

MAINE STATE LEGISLATURE

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

LD 1903 An Act to Update Criminal and Related Statutes and Respond to Decisions of the Law Court

ENACTED LAW SUMMARY

Public Law 2021, chapter 608 makes the following changes in the criminal and other laws.

1. In Part A, in response to *State v. Weddle*, 2020 ME 12, it repeals the Maine Revised Statutes, Title 29-A, section 2522, which was found to be unconstitutional in that it required the driver’s blood to be taken without consent and without probable cause to believe that the driver was impaired by alcohol or drugs at the time the driver’s blood was taken. It also moves the statutory allocation of the one-year period of suspension for refusal to take a chemical test when there is probable cause to believe that death occurred or will occur as a result of an accident to the law on implied consent to a chemical test and makes the language consistent with existing law.
2. In Part B, it amends Title 15, section 393 to recognize that convictions in the tribal courts of federally recognized Indian tribes are disqualifying convictions for the purposes of the prohibition against purchasing or possessing firearms created by Title 15, section 393. It makes Title 15, section 393 more consistent with the Maine Criminal Code by using the phrase “another jurisdiction” to reference the courts identified by that term.
3. In Part C, in response to *State v. LeBlanc-Simpson*, 2018 ME 109, it clarifies that a judicial officer in issuing a written release order under Title 15, section 1026, subsection 2-A or 3 must inform a defendant of the conditions of release, that the conditions take effect and are fully enforceable immediately and that failure to appear or comply with conditions may result in revocation of bail and additional criminal penalties. It provides that a condition of release takes effect and is fully enforceable immediately as of the time the judicial officer sets the condition, unless the release order expressly excludes a condition of release from immediate applicability, if the defendant is advised of the conditions and that failure to appear or comply with the conditions may subject the defendant to revocation of bail and additional criminal penalties. It provides that the notice required in order for a condition of release to take effect immediately may be provided by a judicial officer, a law enforcement officer or an employee of a county or regional jail or a correctional facility having custody of the defendant.
4. In Part D, it amends the laws governing probation to reflect the current practice of the Department of Corrections with respect to calculating the period of probation. A probationer receives credit for a full day of probation on the day probation commences, regardless of the time of day, and receives no credit for a day on which probation is tolled. The period of probation ends when the final day of the probation period ends.
5. In Part E, it amends the law to respond to the issue identified by the Law Court in *State v. Asaad*, 2020 ME 11, specifically the absence of a mens rea requirement in the Class C crime of gross sexual assault under Title 17-A, section 253, subsection 2, paragraph M. It requires the State to prove, as an element of that crime of gross sexual assault, that the defendant who engaged in the prohibited conduct was criminally negligent with regard to whether the other

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person had expressly or impliedly acquiesced. It makes the same amendment to the laws on unlawful sexual contact and unlawful sexual touching, the Class C and Class D crimes of unlawful sexual contact and the Class D crime of unlawful sexual touching.

LD 1953 An Act to Fix Inconsistencies within the Sex Offender Registration and Notification Act of 2013

ENACTED LAW SUMMARY

Public Law 2021, chapter 527 fixes inconsistencies in the Sex Offender Registration and Notification Act of 2013 introduced when that Act was recently amended. It also provides that a violation of the statute prohibiting the promotion of prostitution of certain minors, added in 2021, is a Tier III offense.

Public Law 2021, chapter 527 was enacted as an emergency measure effective March 31, 2022.

LD 1988 An Act to Establish that the Provision of Emergency Medical Services by an Ambulance Service is an Essential Service and To Establish the Blue Ribbon Commission To Study Emergency Medical Services in the State

ENACTED LAW SUMMARY

Public Law 2021, chapter 749 amends the statement of purpose of the Maine Emergency Medical Services Act of 1982 to add a legislative finding that emergency medical services provided by an ambulance service are essential services. It establishes the Blue Ribbon Commission To Study Emergency Medical Services in the State. The commission must examine and make recommendations on the structure, support of and delivery of emergency medical services in the State and may look at all aspects of emergency medical services, including but not limited to workforce development, training, compensation, retention, costs, reimbursement rates, organization and local and state support. No later than December 7, 2022, the commission must submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over public safety matters.

Public Law 2021, chapter 749 was enacted as an emergency measure effective May 8, 2022.