

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
131<sup>ST</sup> 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**

October 2023

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**STATE OF MAINE**  
131<sup>ST</sup> LEGISLATURE  
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**LEGISLATIVE DIGEST OF BILLS AND  
SUMMARIES OF ENACTED LAWS**

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the First Regular and First Special Sessions of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature’s webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. 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 and First Special Sessions of the 131st Legislature is Thursday, June 29, 2023 and Wednesday, October 25, 2023, respectively. 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

### **LD 1484 Resolve, Regarding the Status of Federal Grant Applications or Money Secured for the Funding of a Sexual Assault Kit Tracking Pilot Program**

#### **ENACTED LAW SUMMARY**

Resolve 2023, chapter 70 directs the Department of Public Safety to report to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2024 on the status of any federal grant applications or money secured by the department for the purpose of funding a sexual assault kit tracking pilot program, and authorizes the committee to report out a related bill during the Second Regular Session of the 131st Legislature.

### **LD 1625 An Act to Update Criminal Indictment Procedures and Expand the Provision of Counsel to Certain Indigent Defendants**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 485 makes the following changes to provisions of law concerning criminal procedure.

1. It requires the court clerk to, without charge, furnish to any person indicted for a crime a copy of the indictment if it is not sealed.
2. It requires the assignment of competent counsel before arraignment for indigent defendants charged with murder or a Class A, B or C crime, unless waived by the defendant.
3. It requires the assignment of competent defense counsel, unless waived, if the court determines that the accused is indigent and that there is a risk upon conviction that the accused: may be sentenced to a term of imprisonment upon conviction; has a physical, mental or emotional disability preventing the accused from fairly participating in the criminal proceeding without counsel; or is a noncitizen for whom the criminal proceeding poses a risk of adverse immigration consequences.

### **LD 1626 An Act to Standardize Requirements Between Boards of Visitors for County Jails and Department of Corrections Correctional Facilities**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 383 standardizes and provides greater consistency in the requirements and duties of the boards of visitors of county jails and those of Department of Corrections correctional facilities and adds additional requirements for both jails and correctional facilities as follows.

1. It increases county jail board of visitors members' terms from 1 to 3 years.

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2. It requires at least one board of visitors member for both county jails and correctional facilities to have experience in mental or behavioral health.
3. It requires that at least one member of each board of visitors of a correctional facility have been previously incarcerated in a correctional facility.
4. It prohibits an employee of a sheriff's office from serving on a board of visitors.
5. It provides additional duties for the boards of visitors of county jails regarding inspection of the jail, making recommendations for services for inmates with mental health challenges, reviewing management of the jail and its philosophy and mission and reporting requirements to the Legislature.
6. It establishes additional orientation and training requirements for county jails and correctional facilities.

### **LD 1632 An Act to Require Proper Storage of Forensic Exam Evidence**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 236 directs law enforcement agencies to collect and transport anonymously collected forensic evidence from strangulation exams. It also increases the required amount of time law enforcement agencies must store sexual assault forensic examination kits from 8 years to 20 years. It also requires law enforcement agencies store forensic examination kits for strangulations for 6 years.

### **LD 1657 An Act to Define “Consent” and Amend the Law Governing Certain Sexual Offenses**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 280 amends the Maine Criminal Code's provisions concerning sexual assault crimes in the following ways.

1. It defines the term “consent” in the Maine Criminal Code's provisions concerning sexual assault crimes to mean “a word or action by a person that indicates a freely given agreement”.
2. It changes the language “expressly or impliedly acquiesced” and “acquiesced” as used as an element in the crimes of gross sexual assault, unlawful sexual contact and unlawful sexual touching to “consented”.