Department of Corrections facility and persons incarcerated in a county or municipal detention facility. The law sets the number of signatures at 150 or 25% or more of the total number of males or females incarcerated in a correctional facility, whichever is fewer. The law provides that the department is not required to initiate rulemaking if an earlier petition to adopt or modify the same rule was received within the previous 12 months. The law authorizes the department to take reasonable steps to ensure the validity of each signature on the petition.

LD 663 Resolve, Establishing a Comprehensive Substance Use Disorder Treatment Pilot Program for Maine's Incarcerated Population

ENACTED LAW SUMMARY

Resolve 2021, chapter 113 requires the Commissioner of Corrections to establish and maintain a comprehensive substance use disorder treatment program in all state correctional facilities that will provide screening, assessment and treatment for substance use disorder, including alcohol use

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disorder, using medications approved or authorized by the United States Food and Drug Administration for treatment of substance use disorder. The program must provide at least one of each formulation of all United States Food and Drug Administration-approved medication-assisted treatments for substance use disorder including alcohol use disorder and opioid use disorder. The program must also provide initial and ongoing training and technical assistance and coordination with community-based treatment and recovery organizations. The law appropriates \$460,800 in fiscal year 2021-22 and \$460,800 in fiscal year 2022-23 for the pilot program.

LD 759 An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm

ENACTED LAW SUMMARY

Public Law 2021, chapter 388 amends the Maine Criminal Code to newly specify that storing or leaving a loaded firearm on premises under a person's control with criminal negligence in a manner that allows a child under 16 years of age to gain access to that firearm, and the child in fact gains access to the loaded firearm and uses it, is considered endangering the welfare of a child and is a Class D crime. The law provides several affirmative defenses to the new crime, including that the firearm is stored in a locked box or locked gun safe, the child uses the firearm in self-defense or defense of others, the person has no reasonable expectation that a child will be on the premises or the firearm is obtained by the child as a result of certain specified crimes.

LD 763 An Act To Allow State Vehicles Assigned to Certain Maine Emergency Management Agency Employees To Be Used for Commuting

ENACTED LAW SUMMARY

Public Law 2021, chapter 258 allows certain employees of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, specifically the director and deputy director and duty officer, to use a state-owned or state-leased vehicle to commute between home and work if so designated by the Commissioner of Defense, Veterans and Emergency Management.

LD 764 An Act To Authorize the Maine Emergency Management Agency To Requisition Food Supplies for Emergency Use or Special Duty Assignments

ENACTED LAW SUMMARY

Public Law 2021, chapter 431 authorizes the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to requisition food supplies for emergency use or special duty assignments and corrects a reference to the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.