

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 SPECIAL AND SECOND REGULAR SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

**SPECIAL NOTICE REGARDING
COVID-19 PANDEMIC**

As a result of the COVID-19 Pandemic, the Second Regular Session of the 129th Legislature adjourned on March 17, 2020, nearly a month prior to the statutory adjournment date of April 15, 2020. Before adjourning, the Legislature passed Joint Order, S.P. 788:

“ORDERED, the House concurring, that all matters not finally disposed of upon the adjournment sine die of the Second Regular Session of the 129th Legislature be carried over, in the same posture, to any special session of the 129th Legislature.”

The “matters not finally disposed of” were in many different postures upon adjournment. In this digest, at the end of each summary of a bill that was carried over by S.P. 788, there is an indication of the posture of the bill at the time of adjournment.

No special session has been held as of the publication of the Digest and none is anticipated, so all bills carried over are expected to die upon the conclusion of the 129th Legislature. However, after the Second Regular Session adjourned and in preparation for the possibility of a special session, a number of committees met and considered a number of bills in their possession. One hundred and sixty bills were acted upon in some way by committees (voted or reported out), among them several new bills that were printed and referred to committee, worked and reported out. **Appendix A** provides a list of the bills that were voted or reported out of committees after the Second Regular Session adjourned.

Joint Standing Committee on Criminal Justice and Public Safety

LD 44 An Act Regarding the Maine Criminal Code

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-104

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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

1. In Part A it amends the crime of endangering the welfare of a child by enacting in the Maine Revised Statutes, Title 17-A, section 554, subsection 1, paragraph D a new Class C crime for the reckless violation of a duty of care or protection that results in death or serious bodily injury to the child. It amends the crime of endangering the welfare of a child under Title 17-A, section 554, subsection 1, paragraph C to cover recklessly violating a duty of care or protection.
2. In Part B it amends the crime of gross sexual assault against a person under 12 years of age or under 14 years of age, both of which are Class A crimes, by requiring that the actor be at least three years older than the other person.
3. In Part C it amends the Maine Revised Statutes, Title 15, section 393 to recognize that convictions in the tribal courts of the Passamaquoddy Tribe and the Penobscot Nation are disqualifying domestic violence convictions for the purposes of the prohibition against firearms created by Title 15, section 393, subsection 1-B. It makes Title 15, section 393 more consistent with the Maine Criminal Code by using the phrase "another jurisdiction" to reference the courts defined by that term.
4. In Part D, 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. The bill 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 bail 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.
5. In Part E it amends the probation statutes 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.

Committee Amendment "A" (H-104)

This amendment clarifies that the notice required by the bill 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. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

Joint Standing Committee on Criminal Justice and Public Safety

**LD 141 An Act To Promote Highway Safety by Restricting the Use of Marijuana
and Possession of an Open Marijuana Container in a Vehicle CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P ROSEN K		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill makes it a traffic infraction to consume marijuana or a marijuana product, to possess an open container of marijuana or a marijuana product in the passenger area of a vehicle or to place marijuana or a marijuana product in a container labeled by the manufacturer of the container as containing a nonmarijuana substance. This bill is similar to the provisions of lawmaking consuming alcohol or having an open container of alcohol in the passenger area of a vehicle a traffic infraction.

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 215 An Act To Increase the Reimbursement Rate for Ambulance Service
Paid by the Department of Corrections CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B MIRAMANTD	OTP-AM	H-283

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill requires the Department of Corrections, or its contracted medical provider, to pay to a provider of ambulance services 225% of the allowable reimbursement under the MaineCare program for ambulance services provided for a person residing in a correctional or detention facility.

Committee Amendment "A" (H-283)

This amendment incorporates a fiscal note.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

LD 316 An Act To Protect Vulnerable Persons from Theft CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A CYRWAYS	OTP-AM OTP-AM	H-297

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

Joint Standing Committee on Criminal Justice and Public Safety

This bill makes the crime of theft by deception when the victim is 66 years of age or older at the time of the offense a Class B crime.

Committee Amendment "A" (H-297)

This amendment is the majority report of the committee. The amendment replaces the bill and provides a new title. The amendment defines "vulnerable person" by reference to the definitions of "dependent adult" in the Maine Revised Statutes, Title 22, section 3472, subsection 6 and "incapacitated adult" in Title 22, section 3472, subsection 10. The amendment designates the following types of theft or fraud as Class B crimes if the owner of the property is a vulnerable person: theft by unauthorized taking or transfer, theft by deception, theft by misapplication of property and misuse of entrusted property. The amendment includes an appropriations and allocations section.

Committee Amendment "B" (H-298)

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment defines "vulnerable person" by reference to the definitions of "dependent adult" in the Maine Revised Statutes, Title 22, section 3472, subsection 6 and "incapacitated adult" in Title 22, section 3472, subsection 10. The amendment elevates the class of the following crimes of theft or fraud by one class, up to a maximum of Class B, if the owner of the property is a vulnerable person: theft by unauthorized taking or transfer, theft by deception, theft by misapplication of property and misuse of entrusted property. This amendment was not adopted.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

LD 430 An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DESCHAMBAULT S	OTP-AM OTP-AM ONTP	H-627

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill establishes within the Department of Public Safety programs for the collection and disposal of expired marine flares and for education of the public and state agency personnel regarding expired marine flares.

Committee Amendment "A" (H-627)

This amendment is the majority report of the committee. The amendment adds to the bill a directive that the Commissioner of Public Safety use appropriated General Fund funding for the purposes of the bill and authorizes the commissioner to accept and use for those purposes gifts, donations and contributions. The amendment adds an appropriation in fiscal year 2019-20 of \$43,500 to enable the State Fire Marshal to purchase a new high temperature thermal destruction incinerator.

Committee Amendment "B" (H-628)

This amendment is a minority report of the committee. The amendment adds to the bill a marine flare disposal fee, in a new chapter in the Maine Revised Statutes, Title 36, of 25¢ per flare. The fee will offset the cost to the General Fund of paying for the marine flare education, collection and disposal programs in the bill. The marine flare disposal fee takes effect on January 1, 2020. The amendment also adds an appropriations and allocations section. This amendment was not adopted.

Joint Standing Committee on Criminal Justice and Public Safety

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

LD 608 An Act To Provide Funding for a Correctional Facility in Downeast Maine CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M TUELL W		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide funding to establish a correctional facility in the eastern coastal region of Maine in Washington and Hancock counties.

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 636 Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S PICKETT R	OTP-AM ONTP	S-236

This bill was amended to a resolve in the First Regular Session of the 129th Legislature and then carried over by joint order, H.P. 1322.

This bill requires that, beginning January 1, 2021, a law enforcement agency shall ensure that each law enforcement officer in its employ is equipped with a body-worn camera and that such body-worn camera is in operation and creating a recording at all times the officer is in uniform and engaged in law enforcement-related encounters or activities. Use of body-worn cameras by law enforcement officers and the maintenance and retention of data and recordings must be consistent with model policies and procedures developed by the Board of Trustees of the Maine Criminal Justice Academy.

Committee Amendment "A" (S-236)

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve establishing the Work Group To Study the Use of Body Cameras by Law Enforcement Officers, consisting of nine members appointed by the President of the Senate, the Speaker of the House and the Attorney General. The Attorney General or the Attorney General's designee serves as chair. The Attorney General is required to give notice of meetings of the work group to the general public and a broad array of organizations. The work group is required to study the use of body cameras by law enforcement officers, to review current practices in Maine and outside of Maine, to review research on the use of body cameras and to report by March 1, 2020, with any recommendations to the Joint Standing Committee on Criminal Justice and Public Safety.

This resolve was again carried over, still on the Special Study Table, to any special session of the 129th Legislature by joint order, S.P. 788.

Joint Standing Committee on Criminal Justice and Public Safety

LD 700 An Act To Prevent Internet Theft

ONTP

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill creates the crime of organized electronic theft, of which a person is guilty if the person commits two or more thefts under the Maine Criminal Code pursuant to a scheme or course of conduct involving thefts committed by electronic means. "Thefts committed by electronic means" includes, but is not limited to, thefts committed using Internet-based sales platforms and Internet-based fundraising, including so-called crowdfunding platforms. The severity of punishment for the crime of organized electronic theft is dependent upon the total value of the property stolen. The bill also includes an appropriation to establish a computer forensic analyst position within the Department of Public Safety dedicated to the investigation of organized electronic theft.

LD 802 An Act To Recruit and Retain Corrections Support Staff

CARRIED OVER

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires staff in support, maintenance and other nonsupervisory positions, but not including guards, in correctional facilities maintained by the Department of Corrections to be given a \$2 per hour increase in their wages. In 2016, guards in the department were given a \$2 per hour wage increase but other employees in the correctional facilities were not.

This bill, which had been voted 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 973 An Act To Stabilize County Corrections

CARRIED OVER

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to stabilize the funding for county corrections.

Joint Standing Committee on Criminal Justice and Public Safety

This bill, which had been voted 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 1014 An Act To Attract and Retain Firefighters

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THERIAULT T	OTP-AM	S-242

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill provides funding to the Maine Length of Service Award Program to provide length of service awards to eligible volunteer firefighters and emergency medical services personnel.

Committee Amendment "A" (S-242)

This amendment incorporates a fiscal note.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1023 An Act Regarding the Definition of "Serious Bodily Injury" in the Maine Criminal Code

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-116

This bill was passed to be enacted during the First Regular Session and then recalled from the Governor's desk. The bill was carried over in the Senate to the Second Regular Session of the 129th Legislature. During the Second Regular Session, the bill and its accompanying papers was acted upon without reference to committee and indefinitely postponed.

This bill amends the definition of "serious bodily injury" in the Maine Criminal Code by changing "substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health" to "substantial impairment of the health or function of any part of the body or that causes extended convalescence necessary for recovery of physical or mental health." The bill also makes grammatical changes.

Committee Amendment "A" (S-116)

This amendment strikes and replaces the bill. The amendment amends the definition of "serious bodily injury" in the Maine Criminal Code by clarifying the language regarding injury that leads to extended convalescence. The amendment also amends the law regarding the crime of aggravated assault to reflect the changes to the definition of "serious bodily injury" contained in the amendment. The amendment adds an appropriations and allocations section.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1096 An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L GATTINE D	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires the Commissioner of Corrections to establish and maintain a substance use disorder treatment program in the correctional facilities, which must provide for an assessment on intake, provide a variety of behavioral and medication-assisted treatment options and offer peer support and comprehensive treatment options after release. The bill also provides funding for the establishment of the substance use disorder treatment program.

LD 1108 Resolve, Establishing the Task Force on Alternatives to Incarceration for Maine Youth ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CARSON B	ONTP	

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve establishes the Task Force on Alternatives to Incarceration for Maine Youth to:

1. Review and evaluate current state and national reports regarding the efficacy of the use of incarceration of youth in the State and nationally;
2. Seek input from juvenile justice system stakeholders, including judges, defense attorneys, prosecutors, agency staff, residential and community-based service providers, youth advocates and youth and families affected by the juvenile justice system;
3. Develop a plan to close the Long Creek Youth Development Center by 2022 and make recommendations on subsequent use of the land or facility, including identifying options for alternate use of the land or facility that do not include the incarceration of other populations, and a transition plan for the center's staff; and
4. Develop recommendations for reinvestment of corrections funds currently designated for youth incarceration into a continuum of community-based alternatives.

LD 1169 An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S MORALES V		S-233

Joint Standing Committee on Criminal Justice and Public Safety

This bill was passed to be enacted during the First Regular Session and then recalled from the Governor's desk and recommitted to committee. This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill requires the Technical Building Codes and Standards Board to amend the Maine Uniform Building and Energy Code to require that commercial buildings built or renovated on or after January 1, 2020, with occupancy exceeding 200 individuals have an operational automated external defibrillator on the premises. The bill also requires that retail pharmacies, rural health center pharmacies and free clinic pharmacies have an automated external defibrillator on the premises, and that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public.

Committee Amendment "A" (S-233)

This amendment is the majority report of the committee. The amendment requires that required automated external defibrillators be clearly marked. The amendment removes from the requirements for pharmacies that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public. This amendment was adopted in the First Regular Session but removed from the bill when it was recommitted to committee at the end of the First Regular Session.

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 1210 *Resolve, To Direct the Commissioner of Corrections To Study Changes in Corrections Practices and Reinvestment in Corrections Resources To Reduce Recidivism and Control Correctional Facility Costs* CARRIED OVER

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

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This resolve directs the Commissioner of Corrections to establish a working group to study changes in corrections practices and reinvestment of corrections resources in various ways to reduce recidivism and control correctional facility costs, including upstream interventions, diversion and alternative sentencing, prevention and harm reduction and mental health and substance use disorder treatment.

This resolve, which had been voted (OTP-A) 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 1215 *An Act Relating to Defenses and Self-defense in the Maine Criminal Code* ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

Joint Standing Committee on Criminal Justice and Public Safety

This bill amends the Maine Criminal Code by clarifying that determination of the applicability of a defense is a preliminary question of fact under the Maine Rules of Evidence that must be proved by the totality of the circumstances and not by viewing the evidence in a light most favorable to the defendant and by providing that the use of nondeadly force in defense of a person is not justified when the person is engaged in criminal conduct against the other person or the other person's property concurrently with the use of the nondeadly force.

LD 1221 An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CLAXTON N		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows, in addition to existing deductions in time from a prison or jail sentence, a deduction in time of up to 7.5 days per calendar month for a person's satisfactory performance, while in custody or on probation, in the completion of an educational program leading to a high school equivalency diploma, completion of another educational or vocational training program or a work release program or work for a county or state facility industry that leads directly to the rehabilitation of that person.

This bill, which had been voted (OTP-A) 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 1249 An Act To Prohibit Infringing on the Rights of Association of Dependent Adults

PUBLIC 543

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROWA	OTP-AM	H-546

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. It became law without her signature at the beginning of the Second Regular Session.

This bill prohibits abuse and isolation of elder persons and dependent adults. Abuse or isolation of an elder person or dependent adult is a Class C crime. A person commits the crime if the person has or has assumed responsibility for the care, custody or control of an elder person or a dependent adult and subjects the elder person or dependent adult to isolation, neglect, physical abuse, sexual abuse, emotional abuse or financial abuse, including threats of abuse. The new crime is allocated to the chapter of the Maine Criminal Code that establishes crimes against the person.

The bill defines "elder person" to mean a person who is at least 60 years of age. The bill also defines "isolate" to mean to restrict personal rights of association retained by the elder person or dependent adult, including, but not limited to, the right to receive visitors, telephone calls and personal mail, unless the restriction of personal rights is authorized by court order.

When a person is convicted of the crime of abuse or isolation of an elder person or dependent adult, the court may require that the person convicted of the crime participate in appropriate counseling at the convicted person's

Joint Standing Committee on Criminal Justice and Public Safety

expense.

The bill is based on similar law in Rhode Island.

Committee Amendment "A" (H-546)

This amendment replaces the bill and provides a new title. The amendment adds new variants to the crime of endangering the welfare of a dependent person. The new variants are the Class D crime of recklessly infringing on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person and the Class C crime of intentionally and knowingly infringing on a dependent person's rights of association for the purpose of establishing or maintaining undue influence over that person. The amendment also provides a definition for "undue influence."

Enacted Law Summary

Public Law 2019, chapter 543 adds new variants to the crime of endangering the welfare of a dependent person. The new variants are the Class D crime of recklessly infringing on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person and the Class C crime of intentionally and knowingly infringing on a dependent person's rights of association for the purpose of establishing or maintaining undue influence over that person. The law provides a definition for "undue influence."

LD 1293 An Act To Improve Investigative Efficiencies at the State Fire Marshal's Office ONTP

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide increased funding to the Department of Public Safety, Office of the State Fire Marshal, criminal investigative unit for additional supervisory and support staff. This bill would also establish a more stable source of funding for the Office of the State Fire Marshal going forward.

LD 1422 An Act Regarding Conditions in Correctional Facilities for Female Prisoners CARRIED OVER

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to ensure the fair treatment of women who are incarcerated.

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

Joint Standing Committee on Criminal Justice and Public Safety

suffered property losses, patterned after the existing Victims' Compensation Fund, which compensates victims of crimes for damages resulting from personal injuries resulting from those crimes. The Victims' Property Compensation Fund is funded by an assessment of \$10 on any person convicted of murder or a Class A crime, Class B crime or Class C crime and \$5 on any person convicted of a Class D crime or Class E crime and may compensate a victim of a property crime up to \$5,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The bill provides that the existing Victims' Compensation Board hears claims made upon the Victims' Property Compensation Fund.

Committee Amendment "A" (S-305)

This amendment is the majority report of the committee. The amendment adds two members to the Victims' Compensation Board, amends its quorum from two to three members and clarifies that the board performs the duties assigned to it under the victims' property compensation program beginning July 1, 2022.

The amendment allows the board to compensate a victim of a crime up to \$1,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The amendment provides July 1, 2022, as the date on which the board is authorized to begin to process or pay claims. The amendment removes from the bill the prohibition on the court's waiving the imposition of the assessment that funds the Victims' Property Compensation Fund. The amendment removes from the bill eligibility for an award for a person who is the victim of a crime that occurred in another state or a crime of terrorism that occurred outside of the country.

The amendment provides for rulemaking for the Victims' Property Compensation Fund and designates rules for both this fund and the Victims' Compensation Fund as routine technical rules. The amendment amends the law on restitution for victims of a crime so that, once a victim has been compensated as allowed by law from either fund or a combination of a fund and restitution, any additional restitution payments are paid into the applicable fund. The provisions of law incorporating the Victims' Property Compensation Fund into the duties of the Victims' Compensation Board and increasing the membership of that board do not apply until July 1, 2022.

Senate Amendment "A" To Committee Amendment "A" (S-356)

This amendment authorizes the judicial branch in fiscal year 2019-20 to retain up to \$10,000 of the funds collected pursuant to the assessments imposed on convicted persons to be used by the judicial branch for technology-related upgrades.

Enacted Law Summary

Public Law 2019, chapter 549 creates the Victims' Property Compensation Fund to compensate victims of crimes in which the victims suffered property losses, patterned after the existing Victims' Compensation Fund, which compensates victims of crimes for damages resulting from personal injuries resulting from those crimes.

The Victims' Property Compensation Fund is funded by an assessment of \$10 on any person convicted of murder or a Class A crime, Class B crime or Class C crime and \$5 on any person convicted of a Class D crime or Class E crime and may compensate a victim of a property crime up to \$1,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The Victims' Compensation Board hears claims made upon the Victims' Property Compensation Fund.

The law adds two members to the Victims' Compensation Board, amends its quorum from two to three members and clarifies that the board performs the duties assigned to it under the victims' property compensation program beginning July 1, 2022. The law authorizes the board to begin to process or pay claims July 1, 2022. The law provides for rulemaking for the Victims' Property Compensation Fund and designates rules for both this fund and the Victims' Compensation Fund as routine technical rules. The law amends the law on restitution for victims of a crime so that, once a victim has been compensated as allowed by law from either fund or a combination of a fund and restitution, any additional restitution payments are paid into the applicable fund.

Joint Standing Committee on Criminal Justice and Public Safety

The provisions of law incorporating the Victims' Property Compensation Fund into the duties of the Victims' Compensation Board and increasing the membership of that board do not apply until July 1, 2022. The law authorizes the judicial branch in fiscal year 2019-20 to retain up to \$10,000 of the funds collected pursuant to the assessments imposed on convicted persons to be used by the judicial branch for technology-related upgrades.

LD 1723 An Act To Allow the Confinement of Female Prisoners at the Long Creek Youth Development Center CARRIED OVER

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill allows female adult prisoners to be confined at the Long Creek Youth Development Center.

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 1727 An Act To Correct Various Statutes Related to the Department of Corrections ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill makes corrections to various statutory provisions related to the Department of Corrections.

Sections 1 and 2 amend the part of the Maine Juvenile Code having to do with authorized places of detention for juveniles that, due to an oversight, was not amended when the Maine Revised Statutes, Title 34-A was amended to allow adults to be housed at the Mountain View Correctional Facility.

Section 3 amends a statutory provision having to do with the collection of restitution from former Department of Corrections clients to recognize that the time and method of payment of restitution are, in some cases, determined by the sentencing court and not the department.

Section 4 removes an inapposite reference from a statutory provision authorizing rules for work release, furlough and other rehabilitative programs.

Section 5 corrects a grammatical error in a statutory provision relating to supervised community confinement.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1756 An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DESCHAMBAULT S	OTP-AM	H-580

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session, this bill was recalled from the Governor's desk and recommitted to committee.

This bill requires the Commissioner of Corrections to enter into agreements with other state agencies to ensure that prisoners and juvenile clients receive coordinated assistance with reentry and receive services and benefits upon release into the community. It also authorizes the commissioner to enter into similar agreements with federal agencies and community agencies.

Under current law, the amount of time a prisoner must serve prior to being transferred to supervised community confinement is based on the term of imprisonment. The bill removes that distinction.

The bill removes a provision of law providing that if the commissioner determines that the average statewide probation case load is no more than 90 probationers to one probation officer, a prisoner may be transferred to supervised community confinement if the prisoner has no more than two years remaining on the term of imprisonment or unsuspended portion of a split sentence.

Under current law, the commissioner may transfer any client from one correctional or detention facility or program to another. The bill adds sober houses, transitional housing and reentry programs to the list of facilities.

Committee Amendment "A" (H-580)

This amendment updates the language in the bill to reflect changes made in law and adds a requirement that the Department of Corrections establish a steering committee focused on assessing and examining the supervised community confinement program and reentry policies, practices and procedures. The amendment was adopted in the First Regular Session but removed from the bill when it was recommitted to committee during the Second Regular Session.

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 1873 An Act To Improve Response to Sudden Cardiac Arrest by Requiring Training in the Delivery of Cardiopulmonary Resuscitation Methods by Telecommunications Technology

Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D JACKSON T		

This bill defines "emergency services telecommunicator" and requires all emergency services telecommunicators that provide dispatch for calls involving emergency medical conditions to be trained in the delivery of cardiopulmonary resuscitation methods by telecommunications technology. The training must incorporate

Joint Standing Committee on Criminal Justice and Public Safety

recognition protocols for out-of-hospital cardiac arrest and compression-only cardiopulmonary resuscitation instruction and provide for continuing education. The bill requires the Department of Public Safety and the Emergency Services Communication Bureau within the Public Utilities Commission to establish a procedure to monitor compliance and allows the department to sanction noncompliance by adjusting funding.

LD 1890 An Act To Improve Prisoner Transport Safety by Specifically Authorizing Transport of Prisoners by Transport Officers **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D SANBORN H		

This bill amends the civil procedure laws governing the transporting of prisoners to specifically authorize the transport of a prisoner by transport officers when a court has issued a writ of habeas corpus requiring that prisoner to be brought before the court.

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 1910 An Act Establishing That the Commissioner of Public Safety Is a Law Enforcement Officer If the Commissioner Is Certified as a Law Enforcement Officer **CARRIED OVER**

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

This bill amends the definition of "law enforcement officer" in the laws governing the Maine Criminal Justice Academy to establish that the Commissioner of Public Safety is a law enforcement officer in the employ of the Department of Public Safety if the commissioner is certified as a law enforcement officer and completes in-service training in order to maintain that certification. The bill also exempts the commissioner from certain training standards and policy development requirements.

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 1941 An Act To Reform Corrections Officer Compensation in Maine **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B DOW D		

This bill requires the rate of pay for corrections officers working in state correctional facilities, including the Long Creek Youth Development Center, to equal the rate of pay for law enforcement officers in the Department of Public Safety, Bureau of State Police.

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.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1962 An Act Regarding the Use of Propane and Natural Gas Detectors

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L WOODSOME D		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require the use of propane and natural gas detectors in appropriate buildings.

This bill, which had been voted (OTP-A) 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 1971 An Act To Allow Certain Retired Law Enforcement Officers and Trained Law Enforcement Officers To Serve as School Security Officers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J NADEAUC	ONTP	

This bill allows a school administrative unit to employ as a school security officer a person who is a trained law enforcement officer or a person who meets the qualifications for a law enforcement officer as set forth in the Maine Revised Statutes, Title 25, chapter 341 or a person who has retired in good standing from a position as a certified law enforcement officer for a state, county, municipal or federal law enforcement agency and who meets the requirements for criminal history record information of Title 20-A, section 6103.

LD 1982 Resolve, Directing the Department of Public Safety To Conduct a Study To Develop Best Practices for Improving the Security of Municipal Properties

Leave to Withdraw Pursuant to Joint Rule

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

This resolve directs the Department of Public Safety to conduct a study to develop best practices that municipalities may reference to improve the security of municipal properties. The resolve requires the department to submit a report of its study to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than December 31, 2020.

LD 1983 An Act To Amend Certain Record-keeping and Reporting Requirements Imposed on State and Local Law Enforcement Agencies and the Department of Public Safety

PUBLIC 651

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

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

Joint Standing Committee on Criminal Justice and Public Safety

the 129th Legislature by joint order, S.P. 788.

**LD 2042 Resolve, To Allow the Department of Public Safety To Transfer Certain
Property to the LifeFlight Foundation**

RESOLVE 129

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C	OTP-AM	H-729

This resolve:

1. Transfers to the LifeFlight Foundation title and ownership of a motor vehicle and computer training equipment that were purchased by the Department of Public Safety with funds provided by the LifeFlight Foundation;
2. Transfers to the LifeFlight Foundation funds provided by the LifeFlight Foundation and remaining in a special revenue account; and
3. Terminates the Memorandum of Understanding, dated June 1, 2014, between the Department of Public Safety, Maine Emergency Medical Services and the LifeFlight Foundation.

Committee Amendment "A" (H-729)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2019, chapter 129 does the following:

1. Transfers to the LifeFlight Foundation title and ownership of a motor vehicle and computer training equipment that were purchased by the Department of Public Safety with funds provided by the LifeFlight Foundation;
2. Transfers to the LifeFlight Foundation funds provided by the LifeFlight Foundation and remaining in a special revenue account; and
3. Terminates the Memorandum of Understanding, dated June 1, 2014, between the Department of Public Safety, Maine Emergency Medical Services and the LifeFlight Foundation.

**LD 2043 An Act To Reclassify Certain Offenses under the Inland Fisheries and
Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of
the Criminal Justice System**

CARRIED OVER

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

In Part A, this bill:

1. Changes the definition of "habitual violator" in the inland fisheries and wildlife laws by including a person whose convictions are for civil violations or a combination of civil violations and criminal violations. Current law includes only criminal violations; and
2. Reduces from Class E crimes to civil violations the following violations of the inland fisheries and wildlife laws

Joint Standing Committee on Criminal Justice and Public Safety

and sets the fines for the civil violations:

- A. For resident and nonresident junior hunters, hunting without a license;
- B. Practicing falconry without a permit;
- C. Possessing wild animals or wild birds taken in violation of the law that prohibits shooting while in or on a vehicle;
- D. Hunting migratory game birds with a shotgun capable of holding more than three shells;
- E. Leaving or allowing to remain duck decoys or a stationary blind or parts of an artificial cover in Merrymeeting Bay at night;
- F. Illegally placing bear bait to entice, hunt or trap black bear or hunting bear with more than six dogs;
- G. With regard to a person who is not a resident of the State, hunting bear with dogs without a guide;
- H. Training dogs on wild birds or wild animals, except in certain circumstances;
- I. Training dogs when the person has a license that is suspended or revoked;
- J. Holding field trials for beagles and other rabbit hounds except from September 1st through the following April 10th;
- K. Holding field trials for sporting dogs without a license;
- L. Charging others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge or Hungarian partridge or operating a commercial shooting area for such birds without a license;
- M. Charging another person for the opportunity to fish in a private pond without holding a valid private fee pond license; and
- N. Failing to present upon request to any agent of the Commissioner of Inland Fisheries and Wildlife a receipted invoice, bill of lading, bill of sale, license or other satisfactory evidence of lawful possession of live baitfish for retail or wholesale sale or smelts for wholesale sale.

In Part B, the bill does the following:

- 1. Reduces from Class E crimes to civil violations the following violations of the motor vehicle laws and sets the fines for the civil violations:
 - A. Failure to register a vehicle or having registration that has been expired for 150 days or more;
 - B. Failure by a motor vehicle dealer to maintain records of purchase or sale of vehicles and failure to maintain records of all sales representatives and full-time employees, vehicles and vehicle parts and make them available for inspection by representatives of the Secretary of State, the Attorney General or law enforcement officers;
 - C. Operating a motor vehicle on a public way or parking area without being licensed or in violation of a condition or restriction on the license;

Joint Standing Committee on Criminal Justice and Public Safety

- D. Failure to obtain a license after establishing residency for more than 90 days;
 - E. With regard to Class A, B and C motor vehicle licenses, operating a vehicle not included in the class of the person's license;
 - F. With regard to suspension of a license or registration, failure of the person to surrender to the Secretary of State every license, registration certificate and registration plate;
 - G. Operating a motor vehicle without proof of financial responsibility;
 - H. With regard to a motor vehicle that is abandoned, removal of the vehicle or any part or accessory thereof without written consent;
 - I. With regard to a motor vehicle illegally abandoned on an island, failure to remove the vehicle within the designated time frame;
 - J. Displaying or possessing a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card;
 - K. Attaching or permitting attachment to a motor vehicle a registration plate assigned to another vehicle or not currently assigned to the vehicle;
 - L. Obscuring identification numbers or letters, the state name, the validation sticker or a mark distinguishing the type of plate attached to the vehicle;
 - M. The use by a school bus operator of flashing lights on the bus other than for the purpose of controlling traffic when stopping to receive or discharge school-age persons; and
 - N. Operating or permitting another person to operate a motor vehicle when the registration has been suspended or revoked; and
2. Designates as a traffic infraction operating a motor vehicle while the person's driver's license is suspended if the person does not have two prior operating while license is suspended or revoked offenses.

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 2044 An Act To Increase the Death Benefit for Firefighters, Law Enforcement Officers, Emergency Medical Services Personnel and Corrections Officers PUBLIC 658
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ACKLEYK	OTP-AM	H-762

This bill increases the death benefit for a law enforcement officer, firefighter or emergency medical services person who has died while in the line of duty from \$50,000 to \$75,000 through June 30, 2021. For deaths occurring after June 30, 2021, the Department of Administrative and Financial Services is required to adopt rules to annually calculate an increase in the death benefit based on the previous year's increase in the Consumer Price Index.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (H-762)

This amendment replaces the bill and changes the title. It also adds an emergency preamble and emergency clause to the bill. The amendment extends the death benefit to corrections officers and to emergency medical services personnel who serve in private emergency medical services agencies. The amendment increases the death benefit from \$50,000 to \$100,000 for a law enforcement officer, firefighter, emergency medical services person or corrections officer who dies while in the line of duty prior to July 1, 2021. For deaths occurring on or after July 1, 2021, the Department of Administrative and Financial Services is required to adopt rules to annually calculate an increase in the death benefit based on the previous year's increase in the Consumer Price Index.

Enacted Law Summary

Public Law 2019, chapter 658 extends the death benefit that is available to law enforcement officers, emergency medical services personnel and firefighters to corrections officers and to emergency medical services personnel who serve in private emergency medical services agencies. The law increases the death benefit from \$50,000 to \$100,000 for a law enforcement officer, firefighter, emergency medical services person or corrections officer who dies while in the line of duty prior to July 1, 2021. For deaths occurring on or after July 1, 2021, the Department of Administrative and Financial Services is required to adopt rules to annually calculate an increase in the death benefit based on the previous year's increase in the Consumer Price Index.

Public Law 2019, chapter 658 was enacted as an emergency measure effective March 18, 2020.

LD 2050 An Act To Establish the Central Aroostook County Emergency Medical Services Authority P & S 17

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M JOHANSEN C	OTP	

This bill establishes the Central Aroostook County Emergency Medical Services Authority to facilitate the provision of emergency medical services to the citizens of Mars Hill, Bridgewater and Blaine. The bill includes an emergency preamble and an emergency clause.

Enacted Law Summary

Private and Special law 2019, chapter 17 establishes the Central Aroostook County Emergency Medical Services Authority to facilitate the provision of emergency medical services to the citizens of Mars Hill, Bridgewater and Blaine.

Private and Special Law 2019, chapter 17 was enacted as an emergency measure effective February 29, 2019.

LD 2073 Resolve, Regarding Legislative Review of 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 133 EMERGENCY

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

This resolve provides for legislative review of 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.

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>
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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.

Joint Standing Committee on Criminal Justice and Public Safety

SUBJECT INDEX

Criminal Law

Enacted

LD 1249 **An Act To Prohibit Infringing on the Rights of Dependent Adults** **PUBLIC 543**

Not Enacted

LD 44 **An Act Regarding the Maine Criminal Code** **CARRIED OVER**

LD 316 **An Act To Protect Vulnerable Persons from Theft** **CARRIED OVER**

LD 700 **An Act To Prevent Internet Theft** **ONTP**

LD 1023 **An Act Regarding the Definition of "Serious Bodily Injury" in the Maine Criminal Code** **INDEF PP**

LD 1215 **An Act Relating to Defenses and Self-defense in the Maine Criminal Code** **ONTP**

LD 2037 **An Act To Amend the Maine Criminal Code** **CARRIED OVER**

LD 2043 **An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System** **CARRIED OVER**

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

Criminal Procedure/Bail/Sentencing

Not Enacted

LD 1221 **An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities** **CARRIED OVER**

LD 1492 **An Act To Reform Drug Sentencing Laws** **CARRIED OVER**

LD 1756 **An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community** **CARRIED OVER**

Department of Corrections

Not Enacted

LD 608 **An Act To Provide Funding for a Correctional Facility in Downeast Maine** **CARRIED OVER**

LD 802 **An Act To Recruit and Retain Corrections Support Staff** **CARRIED OVER**

LD 1096 **An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population** **ONTP**

LD 1108 **Resolve, Establishing the Task Force on Alternatives to Incarceration for Maine Youth** **ONTP**

LD 1210 **Resolve, To Direct the Commissioner of Corrections To Study Changes in Corrections Practices and Reinvestment in Corrections Resources To Reduce Recidivism and Control Correctional Facility Costs** **CARRIED OVER**

LD 1422 **An Act Regarding Conditions in Correctional Facilities for Female Prisoners** **CARRIED OVER**

LD 1723 **An Act To Allow the Confinement of Female Prisoners at the Long Creek Youth Development Center** **CARRIED OVER**

LD 1727 **An Act To Correct Various Statutes Related to the Department of Corrections** **ONTP**

LD 1941 **An Act To Reform Corrections Officer Compensation in Maine** **CARRIED OVER**

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

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**

Drugs

Not Enacted

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

Firefighters

Enacted

LD 2044	An Act To Increase the Death Benefit for Firefighters, Law Enforcement Officers and Emergency Medical Services Personnel and Corrections Officers	PUBLIC 658 EMERGENCY
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Not Enacted

LD 1014	An Act To Attract and Retain Firefighters	CARRIED OVER
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Juveniles

Not Enacted

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

Enacted

LD 1983	An Act To Amend Certain Record-keeping and Reporting Requirements Imposed on State and Local Law Enforcement Agencies and the Department of Public Safety	PUBLIC 651
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Not Enacted

LD 1971	An Act To Allow Certain Retired Law Enforcement Officers and Trained Law Enforcement Officers To Serve as School Security Officers	ONTP
LD 2139	An Act To Increase Government Accountability	CARRIED OVER

OUI/OAS/Other MV Violations

Not Enacted

LD 141	An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Vehicle	CARRIED OVER
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Prison/Jail/Inmate

Not Enacted

LD 973	An Act To Stabilize County Corrections	CARRIED OVER
LD 1890	An Act To Improve Prisoner Transport Safety by Specifically Authorizing Transport of Prisoners by Transport Officers	CARRIED OVER

Public Safety/Emergency Medical Services

Enacted

LD 2042	Resolve, To Allow the Department of Public Safety To Transfer Certain Property to the LifeFlight Foundation	RESOLVE 129
LD 2050	An Act To Establish the Central Aroostook County Emergency Medical Services Authority	P & S 17
LD 2073	Resolve, Regarding Legislative Review of 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 133 EMERGENCY

Not Enacted

LD 215	An Act To Increase the Reimbursement Rate for Ambulance Service Paid by the Department of Corrections	CARRIED OVER
LD 430	An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares	CARRIED OVER
LD 636	Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers	CARRIED OVER
LD 1169	An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies	CARRIED OVER
LD 1293	An Act To Improve Investigative Efficiencies at the State Fire Marshal's Office	ONTP
LD 1466	An Act To Allow Community-based Organizations To Participate in Diversion Projects for Persons with Substance Use Disorder	CARRIED OVER
LD 1873	An Act To Improve Response to Sudden Cardiac Arrest by Requiring Training in the Delivery of Cardiopulmonary Resuscitation Methods by Telecommunications Technology	Leave to Withdraw Pursuant to Joint Rule 310
LD 1910	An Act Establishing That the Commissioner of Public Safety Is a Law Enforcement Officer If the Commissioner Is Certified as a Law Enforcement Officer	CARRIED OVER
LD 1962	An Act Regarding the Use of Propane and Natural Gas Detectors	CARRIED OVER

LD 1982	Resolve, Directing the Department of Public Safety To Conduct a Study To Develop Best Practices for Improving the Security of Municipal Properties	Leave to Withdraw Pursuant to Joint Rule 310
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Victim Rights

Enacted

LD 1550	An Act To Create a Victims' Compensation Fund for Victims of Property Crimes	PUBLIC 549
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