

**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

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

October 2018

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*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 250      An Act To Increase the Penalty for Aggravated Sex Trafficking**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H ROSEN K	ONTP OTP-AM	

This bill was reported out of committee and then recommitted to the committee in the First Regular Session. It was then carried over to the Second Regular Session of the 128th Legislature.

This bill increases the crime of aggravated sex trafficking from a Class B crime to a Class A crime and requires a minimum sentence of imprisonment of 25 years to life.

**Committee Amendment "A" (H-220)**

This amendment was the majority report of the committee in the First Regular Session. The amendment replaces the bill and changes the title. The amendment increases the penalty for the crime of sex trafficking if the person who is trafficked is less than 18 years of age to a Class C crime. The amendment increases the penalty for the crime of aggravated sex trafficking if the person who is trafficked is less than 18 years of age from a Class B crime to a Class A crime if the actor compels the minor to enter into, engage in or remain in prostitution.

**House Amendment "A" To Committee Amendment "A" (H-541)**

This amendment removes the penalty increases contained in the bill, as amended by Committee Amendment "A," and instead, with respect to the crime of sex trafficking of a person less than 18 years of age, directs the court to treat the age of the person trafficked as an aggravating sentencing factor.

This amendment was not adopted.

**Senate Amendment "A" To Committee Amendment "A" (S-311)**

Current law provides that a person who promotes prostitution of a person less than 18 years old is guilty of aggravated sex trafficking, which is a Class B crime. The bill, as amended by Committee Amendment "A," increases the class of this crime to Class A and adds that the person must compel the minor to enter into, engage in or remain in prostitution to be guilty of aggravated sex trafficking. This amendment removes the added element of compulsion from the crime. This amendment also strikes language that would have established promotion of prostitution of a person less than 18 years of age as a Class C crime and promotion of prostitution of others as a Class D crime.

This amendment was not adopted.

**House Amendment "B" To Committee Amendment "A" (H-552)**

This amendment requires the court to treat the age of the person promoted into prostitution as an aggravating sentencing factor. This amendment also increases the class of crime for sex trafficking if the person who is trafficked is less than 18 years of age from a Class C crime to a Class B crime.

This amendment was not adopted.

**Committee Amendment "B" (H-651)**

This amendment is the minority report of the committee in the Second Regular Session. The amendment replaces the bill. It increases the class for the crime of aggravated sex trafficking from a Class B to a Class A crime if the

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person who is trafficked is less than 18 years of age. It increases the class for the crime of aggravated sex trafficking from a Class B to a Class A crime if the person who is trafficked suffers from a mental disability that is reasonably apparent or known to the actor and that in fact renders the other person substantially incapable of appraising the nature of the conduct involved.

**LD 377      Resolve, To Establish the York County Jail Drug Detoxification and Rehabilitation Pilot Program**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J GROHMAN M	OTP-AM ONTP	S-112

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill establishes the County Jail Drug Rehabilitation and Treatment Grant Program to provide state funding in the form of grants to partially fund the creation of drug rehabilitation and treatment facilities and programs attached to or affiliated with county jails or regional jails. The bill requires the Department of Corrections to seek the advice of a statewide association of county commissioners and a statewide association of sheriffs in designing, adopting standards for and periodically reviewing effectiveness of the grant program. The bill specifies that the grant program provides partial funding to counties that are planning to affiliate with or build or convert a portion of county or regional jails or jail facilities for use as short-term or long-term residential drug rehabilitation and treatment facilities or programs. The bill requires the department to adopt grading standards for awarding grants that require county funding contributions to the drug rehabilitation and treatment facility or program of at least 50% of the cost, that take into consideration the level of county support and county funding and that take into consideration county need. The department is directed to compile a priority list that reflects priorities derived from the grading standards.

The bill allows the department to accept funding from private and public sources and provides for funding from the County Jail Drug Rehabilitation and Treatment Grant Program Dedicated Fund, which is established in the bill as a nonlapsing, dedicated fund. The bill provides that department funds remaining and unencumbered at the end of a state fiscal year lapse to the County Jail Drug Rehabilitation and Treatment Grant Program Dedicated Fund.

**Committee Amendment "A" (S-112)**

This amendment is the majority report of the committee. The amendment changes the title and replaces the bill with a resolve that establishes the York County Jail Drug Detoxification and Rehabilitation Pilot Program to provide one-time state funding for the creation of drug detoxification and rehabilitation programs in therapeutic communities within the York County Jail or in facilities attached to or affiliated with the jail. The pilot program is required to provide services to inmates of the York County Jail and may provide services to inmates from other counties as agreed between the York County Sheriff and the sheriffs of other counties in this State. The amendment provides funding from the General Fund of \$975,000 per year for state fiscal years 2017-18 and 2018-19. The funding does not lapse but carries forward from year to year.

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**LD 449      An Act To Add Domestic Violence against the Victim as an Aggravating  
Factor in Sentencing for Murder**

**PUBLIC 374**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM	S-79

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to require an automatic life sentence for a defendant convicted of murder as a result of domestic abuse.

**Committee Amendment "A" (S-79)**

This amendment replaces the bill and changes the title. The amendment adds to the circumstances of the crime that the court must consider when setting the sentence for a person convicted of murder that the victim is a family or household member who is a victim of domestic violence committed by the convicted person.

**Enacted Law Summary**

Public Law 2017, chapter 374 adds to the circumstances of the crime that the court must consider when setting the sentence for a person convicted of murder that the victim is a family or household member who is a victim of domestic violence committed by the convicted person.

**LD 524      An Act To Amend the Laws on Domestic Violence**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	OTP-AM	H-138

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

The bill creates the crime of domestic violence aggravated assault, which a person commits if the person commits aggravated assault, elevated aggravated assault or elevated aggravated assault on a pregnant person and the victim is a family or household member. It also makes a violation of a protection from abuse order a Class C crime if the person has two or more prior convictions for violating a protection from abuse order.

**Committee Amendment "A" (H-138)**

This amendment replaces the bill and creates the crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person. It also makes violation of a protection from abuse order a Class C crime if the person has two or more prior convictions for violating a protection from abuse order. It also adds an emergency preamble and emergency clause.

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**LD 525      An Act To Enhance Maine's Response to Domestic Violence**

**PUBLIC 431**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E CYRWAY S	OTP-AM ONTP	H-139 S-509    HAMPER J

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

The bill provides funding for the Maine Coalition to End Domestic Violence to support certified batterers' intervention programs for indigent participant fees, training programs, transportation costs and administrative expenses for the coalition.

**Committee Amendment "A" (H-139)**

This amendment, which is the majority report of the committee, replaces the bill and adds an appropriations and allocations section to provide funding to the Department of Corrections, instead of the Department of Health and Human Services, for batterers' intervention programs.

**Senate Amendment "A" To Committee Amendment "A" (S-509)**

This amendment requires the Department of Corrections to submit a report regarding the effectiveness of certified batterers' intervention programs to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by December 5, 2020. This amendment also specifies that funding provided to the Maine Coalition to End Domestic Violence to support these programs does not extend beyond fiscal year 2020-21. Finally, this amendment removes the funding provided in fiscal year 2017-18.

**Enacted Law Summary**

Public Law 2017, chapter 431 provides funding of \$150,000 to the Department of Corrections, Office of Victim Services for batterers' intervention programs and specifies that such funding may not extend beyond fiscal year 2020-21. The law requires the Department of Corrections to submit a report regarding the effectiveness of certified batterers' intervention programs to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by December 5, 2020. The law also specifies that funding provided to the Maine Coalition to End Domestic Violence to support these programs does not extend beyond fiscal year 2020-21.

**LD 861      An Act To Provide Wage Parity for Certain State Law Enforcement  
Personnel**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C MAKER J	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides for a 15% upward adjustment of salary schedules in fiscal year 2017-18 for certain law enforcement positions in the Department of Corrections; the Department of Agriculture, Conservation and Forestry; Baxter State Park Authority; the Department of Defense, Veterans and Emergency Management, Maine Military Authority; the Office of the Attorney General; and the Office of the Secretary of State, Bureau of Motor Vehicles. It also requires that, beginning in fiscal year 2018-19, revenue from a sales tax imposed on the retail sale of

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recreational marijuana is to be used to offset the cost of the salary increase for Adult Probation Officer and Juvenile Community Corrections Officer positions in the Department of Corrections.

**LD 951      An Act To Adopt the Uniform Act on Prevention of and Remedies for      ONTP**  
**Human Trafficking**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to adopt a law based on the Uniform Act on Prevention of and Remedies for Human Trafficking. In addition to any substantive changes to the uniform act that may be adopted by the Legislature, the basic numbering system, the mechanical structure and the internal organization of the law recommended by the National Conference of Commissioners on Uniform State Laws will be altered to conform to the numbering, structure and organization of the Maine Revised Statutes.

**LD 990      An Act To Prevent Violence against Law Enforcement Officers,      Died On**  
**Emergency Medical Care Providers and Firefighters      Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TURNER B	OTP-AM ONTP OTP-AM	S-265 H-542    NADEAU C

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill changes the crime of assault on an officer to include offensive physical contact and creates the crime of aggravated assault on an officer, which is modeled on the crime of aggravated assault.

**Committee Amendment "A" (S-265)**

This amendment, which is the majority report of the committee, changes the title and does the following.

1. It amends the existing crimes of assault on an officer, assault on an emergency medical care provider and assault on a firefighter to create new Class B crimes when a person commits an assault on a law enforcement officer, emergency medical care provider or firefighter and the person selected the law enforcement officer, emergency medical care provider or firefighter whom the person assaulted because of that law enforcement officer's, emergency medical care provider's or firefighter's status as a law enforcement officer, emergency medical care provider or firefighter.
2. It amends the existing crime of assault on an officer to create a new Class C crime when a person intentionally or knowingly causes offensive physical contact to a law enforcement officer.
3. It retains the provisions of the bill that create the new Class A and Class B crimes of aggravated assault on an officer.

**Committee Amendment "B" (S-266)**

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This amendment, which is a minority report of the committee, changes the title and amends the bill as follows.

1. It removes from the bill the new Class C crime of recklessly causing offensive physical contact to a law enforcement officer.
2. It retains from the bill the new Class C crime of intentionally or knowingly causing offensive physical contact to a law enforcement officer.
3. It retains from the bill the new Class A or Class B crime of aggravated assault on an officer.

### **House Amendment "A" To Committee Amendment "A" (H-538)**

This amendment removes the mental state of recklessly from the crime of assault on an officer, leaving "intentionally" and "knowingly."

This amendment was not adopted.

### **House Amendment "B" To Committee Amendment "A" (H-542)**

This amendment strikes language from Committee Amendment "A" that creates a new Class C crime when a person intentionally or knowingly causes offensive physical contact to a law enforcement officer. This amendment also removes the mental state of "recklessly" from the crimes of causing bodily injury to a law enforcement officer, causing bodily injury to an emergency medical care provider and causing bodily injury to a firefighter when the injured's status as a law enforcement officer, emergency medical care provider or firefighter resulted in the selection of the injured as a target.

### **House Amendment "C" To Committee Amendment "A" (H-543)**

This amendment removes the Class B crime added by Committee Amendment "A" of causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter. Instead, this amendment makes causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter an aggravating factor that must be considered by the court when sentencing a person convicted of assault of a law enforcement officer, emergency medical care provider or firefighter.

This amendment was not adopted.

### **House Amendment "D" To Committee Amendment "A" (H-551)**

This amendment removes the Class B crime added by Committee Amendment "A" of causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter. Instead, this amendment makes causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter an aggravating factor that must be considered by the court when sentencing a person convicted of assault of a law enforcement officer, emergency medical care provider or firefighter.

This amendment also removes the Class C crime added by Committee Amendment "A" of intentionally or knowingly causing offensive physical contact to a law enforcement officer while that officer is in the performance of the officer's official duties.

This amendment was not adopted.

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**LD 1048     An Act To Reclassify Certain Offenses and Increase the Efficiency of the Criminal Justice System**

**Died On  
Adjournment**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was again carried over to the Second Special Session by joint order S.P. 748; on the adjournment of the Second Special Session, the bill had not been reported out of committee.

This bill requires the use of the Uniform Summons and Complaint form for criminal violations of the Maine Revised Statutes, Titles 12, 17-A and 29-A and the Violation Summons and Complaint for civil violations of those titles. This bill requires the Violation Summons and Complaint form to be the same form that is currently used for traffic infractions and standardizes the use, including the issuance and disposition, of that form by law enforcement officers and the Maine Warden Service. This bill specifies that district attorneys are required to prosecute only criminal violations of the inland fisheries and wildlife laws and removes references to citations, which are no longer used by the warden service.

**LD 1091     An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes**

**PUBLIC 432  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-361 S-522    HAMPER J

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill makes changes to the laws recommended by the Criminal Law Advisory Commission.

Part A of the bill does the following:

1. It amends the Maine Revised Statutes, Title 15, section 393, subsection 1-B by replacing the words "pending charging instrument" with the words "the charge that gave rise to the prohibition" to eliminate a potential ambiguity; and
2. It enacts as Title 15, section 1094-C a provision that makes it a Class C crime for a person arrested for an alleged murder to intentionally or knowingly make direct or indirect contact with any specifically identified family or household member of the alleged victim if that person is detained because a Harnish bail proceeding has not yet taken place, the proceeding has been waived in open court by the person, or the proceeding has taken place and the person's conditional right to bail has been extinguished and bail has been denied by the court, and who has been properly notified not to make direct or indirect contact with any specifically identified family or household member of the alleged victim of the murder for which the person is being detained.

Part B clarifies provisions of the Criminal History Record Information Act as they apply to granted petitions for full and free pardons.



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Part C does the following:

1. It rearranges into 2 subsections the content of Title 17-A, section 33. Subsection 1 contains the content of the current section 33, except that it deletes the words "unless the concurrent cause was clearly sufficient to produce the result and the conduct of the defendant was clearly insufficient." Subsection 2 contains a simplified test to be applied in the event concurrent causation is generated as an issue. It provides that, when a defendant's conduct may have operated concurrently with another cause, in addition to satisfying the "but for" test the defendant's conduct must have been sufficient by itself to produce the result; and
2. It amends Title 17-A, section 505, subsection 2 by adding to the definition of "public way" the words "a way upon which the public has access as invitees or licensees."

Part D allows the use of prior convictions for aggravated assault, elevated aggravated assault and elevated aggravated assault on a pregnant person, and like crimes in other jurisdictions, to be used to elevate the class of subsequent domestic violence crimes from Class D to Class C. The prior conviction may be used to enhance the current charge only if the State or other jurisdiction proved, in the prior case, that the defendant and victim were family or household members.

Part E does the following:

1. It amends Title 17-A, section 1101 by enacting definitions of "cocaine" and "heroin." The definition of "cocaine" mirrors that currently found in Title 17-A, section 1102, subsection 1, paragraph F. The definition of "heroin" as "any compound, mixture or preparation containing heroin (diacetylmorphine) in any quantity" is in response to *State v. Pinkham, Sr.*, 2016 ME 59, 137 A.3d 203; and
2. It repeals the definition of "cocaine" in Title 17-A, section 1102, subsection 1, paragraph F, because its content is moved to section 1101.

Part F of the bill does the following:

1. It amends Title 30-A, section 3821, subsection 3 to clarify that hotel and lodging house registers must be kept for 2 years and must be available for inspection by an agent of the authority that licenses the hotel or lodging house; and
2. It amends Title 34-A, section 1216, subsection 1, paragraph D to clarify that dissemination of certain information pertaining to a person receiving services from the Department of Corrections may be made to any criminal justice agency if necessary to carry out the "administration of criminal justice" as separately defined pursuant to the Criminal Record History Information Act and the Intelligence and Investigative Record Information Act, and to carry out the "administration of juvenile criminal justice" and the "administration of juvenile justice" as separately defined pursuant to the Maine Juvenile Code.

### **Committee Amendment "A" (H-361)**

This amendment provides funding to the Maine Commission on Indigent Legal Services.

### **Senate Amendment "A" To Committee Amendment "A" (S-522)**

This amendment removes the General Fund appropriation for fiscal year 2017-18.

### **Enacted Law Summary**

Public Law 2017, chapter 432 makes the following changes to or enacts the following provisions of the criminal

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laws:

1. It amends the Maine Revised Statutes, Title 15, section 393, subsection 1-B by replacing the words "pending charging instrument" with the words "the charge that gave rise to the prohibition" to eliminate a potential ambiguity;
2. It enacts as Title 15, section 1094-C a provision that makes it a Class C crime for a person arrested for an alleged murder to intentionally or knowingly make direct or indirect contact with any specifically identified family or household member of the alleged victim if that person is detained because a Harnish bail proceeding has not yet taken place, the proceeding has been waived in open court by the person, or the proceeding has taken place and the person's conditional right to bail has been extinguished and bail has been denied by the court, and who has been properly notified not to make direct or indirect contact with any specifically identified family or household member of the alleged victim of the murder for which the person is being detained.
3. It clarifies provisions of the Criminal History Record Information Act as they apply to granted petitions for full and free pardons;
4. It rearranges into 2 subsections the content of Title 17-A, section 33. Subsection 1 contains the content of the current section 33, except that it deletes the words "unless the concurrent cause was clearly sufficient to produce the result and the conduct of the defendant was clearly insufficient." Subsection 2 contains a simplified test to be applied in the event concurrent causation is generated as an issue. It provides that, when a defendant's conduct may have operated concurrently with another cause, in addition to satisfying the "but for" test the defendant's conduct must have been sufficient by itself to produce the result;
5. It amends Title 17-A, section 505, subsection 2 by adding to the definition of "public way" the words "a way upon which the public has access as invitees or licensees";
6. It allows the use of prior convictions for aggravated assault, elevated aggravated assault and elevated aggravated assault on a pregnant person, and like crimes in other jurisdictions, to be used to elevate the class of subsequent domestic violence crimes from Class D to Class C. The prior conviction may be used to enhance the current charge only if the State or other jurisdiction proved, in the prior case, that the defendant and victim were family or household members;
7. It amends Title 17-A, section 1101 by enacting definitions of "cocaine" and "heroin." The definition of "cocaine" mirrors that currently found in Title 17-A, section 1102, subsection 1, paragraph F. The definition of "heroin" as "any compound, mixture or preparation containing heroin (diacetylmorphine) in any quantity" is in response to *State v. Pinkham, Sr.*, 2016 ME 59, 137 A.3d 203;
8. It repeals the definition of "cocaine" in Title 17-A, section 1102, subsection 1, paragraph F, because its content is moved to section 1101;
9. It amends Title 30-A, section 3821, subsection 3 to clarify that hotel and lodging house registers must be kept for 2 years and must be available for inspection by an agent of the authority that licenses the hotel or lodging house;
10. It amends Title 34-A, section 1216, subsection 1, paragraph D to clarify that dissemination of certain information pertaining to a person receiving services from the Department of Corrections may be made to any criminal justice agency if necessary to carry out the "administration of criminal justice" as separately defined pursuant to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act, and to carry out the "administration of juvenile criminal justice" and the "administration of juvenile justice" as separately defined pursuant to the Maine Juvenile Code; and
11. It provides an appropriation to the Maine Commission on Indigent Legal Services of \$6000 for fiscal year 2018-19.

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Public Law 2017, chapter 432 was enacted as an emergency measure effective July 4, 2018.

**LD 1146      Resolve, To Provide Wage Parity for Law Enforcement Officers in the Department of Corrections with Other Law Enforcement Officers      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY A MAKER J	ONTP	

This resolve was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

In Resolve 2015, chapter 80, the salary schedules for certain law enforcement positions, including those in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, but not including the Department of Corrections, were adjusted upward by 12% to 18%. This resolve requires the salary schedules for law enforcement positions in the Department of Corrections to be adjusted upward by 15%.

**LD 1168      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M HERBIG E		

This resolution was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was again carried over to the Second Special Session by joint order S.P. 748; on the adjournment of the Second Special Session, this resolution had not been reported out of committee.

This resolution proposes to amend the Constitution of Maine to enact a Victims' Bill of Rights, designed to ensure specific rights for victims of crime. The purpose of this resolution is to place into the Constitution of Maine various rights regarding notification of public proceedings at which the victim has a right to be heard, the right to confer with the prosecution and the right to prompt and full restitution. This resolution requires a court to grant a request by the victim to enforce the rights of the victim and to provide a remedy for violations of the victim's rights, including the appeal of a sentence. This resolution does not provide a victim a cause of action for compensation or damages against the State or a political subdivision of the State, including the courts, or any officer, employee or agent of the State or a political subdivision of the State.

**LD 1183      An Act To Expand Use of Electronic Monitoring in Domestic Violence, Sexual Assault and Stalking Cases      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K DIAMOND B	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides funding to expand the use of electronic monitoring as part of a coordinated response to domestic violence, sexual assault and stalking. It provides funds for victim advocates and case management and funds to

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support the cost of electronic monitoring for indigent offenders and for victims who may choose to carry a corresponding device.

**LD 1202 An Act To Clear a Path to Employment**

**Accepted Majority  
(ONTP) Report**

Sponsor(s)

VOLK A  
WARREN C

Committee Report

ONTP  
OTP-AM

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill establishes an automatic process for an individual who has been convicted of a Class C, Class D or Class E crime to have the records of that conviction sealed if the crime does not involve domestic violence or sexual assault; the individual has not been convicted of any other crime in this State or another jurisdiction; and at least seven years have passed since the date of conviction. If the Department of Public Safety, Bureau of State Police, State Bureau of Identification objects to the automatic sealing of an individual's criminal conviction records, the individual may file a motion in the underlying criminal proceeding requesting that the records be sealed.

The bill provides for a reduction in the seven-year waiting period for the sealing of records of an eligible criminal conviction if a convicted individual files a motion with the court demonstrating that the individual obtained a high school diploma or postsecondary certificate or degree after the date of conviction.

The bill prohibits the use of sealed criminal conviction information by all employers that are not criminal justice agencies. It also authorizes individuals whose conviction records have been sealed to respond to inquiries, other than inquiries from a criminal justice agency, as if the sealed conviction and underlying crime had never occurred.

**Committee Amendment "A" (S-392)**

This amendment, which is the minority report of the committee, replaces the bill and amends the Maine Revised Statutes, Title 15, chapter 310, which provides a motion process for the imposition of special restrictions on the dissemination and use of criminal history record information for a single Class E criminal conviction committed by an individual 18 to 20 years of age. The amendment does the following:

1. It authorizes a court to impose special restrictions on the dissemination and use of criminal history record information for a single Class D or Class E criminal conviction committed by an individual of any age when at least four years have passed since the person has fully satisfied each of the sentencing alternatives imposed for the eligible criminal conviction;
2. It allows dissemination of criminal history record information to a public or private entity to which a person who is the subject of a criminal conviction has applied for licensure or employment when applicable federal or state law, rule or regulation requires that entity to perform a fingerprint-based state or national criminal history record check of the person prior to licensing or employing the person; and
3. It repeals the existing statutory repeal date of October 1, 2019 for the Maine Revised Statutes, Title 15, chapter 310.

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**LD 1268 An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R BRAKEY E	OTP-AM ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill amends the Maine Bail Code to require the development and use of a risk assessment instrument for determining appropriate pretrial release conditions, as well as a needs screening and, as necessary, a clinical assessment with regard to substance abuse or mental health issues of defendants to identify defendants appropriate for diversion to treatment. It prohibits the use of monetary bail.

**Committee Amendment "A" (H-732)**

This amendment, which is the majority report of the committee, replaces the bill and establishes the Statewide Criminal Justice Coordinating Council to accept and review data on encounters between law enforcement agencies and members of the public and data gathered through the use of nationally validated screening and assessment tools when persons are admitted to jail. The council consists of 12 members and is required to collect and review data submitted by law enforcement agencies, sheriffs and regional jail administrators, review and summarize the data and provide an annual report beginning January 15, 2021 to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and health and human services matters. The report must contain any recommendations for legislative action. A legislative committee that receives a report from the Statewide Criminal Justice Coordinating Council may report out legislation based on the report to the Legislature. Staffing and administrative support for the council may be provided by the Department of Public Safety or by contract with a person having relevant experience.

The amendment requires each law enforcement agency in the State to submit to the Department of Public Safety on a quarterly basis beginning January 15, 2020 data that identifies law enforcement calls for service and encounters between law enforcement officers and certain members of the public and requires the department to forward that data to the Statewide Criminal Justice Coordinating Council.

The amendment requires a county sheriff who operates a jail and a regional jail administrator to submit in summary form to the Department of Public Safety information gathered through the use of a nationally validated screening and assessment tool related to the mental health condition and substance use disorder needs of persons entering jail beginning January 15, 2020. The department is required to forward this information to the Statewide Criminal Justice Coordinating Council.

The amendment adds a mandate preamble and an appropriations and allocations section.

**LD 1322 An Act Regarding Mental Health First Aid Training for Corrections Personnel**

**PUBLIC 436**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VITELLI E	OTP-AM OTP-AM	H-499

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the

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Second Special Session by joint order S.P. 748.

This bill requires that the Maine Criminal Justice Academy provide eight hours of mental health first aid training as part of basic corrections training and that each jail, prison and correctional facility in the State send two corrections officers to the academy for training. After the first two corrections officers receive mental health first aid training at the academy, the jail, prison or state correctional facility is required to send two other corrections officers to the academy for training and to repeat this process until all corrections officers at the jail, prison or state correctional facility have received mental health first aid training at the academy. This bill requires each jail, prison and correctional facility to report to the Commissioner of Corrections when all corrections officers have received mental health first aid training at the Maine Criminal Justice Academy and the commissioner to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters after receiving the report from all jails, prisons and correctional facilities.

**Committee Amendment "A" (H-499)**

This amendment is the majority report of the committee. The amendment requires that the Maine Criminal Justice Academy provide eight hours of mental health first aid training as part of basic corrections training. It also requires that each jail, prison and correctional facility in the State ensure that 20% of correctional officers are trained in mental health first aid by 2022. The amendment requires each jail, prison and correctional facility to report to the Commissioner of Corrections when corrections officers have received the required mental health first aid training at the Maine Criminal Justice Academy. The amendment requires the commissioner to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters after receiving the report from all jails, prisons and correctional facilities.

**Committee Amendment "B" (H-500)**

This amendment is the minority report of the committee. The amendment requires that the Maine Criminal Justice Academy periodically report on the hours of mental health first aid training provided to corrections officers across the State by the Maine Criminal Justice Academy as basic training and as ongoing training and by the law enforcement agencies that employ the corrections officers as part of ongoing training provided as a requirement of employment.

**Enacted Law Summary**

Public Law 2017, chapter 436 requires that the Maine Criminal Justice Academy provide eight hours of mental health first aid training as part of basic corrections training. It also requires that each jail, prison and correctional facility in the State ensure that 20% of correctional officers are trained in mental health first aid by 2022. The law requires each jail, prison and correctional facility to report to the Commissioner of Corrections when corrections officers have received the required mental health first aid training at the Maine Criminal Justice Academy. The law requires the commissioner to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters after receiving the report from all jails, prisons and correctional facilities.

**LD 1388      An Act To Prohibit the Falsification of Medical Records**

**PUBLIC 410**

Sponsor(s)

ROSEN K

Committee Report

OTP-AM  
ONTP

Amendments Adopted

S-162

This bill was reported out of committee during First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table.

This bill provides that the falsification of health care records maintained by a health care provider with the intent to deceive another person is a Class D crime except that it is a Class C crime if any reliance on the falsification causes

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bodily injury or the impairment of a person's mental or behavioral condition.

**Committee Amendment "A" (S-162)**

This amendment is the majority report of the committee. The amendment specifies that the crime of falsifying health care records applies if a person intends to deceive a governmental entity, as well as another person. The amendment removes veterinary hospitals from the definition of "health care provider." The amendment requires that the type of bodily injury that is required to elevate the crime to Class C is serious bodily injury.

**Enacted Law Summary**

Public Law 2017, chapter 410 provides that the falsification of health care records maintained by a health care provider with the intent to deceive another person is a Class D crime except that it is a Class C crime if any reliance on the falsification causes serious bodily injury or the impairment of a person's mental or behavioral condition. The law specifies that the crime of falsifying health care records applies if a person intends to deceive a governmental entity, as well as another person.

**LD 1389      An Act To Disburse Funds to the Maine Fire Protection Services Commission      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT T CYRWAY S	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill authorizes the disbursement of the full \$2,000 appropriation to be paid to the Maine Fire Protection Services Commission by September 1st in each year of the 2017-2019 biennium.

**LD 1414      An Act To Ensure the Availability of In-person Visitation in County Jails      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R ROSEN K	OTP-AM ONTP	H-618

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to ensure the availability in county jails of in-person visitation between a prisoner and a visitor of the prisoner. In addition to requiring that all prisoners have the opportunity for in-person visits in county jails, such measures may include:

1. Limiting conditions on in-person visits to only those conditions and limitations required for safety and security, except that the jail may provide video-only visitation if needed for a particular prisoner's safety and security or may provide video-only visitation on a short-term basis if the jail is unable to provide a safe and secure location for in-person visitation;
2. Requiring opportunities for informal communication between a prisoner and a visitor of the prisoner, including opportunities for physical contact, and prohibiting the use of devices that preclude physical contact except in cases of substantiated security risk; or
3. Establishing a minimum number of in-person visit opportunities per week; requiring that video visitation be used only as a supplement to, and not a replacement of, in-person visitation; ensuring that video visitation service fees are

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affordable for prisoners and their families; and using, as a reward for good behavior, a certain number of free video visits per month.

**Committee Amendment "A" (H-618)**

This amendment, which is the majority report of the committee, replaces the bill, which is a concept draft. It requires the sheriff of a county jail to provide for in-person visitation between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

The amendment authorizes a sheriff to restrict a particular prisoner to video-only visitation upon a determination that allowing in-person visitation for that prisoner may jeopardize the safety and security of the jail. It also requires the sheriff to provide opportunities for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

**LD 1415      An Act To Provide Additional Deductions from a Sentence of Imprisonment for Completion of Education, Mental Health Treatment and Substance Abuse Treatment Programs      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R ROSEN K	ONTP OTP-AM	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides for deductions from a prison sentence based on achievement of goals in a person's transition plan for educational, vocational, career or technical training programs or mental health treatment or substance abuse treatment programs for a person who commits a crime on or after October 1, 2017. The deductions are earned upon achievement of a transition plan goal and may not be denied or withdrawn based on consideration of disciplinary factors or daily attendance or a decision of an employee of the Department of Corrections. A person may earn only one deduction per sentence of imprisonment.

The goals and the deductions are: for achievement of a high school equivalency diploma, a deduction of 90 days from the sentence; for achievement of an adult high school diploma, a deduction of 120 days; for achievement of an associate degree from an accredited institution of higher education, a deduction of 180 days; for achievement of a bachelor's degree from an accredited institution of higher education, a deduction of 365 days; for achievement of completion of a vocational, career or technical training program authorized and approved by the department, a deduction of 60 days; for achievement of completion of a mental health program and treatment course, a deduction of 60 days; and for achievement of completion of a substance abuse program and treatment course, a deduction of 60 days.

**Committee Amendment "A" (H-719)**

This amendment, which is the minority report of the committee, replaces the bill and authorizes a person sentenced on or after January 1, 2019 and committed to the custody of the Department of Corrections to earn deductions for certain specified educational achievements and completions of treatment.



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**LD 1429 An Act Regarding the Epidemic of Opiate Abuse**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M DION M	OTP-AM	H-510

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill addresses the opiate crisis in Maine as follows:

1. It allows funds from property forfeited pursuant to a criminal forfeiture action to be assigned by the court, upon the request of the investigating or prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders;
2. It clarifies that the Class B crimes of aggravated furnishing of scheduled drugs and aggravated trafficking or furnishing of counterfeit drugs are for the death of another person, whose death was caused by drugs furnished by the defendant; and
3. It requires the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the Controlled Substances Prescription Monitoring Program, including the number of prescribers participating and trends in prescription practices.

**Committee Amendment "A" (H-510)**

This amendment adds to the bill new variants of aggravated trafficking of scheduled drugs that include trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime.

The amendment also adds an appropriations and allocations section.

**LD 1490 An Act To Stabilize Funding for the County Jails**

**PUBLIC 450**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S BRADSTREET R	OTP-AM	S-268 S-535 HAMPER J

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill transfers funds out of the County Jail Operations Fund program to the Community Based Corrections program within the Department of Corrections to create a separate program for funds distributed pursuant to the Maine Revised Statutes, Title 34-A, section 1210-D, subsection 2.

**Committee Amendment "A" (S-268)**

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This amendment separates the County Jail Operations Fund into a County Jail Operations Fund and a new County Jail Community Corrections Fund and it provides \$3,800,000 per year in additional funding for the County Jail Operations Fund.

**Senate Amendment "A" To Committee Amendment "A" (S-535)**

This amendment replaces the committee amendment and does the following:

1. It provides ongoing funding to the Department of Corrections, County Jails Operation Fund program of \$3,000,000, of which \$1,700,000 must be spent on community corrections as specified in statute;
2. It provides funding for the Kennebec County Criminogenic Addiction Recovery Academy program; and
3. It provides one-time funding of \$3,000,000 to the Department of Corrections, County Jails Operation Fund program to reimburse county and regional jails in specified amounts for unusually high costs incurred by those jails during fiscal year 2017-18 and to provide a source of funds for such costs incurred in fiscal year 2018-19 that are in excess of the amounts budgeted.

The amendment also requires the State Controller to transfer \$3,000,000 from available balances in Department of Professional and Financial Regulation accounts, as determined by the Commissioner of Professional and Financial Regulation, to the General Fund.

**Enacted Law Summary**

Public Law 2017, chapter 450 provides funding for the county jails and regional jail as follows:

1. It provides ongoing funding to the Department of Corrections, County Jails Operation Fund program of \$3,000,000, of which \$1,700,000 must be spent on community corrections as specified in statute;
2. It provides funding for the Kennebec County Criminogenic Addiction Recovery Academy program; and
3. It provides one-time funding of \$3,000,000 to the Department of Corrections, County Jails Operation Fund program to reimburse county and regional jails in specified amounts for unusually high costs incurred by those jails during fiscal year 2017-18 and to provide a source of funds for such costs incurred in fiscal year 2018-19 that are in excess of the amounts budgeted.

The law also requires the State Controller to transfer \$3,000,000 from available balances in Department of Professional and Financial Regulation accounts, as determined by the Commissioner of Professional and Financial Regulation, to the General Fund.

**LD 1672      An Act To Waive the Fee for Attendance at the Maine Criminal Justice Academy for Former Military Police Officers      ONTP**

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

This bill provides a waiver of the fee charged for the basic training course at the Maine Criminal Justice Academy for honorably discharged veterans of the United States Armed Forces who served as military police officers and who have been hired for or have received conditional offers of full-time employment as law enforcement officers if the veterans' military experience and education meet certain criteria.

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**LD 1704 An Act To Fund the Downeast Correctional Facility**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MAKER J	OTP-AM	H-593 S-393 MAKER J

This bill was reported out of committee during the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the Second Special Session by joint order S.P. 748.

This bill requires the Department of Corrections to report proposed changes to the Downeast Correctional Facility to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than April 1, 2019. The report must include detailed plans about any proposed changes concerning the prisoner population at the Downeast Correctional Facility.

The bill also specifies the report must include the related impact on other correctional facilities, the impact of any change to employee compensation and benefits, an economic and community impact analysis on any community affected by a shift in prisoner population and the proposed use of any surplus property generated by facility closure.

The bill requires the Downeast Correctional Facility to remain open and operational prior to the submission of the report to the Legislature and permits the closure of the facility only if legislation approving the closure is enacted into law. The bill also provides funds to restore all positions and related All Other costs in order to continue operation of the Downeast Correctional Facility beyond June 30, 2018.

**Committee Amendment "A" (H-593)**

This amendment strikes the provision from the bill requiring the Downeast Correctional Facility to remain open and operational pending the submission of a report by the Department of Corrections concerning proposed changes to the Downeast Correctional Facility.

**House Amendment "A" (H-630)**

This amendment removes the emergency preamble and emergency clause.

This amendment was not adopted.

**Senate Amendment "A" (S-393)**

This amendment removes the emergency preamble and emergency clause.

**LD 1705 An Act To Strengthen Crime Victims' Rights**

**PUBLIC 386**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	OTP-AM	H-668

This bill strengthens the rights of a victim of a crime as follows:

1. It authorizes the victim of a crime to be present at all trial proceedings that are public unless the court determines that the fair administration of justice requires the exclusion of the victim; and

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2. It requires that the victim of a crime who so wishes receive notification of the defendant's escape from the jail or institution to which the defendant is committed.

**Committee Amendment "A" (H-668)**

This amendment strikes section 1 of the bill and specifies that the victim of a crime who so wishes must be notified of the defendant's escape from the jail or from the institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or residential treatment program to which the defendant is committed by the Commissioner of Health and Human Services.

**Enacted Law Summary**

Public Law 2017, chapter 386 specifies that the victim of a crime who so wishes must be notified of the defendant's escape from the jail or from the institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or residential treatment program to which the defendant is committed by the Commissioner of Health and Human Services.

**LD 1706      An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VOLK A	ONTP OTP-AM	

This bill provides offsetting General Fund appropriations and deappropriations to provide funding to support the Department of Corrections' strategic plan to improve access to and delivery of rehabilitation programs. It also requires that the funds be transferred by financial order by the State Budget Officer upon approval of the Governor and specifies that the transfers are considered adjustments to appropriations and allocations.

**Committee Amendment "A" (H-653)**

This amendment, which is the minority report of the committee, changes the title and replaces the bill. It clarifies the scope and purpose of the rehabilitation programming offered by the Department of Corrections to be consistent with the department's mission to reduce the likelihood that juvenile and adult offenders will reoffend by providing practices, programs and services that are evidence-based and that hold the offenders accountable.

The amendment also requires the department, within the limits of available resources, to collect data on and track over time the rate of recidivism of the client population served by its correctional facilities and to ensure that the rehabilitation programming offered by the department is designed to reduce the rate of recidivism, thereby enhancing public safety.

**LD 1728      An Act To Amend Maine Criminal Code Sentencing Provisions Relating To Increased Sentencing Class Based on Multiple Prior Convictions for Certain Violent or Sexual Crimes      PUBLIC 336**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E PIERCE J	OTP-AM	S-355

Current law prohibits visual sexual aggression against a child, which is either a Class C crime if the child has not attained 12 years of age or a Class D crime if the child has not attained 14 years of age.

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This bill amends that law to provide that visual sexual aggression against a child who has not attained 14 years of age is a Class C crime and retains as an element of the crime the motivation of the actor committing the crime for the purpose of causing affront or alarm when the actor exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor.

**Committee Amendment "A" (S-355)**

This amendment changes the title, replaces the bill and amends sentencing provisions under the Maine Criminal Code to include crimes involving sexual exploitation of minors, sex trafficking, prostitution and public indecency among the list of crimes for which the sentencing class is elevated based on multiple prior convictions or for which a prior conviction may serve to elevate the sentencing class of certain other crimes.

**Enacted Law Summary**

Public Law 2017, chapter 336 amends sentencing provisions under the Maine Criminal Code to include crimes involving sexual exploitation of minors, sex trafficking, prostitution and public indecency among the list of crimes for which the sentencing class is elevated based on multiple prior convictions or for which a prior conviction may serve to elevate the sentencing class of certain other crimes.

**LD 1735     An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement**

**PUBLIC 373  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M TIMBERLAKE J	OTP-AM	S-383 S-384 ROSEN K

This bill authorizes a regional medical control committee that has been approved by the Department of Public Safety, Emergency Medical Services' Board to carry out a plan of quality improvement to have access to data collected by Maine Emergency Medical Services that allows identification of persons receiving emergency medical treatment for the purpose of quality improvement.

**Committee Amendment "A" (S-383)**

This amendment specifies that a regional medical control committee established to carry out a plan of quality improvement that has been approved by the Department of Public Safety, Emergency Medical Services' Board may have access to data collected by Maine Emergency Medical Services that allow identification of persons receiving emergency medical treatment for purposes relating to the approved quality improvement plan so long as the release of the data is approved by the Emergency Medical Services' Board, the Medical Direction and Practices Board and the Director of Maine Emergency Medical Services.

The amendment also clarifies that the Emergency Medical Services' Board is required to ensure that confidential information submitted to the board by any entity is easily accessible by that entity without charge for a period of four years from the date that the confidential information is submitted to the board.

**Senate Amendment "A" To Committee Amendment "A" (S-384)**

This amendment replaces language in Committee Amendment "A" requiring that information submitted to the Department of Public Safety, Emergency Medical Services' Board by an entity be accessible by that entity without charge for a period of four years from the date of submission with language requiring that such information be accessible by that entity in accordance with rules adopted by the board that enable compliance with federal and state laws.

**Enacted Law Summary**

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Public Law 2017, chapter 373 authorizes a regional medical control committee established to carry out a plan of quality improvement that has been approved by the Department of Public Safety, Emergency Medical Services' Board to access data collected by Maine Emergency Medical Services that allow identification of persons receiving emergency medical treatment for purposes relating to the approved quality improvement plan so long as the release of the data is approved by the Emergency Medical Services' Board, the Medical Direction and Practices Board and the Director of Maine Emergency Medical Services.

Public Law 2017, chapter 373 also provides that information submitted to the Department of Public Safety, Emergency Medical Services' Board by an entity must be accessible by that entity without charge for a period of four years from the date of submission with language requiring that such information be accessible by that entity in accordance with rules adopted by the board that enable compliance with federal and state laws.

Public Law 2017, chapter 373 was enacted as an emergency measure effective April 6, 2018.

**LD 1740      An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking      PUBLIC 416**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A GIDEON S	OTP-AM	S-385

This bill creates the crimes of criminal forced labor, a Class C crime, and aggravated criminal forced labor, a Class B crime, under the Maine Criminal Code. It provides that a person is guilty of criminal forced labor if the person, without the legal right to do so, intentionally or knowingly compels another person to provide labor or services having economic value through certain coercive acts. A person is guilty of aggravated criminal forced labor if the person compelled to provide labor or services has not in fact attained 18 years of age.

**Committee Amendment "A" (S-385)**

This amendment changes the title of the bill and adds criminal forced labor and aggravated criminal forced labor to the definition of "human trafficking offense" in the law providing civil remedies for human trafficking. The amendment provides an affirmative defense to prosecution for a person who violates the criminal forced labor or aggravated criminal forced labor provision in the bill or the sex trafficking provision in current law that the violator was compelled to violate the provision. The amendment requires the Department of Labor to provide to the Department of Transportation, the Maine Turnpike Authority, and certain businesses and employers signs that contain a telephone number for a national human trafficking hotline. The amendment requires that the Department of Transportation, the Maine Turnpike Authority, and certain businesses and employers post the signs and provides a civil violation penalty of \$300 per violation against certain businesses and employers for failure to post the required signs.

**Enacted Law Summary**

Public Law 2017, chapter 416 creates the crimes of criminal forced labor, a Class C crime, and aggravated criminal forced labor, a Class B crime, under the Maine Criminal Code. It provides that a person is guilty of criminal forced labor if the person, without the legal right to do so, intentionally or knowingly compels another person to provide labor or services having economic value through certain coercive acts. A person is guilty of aggravated criminal forced labor if the person compelled to provide labor or services has not in fact attained 18 years of age. The law adds criminal forced labor and aggravated criminal forced labor to the definition of "human trafficking offense" in the law providing civil remedies for human trafficking. The law provides an affirmative defense to prosecution for a person who violates the laws on criminal forced labor, aggravated criminal forced labor or sex trafficking that the violator was compelled to violate those laws. The law requires the Department of Labor to provide to the Department of Transportation, the Maine Turnpike Authority and certain businesses and employers signs that contain a telephone number for a national human trafficking hotline. The law requires that the Department of

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Transportation, the Maine Turnpike Authority and certain businesses and employers post the signs and provides a civil violation penalty of \$300 per violation against certain businesses and employers for failure to post the required signs.

**LD 1751 An Act Regarding the Victims' Compensation Fund**

**PUBLIC 348**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K WARREN C	OTP-AM	S-386

Current law provides that compensation may not be paid from the Victims' Compensation Fund to any claimant who does not fully cooperate with the Victims' Compensation Board or with the reasonable requests of law enforcement officers or prosecution authorities or to or on behalf of any person who violated a criminal law that caused or contributed to the injury or death for which compensation is sought. This bill provides that the board may deny compensation in whole or in part in these circumstances.

**Committee Amendment "A" (S-386)**

This amendment replaces the bill. The amendment allows compensation from the Victims' Compensation Fund to a claimant for expenses when the victim is the victim of a criminal homicide and the claimant was not involved in the criminal conduct that caused or contributed to the death of the victim.

**Enacted Law Summary**

Public Law 2017, chapter 348 allows compensation from the Victims' Compensation Fund to a claimant for expenses when the victim is the victim of a criminal homicide and the claimant was not involved in the criminal conduct that caused or contributed to the death of the victim.

**LD 1782 An Act To Provide for In-person Visitation of Incarcerated Persons**

**Accepted Majority (ONTP) Report**

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

This bill requires a county sheriff to provide for in-person visitation at a county jail between a prisoner and a visitor of the prisoner, subject to conditions and limitations imposed on a case-by-case basis as required for the safety and security of the jail as determined by the sheriff and subject to an exception for video-only visitation. It allows a sheriff to provide video-only visitation only after a determination is made on a case-by-case basis, documented in the record of the prisoner, that in-person visitation may jeopardize the safety and security of the jail or that, on a short-term basis, the jail facility is unable to provide a safe and secure location for in-person visitation.

**LD 1783 An Act To Amend the Laws Regarding Aggravated Trafficking of Scheduled Drugs**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K DIAMOND B	OTP-AM	H-736

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This bill was reported out of committee during the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the Second Special Session by joint order S.P. 748.

This bill makes aggravated trafficking in fentanyl powder a Class A crime.

**Committee Amendment "A" (H-736)**

This amendment incorporates a fiscal note.

**LD 1795    An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission**

**PUBLIC 377  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP	H-650

This emergency bill makes the following corrections to the criminal and related laws and to the law on possession of more than 2 1/2 ounces of marijuana.

1. Public Law 2017, chapter 144, section 3 failed to distinguish, in the laws on service of process on providers of electronic communication service and providers of remote computing service, between foreign entities that are governed by laws of states other than Maine and those that are governed by laws of foreign countries. The bill distinguishes these two types of foreign entities and provides a cross-reference to the Maine Rules of Evidence for each type of foreign entity.

2. Public Law 2017, chapter 1, section 20 designated possession of up to 2 1/2 ounces of marijuana by a person under 18 years of age a violation of the Maine Juvenile Code, which was one of two options for prosecution under prior law. Chapter 1 repealed the option of prosecution of possession as a civil violation. The bill retains the designation of possession as a juvenile crime and restores the designation of possession as a civil violation. Neither the juvenile crime nor the civil violation applies to possession of up to 2 1/2 ounces by a person under 21 years of age who is a qualified patient for the purposes of the Medical Use of Marijuana Act.

3. Public Law 2017, chapter 300 created a new version of the crime of gross sexual assault, specifically, engaging in a sexual act with another person when that other person has not expressly or impliedly acquiesced to the sexual act. The law neglected to create a corresponding registration provision for the newly defined variant of gross sexual assault. The bill designates gross sexual assault based on lack of acquiescence to the sexual act as a Tier II offense under the Sex Offender Registration and Notification Act of 2013. The registration obligation will apply to conduct committed on or after the effective date of this Act.

**Committee Amendment "A" (H-650)**

This amendment is the majority report of the committee. The amendment eliminates the reference to the fine amount for Class E crimes to avoid confusion regarding the status of the juvenile crimes of possession of under 2 1/2 ounces of marijuana, possession of drug paraphernalia, illegal transportation of drugs by a minor and certain offenses involving alcoholic beverages. Instead, the amendment changes the language of the provision to explicitly state that the maximum fine is \$1,000. The amendment does not change the maximum fine.

**Enacted Law Summary**

Public Law 2017, chapter 377 makes the following corrections to the criminal and related laws and to the law on possession of more than 2 1/2 ounces of marijuana.

1. Public Law 2017, chapter 144, section 3 failed to distinguish, in the laws on service of process on providers of



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electronic communication service and providers of remote computing service, between foreign entities that are governed by laws of states other than Maine and those that are governed by laws of foreign countries. This law distinguishes these two types of foreign entities and provides a cross-reference to the Maine Rules of Evidence for each type of foreign entity.

2. Public Law 2017, chapter 1, section 20 designated possession of up to 2 1/2 ounces of marijuana by a person under 18 years of age a violation of the Maine Juvenile Code, which was one of two options for prosecution under prior law. Chapter 1 repealed the option of prosecution of possession as a civil violation. This law retains the designation of possession as a juvenile crime and restores the designation of possession as a civil violation. Neither the juvenile crime nor the civil violation applies to possession of up to 2 1/2 ounces by a person under 21 years of age who is a qualified patient for the purposes of the Medical Use of Marijuana Act.

3. Public Law 2017, chapter 300 created a new version of the crime of gross sexual assault, specifically, engaging in a sexual act with another person when that other person has not expressly or impliedly acquiesced to the sexual act. The law neglected to create a corresponding registration provision for the newly defined variant of gross sexual assault. This law designates gross sexual assault based on lack of acquiescence to the sexual act as a Tier II offense under the Sex Offender Registration and Notification Act of 2013. The registration obligation applies to conduct committed on or after April 11, 2018.

Public Law 2017, chapter 377 was enacted as an emergency measure effective April 11, 2018.

**LD 1813 An Act To Protect Children under 14 Years of Age from Being Photographed by Certain Persons**

**PUBLIC 354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M KATZ R	OTP-AM	H-656

This bill establishes as a Class D crime the intentional photographing of a minor without the consent of the minor's parent or guardian by a person required to register as a sex offender.

**Committee Amendment "A" (H-656)**

This amendment replaces the bill and changes the title. It adds a definition of "indirect contact" to the Maine Revised Statutes, Title 17-A, section 261 and applies that definition to prohibit a person from photographing another person under 14 years of age if the person has been convicted of a sexual assault against or sexual exploitation of another person under 14 years of age and the person has been notified, in writing or otherwise, not to engage in this conduct by a law enforcement officer, corrections officer or judicial officer. The notification expires after one year. The definition of "photographing" is based on a definition of "photograph" in Title 17-A, section 281, subsection 3.

**Enacted Law Summary**

Public Law 2017, chapter 354 adds a definition of "indirect contact" to the Maine Revised Statutes, Title 17-A, section 261 and applies that definition to prohibit a person from photographing another person under 14 years of age if the person has been convicted of a sexual assault against or sexual exploitation of another person under 14 years of age and the person has been notified, in writing or otherwise, not to engage in this conduct by a law enforcement officer, corrections officer or judicial officer. The notification expires after one year.

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**LD 1819     An Act Prohibiting Female Genital Mutilation**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H MASON G	ONTP	

This bill defines "female genital mutilation" and makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age for nonmedical purposes or a Class B crime if the person who performs the female genital mutilation is a parent, guardian or someone who has immediate custody of the female individual. This bill also criminalizes transporting a female individual under 18 years of age outside of the State for the purpose of undergoing female genital mutilation. It is not a defense to criminal prosecution that the female individual, or the parent, guardian or person who has immediate custody of the female individual, consented to the procedure or believed that it was necessary for custom, religion or ritual. It is a defense to criminal prosecution that the procedure was done for purposes related to the health of the female individual by a person licensed as a physician in this State.

This bill extends the statute of limitations to the 25th birthday of a victim of female genital mutilation and allows the use of school records or a document filed with a government agency to establish the age of a victim who does not have a birth certificate. In addition, a physician licensed in Maine who performs female genital mutilation of a minor is subject to permanent revocation of that physician's medical license.

Selected portions of this bill and of LD 1822 were incorporated into a new bill prohibiting female genital mutilation, LD 1904, that was reported out by a majority of the committee.

**LD 1822     An Act To Amend the Laws Governing Offenses against the Person**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D	ONTP	

This bill defines "female genital mutilation" and makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age for nonmedical purposes. It is not a defense to criminal prosecution that the female individual, or the parent, guardian or person who has immediate custody of the female individual, consented to the procedure or believed that it was necessary for custom, religion or ritual. It is a defense to criminal prosecution that the procedure was necessary to the health of the female individual or performed for medical purposes on a female individual in labor or who has just given birth and was performed by a person licensed in this State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife or a person in an approved training program under the supervision of a physician or midwife licensed in this State.

A person licensed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife licensed in Maine who performs female genital mutilation of a minor is subject to permanent revocation of that person's professional license.

This bill also authorizes the Department of Health and Human Services to institute a community outreach program regarding female genital mutilation for specific communities in which female genital mutilation of minors might be practiced that provides support services, training and educational materials.

Selected portions of this bill and of LD 1819 were incorporated into a new bill prohibiting female genital mutilation, LD 1904, that was reported out by a majority of the committee.

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**LD 1838 An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos**

**PUBLIC 397**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M HERBIG E	OTP-AM	S-419

This bill provides that a person is guilty of the Class E crime of indecent conduct if the actor exposes the actor's genitals with the intent to create images that the actor transmits to another person by mechanical or electronic means under circumstances that in fact are likely to cause affront or alarm. It also provides that a subsequent violation by a person who has two or more prior convictions for indecent conduct or visual sexual aggression against a child is a Class D crime.

**Committee Amendment "A" (S-419)**

This amendment replaces the bill and changes the title. It establishes new variants of the crime of harassment by telephone or by electronic communication device. The amendment prohibits using a telephone or electronic communication device, with the intent to cause affront or alarm or for the purpose of arousing or gratifying sexual desire, to send an image or video of a sexual act or of the actor's or another person's genitals if the person called or contacted is under 14 years of age, is 14 or 15 years of age when the actor is at least five years older or suffers from a mental disability that is reasonably apparent or known to the actor. The amendment designates these new variants of harassment by telephone or electronic communication device as Class D crimes. The amendment also prohibits using a telephone or by electronic communication device to send an image or video of a sexual act or the actor's or another person's genitals without the consent of the person called or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos. The amendment designates this new variant of harassment by telephone or by electronic communication device as a Class E crime.

**Enacted Law Summary**

Public Law 2017, chapter 397 establishes new variants of the crime of harassment by telephone or by electronic communication device. The law prohibits using a telephone or electronic communication device, with the intent to cause affront or alarm or for the purpose of arousing or gratifying sexual desire, to send an image or video of a sexual act or of the actor's or another person's genitals if the person called or contacted is under 14 years of age, is 14 or 15 years of age when the actor is at least five years older or suffers from a mental disability that is reasonably apparent or known to the actor. The law designates these new variants of harassment by telephone or electronic communication device as Class D crimes. The law also prohibits using a telephone or by electronic communication device to send an image or video of a sexual act or the actor's or another person's genitals without the consent of the person called or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos. The law designates this new variant of harassment by telephone or by electronic communication device as a Class E crime.

**LD 1841 An Act To Authorize a Prerelease Facility in Washington County**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	ONTP OTP-AM	

This emergency bill, which is a concept draft pursuant to Joint Rule 208, proposes to authorize a prerelease facility to be located in Washington County.

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**Committee Amendment "A" (S-455)**

This amendment is the minority report of the committee and it replaces the bill. The amendment establishes the Washington County Prerelease and Job Training Center to provide vocational training and rehabilitative programs, including but not limited to work release and work involving public restitution, for 50 or fewer prisoners. The amendment provides mechanisms for obtaining the rights to develop land or for purchasing land for the Washington County Prerelease and Job Training Center and for selling or leasing the Downeast Correctional Facility. The proceeds from the sale or lease of the Downeast Correctional Facility must, as designated by the Commissioner of Administrative and Financial Services, be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements.

The amendment also adds an appropriations and allocations section.

**LD 1855      An Act To Fund the Reorganization of the Department of Public Safety,  
State Bureau of Identification** **PUBLIC 383  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K DIAMOND B	OTP-AM	H-658

This bill provides funding for a management-initiated reorganization of the Department of Public Safety, State Bureau of Identification. The Department of Administrative and Financial Services, Bureau of Human Resources has reviewed and authorized the position reclassifications required to support the reorganization.

**Committee Amendment "A" (H-658)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2017, chapter 383 provides funding for a management-initiated reorganization of the Department of Public Safety, State Bureau of Identification.

Public Law 2017, chapter 383 was enacted as an emergency measure effective April 12, 2018.

**LD 1859      An Act To Include Operating a Motor Vehicle in a Parking Area in the  
Law Regarding Operating after Habitual Offender Revocation** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	OTP	

Current law provides that a person commits the crime of operating after habitual offender revocation if that person operates a motor vehicle on a public way when that person's license to operate a motor vehicle has been revoked under certain circumstances. This bill provides that a person also commits the crime of operating after habitual offender revocation if that person operates a motor vehicle in a parking area when that person's license to operate a motor vehicle has been revoked under certain circumstances.

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**LD 1904 An Act To Prohibit the Practice of Female Genital Mutilation of a Minor**

**Died Between  
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

S-454 ROSEN K

This bill was reported out by a majority of the committee pursuant to joint order S.P. 709. A minority of the committee voted to report out a different version of the bill, which appears in this summary as committee amendment "A," while a separate minority of the committee voted ought not to pass.

This bill defines "female genital mutilation" as the circumcision, excision, mutilation or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of a female individual but excludes from the definition medical procedures that are necessary to the health of the female individual or performed for medical purposes on a female individual in labor or who has just given birth, as long as the medical procedure was performed by a person licensed in the State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or by a licensed midwife or a person in an approved training program under the supervision of a physician or midwife licensed in this State.

The bill makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age, to knowingly transport a female individual under 18 years of age outside of this State for purposes of female genital mutilation or to knowingly consent to female genital mutilation of a female individual under 18 years of age. Under the provisions of the bill, it is not a defense that the victim or the parent, guardian or person who has immediate custody of the victim consented to the procedure or believed that it was desired as part of a social norm or was necessary for custom, religion or ritual.

The bill extends the statute of limitations for female genital mutilation offenses to the 25th birthday of a victim of female genital mutilation. Commission of a female genital mutilation offense by a person licensed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife licensed in Maine is grounds for permanent revocation of the license of that person.

This bill also requires the Department of Health and Human Services, to the extent existing resources are available, to develop and institute a community outreach program regarding female genital mutilation that provides support services, training and educational materials.

**Committee Amendment "A" (S-446)**

This amendment, which is a minority report of the committee, removes the portions of the bill that make it a Class A crime to knowingly transport a female individual under 18 years of age outside of this State for purposes of female genital mutilation or to knowingly consent to female genital mutilation of a female individual under 18 years of age.

**Senate Amendment "A" (S-454)**

The bill excludes from the definition of "female genital mutilation" certain necessary medical procedures performed by a person licensed in the State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or by a licensed midwife or a person in an approved training program under the supervision of one of these licensed professionals.

Because certified midwives and certified professional midwives are not required to be licensed in the State until January 1, 2020, this amendment clarifies that necessary medical procedures performed by a certified midwife or certified professional midwife, or by an individual in an approved training program under the supervision of a certified midwife or certified professional midwife, are also excluded from the definition of "female genital mutilation."

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**House Amendment "C" To Committee Amendment "A" (H-755)**

This amendment amends the definition of "female genital mutilation" to include only the circumcision, excision or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of a female individual so as to conform with the definition set forth in federal law.

This amendment was not adopted.

**House Amendment "B" To Committee Amendment "A" (H-754)**

Committee Amendment "A" removes a portion of the bill that makes it a Class A crime to knowingly consent to female genital mutilation of a female individual under 18 years of age. This amendment restores that provision.

This amendment was not adopted.

**House Amendment "A" To Committee Amendment "A" (H-753)**

Committee Amendment "A" removes a portion of the bill that makes it a Class A crime to knowingly transport a female individual under 18 years of age outside of this State for purposes of female genital mutilation. This amendment restores that provision.

This amendment was not adopted.

**LD 1910 An Act To Fund Enhanced Data Sharing between the Department of Public Safety, Bureau of State Police and the Maine Judicial Branch**

**PUBLIC 468**

Sponsor(s)  
KEIM L

Committee Report

Amendments Adopted

This bill was not referred to committee. It was carried over from the Second Regular Session of the 128th Legislature to the next special session by joint order S.P. 748. It provides funding to reprogram the Maine telecommunications and routing operations system, or METRO, data switch within the Department of Public Safety, Bureau of State Police in order to support the enhancement of data sharing with the Maine Judicial Branch for data relating to warrants, bail conditions, protection from abuse or harassment orders and criminal history record information and similar public safety-related data exchanges.

**Enacted Law Summary**

Public Law 2017, chapter 468 provides funding to reprogram the Maine telecommunications and routing operations system, or METRO, data switch within the Department of Public Safety, Bureau of State Police in order to support the enhancement of data sharing with the Maine Judicial Branch for data relating to warrants, bail conditions, protection from abuse or harassment orders and criminal history record information and similar public safety-related data exchanges.



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**SUBJECT INDEX**

**Criminal History Record Information/DNA/Forensics**

**Not Enacted**

LD 1202	An Act To Clear a Path to Employment	Majority (ONTP) Report
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**Criminal Law**

**Enacted**

LD 1091	An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes	PUBLIC 432 EMERGENCY
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LD 1388	An Act To Prohibit the Falsification of Medical Records	PUBLIC 410
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LD 1728	An Act To Amend Maine Criminal Code Sentencing Provisions Relating To Increased Sentencing Class Based on Multiple Prior Convictions for Certain Violent or Sexual Crimes	PUBLIC 336
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LD 1795	An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission	PUBLIC 377 EMERGENCY
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LD 1813	An Act To Protect Children under 14 Years of Age from Being Photographed by Certain Persons	PUBLIC 354
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LD 1838	An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos	PUBLIC 397
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**Not Enacted**

LD 990	An Act To Prevent Violence against Law Enforcement Officers, Emergency Medical Care Providers and Firefighters	Died On Adjournment
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LD 1048	An Act To Reclassify Certain Offenses and Increase the Efficiency of the Criminal Justice System	Died On Adjournment
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LD 1819	An Act Prohibiting Female Genital Mutilation	ONTP
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LD 1822	An Act To Amend the Laws Governing Offenses against the Person	ONTP
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LD 1904	An Act To Prohibit the Practice of Female Genital Mutilation of a Minor	Died Between Houses
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## *Criminal Procedure/Bail/Sentencing*

### Not Enacted

LD 1268	An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants	INDEF PP
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## *Department of Corrections*

### Enacted

LD 1322	An Act Regarding Mental Health First Aid Training for Corrections Personnel	PUBLIC 436
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### Not Enacted

LD 1704	An Act To Fund the Downeast Correctional Facility	Veto Sustained
LD 1706	An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs	Died Between Houses
LD 1841	An Act To Authorize a Prerelease Facility in Washington County	INDEF PP

## *Domestic Violence*

### Enacted

LD 449	An Act To Add Domestic Violence against the Victim as an Aggravating Factor in Sentencing for Murder	PUBLIC 374
LD 525	An Act To Enhance Maine's Response to Domestic Violence	PUBLIC 431

### Not Enacted

LD 524	An Act To Amend the Laws on Domestic Violence	Died On Adjournment
LD 1183	An Act To Expand Use of Electronic Monitoring in Domestic Violence, Sexual Assault and Stalking Cases	ONTP

## *Drugs*

### Not Enacted

LD 1429	An Act Regarding the Epidemic of Opiate Abuse	Died On Adjournment
LD 1783	An Act To Amend the Laws Regarding Aggravated Trafficking of Scheduled Drugs	Died On Adjournment

## *Firefighters*

### Not Enacted

LD 1389	An Act To Disburse Funds to the Maine Fire Protection Services Commission	ONTP
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### **Human Trafficking**

#### **Enacted**

LD 1740	An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking	PUBLIC 416
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#### **Not Enacted**

LD 250	An Act To Increase the Penalty for Aggravated Sex Trafficking	Majority (ONTP) Report
LD 951	An Act To Adopt the Uniform Act on Prevention of and Remedies for Human Trafficking	ONTP

### **Law Enforcement**

#### **Not Enacted**

LD 861	An Act To Provide Wage Parity for Certain State Law Enforcement Personnel	ONTP
LD 1146	Resolve, To Provide Wage Parity for Law Enforcement Officers in the Department of Corrections with Other Law Enforcement Officers	ONTP
LD 1672	An Act To Waive the Fee for Attendance at the Maine Criminal Justice Academy for Former Military Police Officers	ONTP

### **OUI/OAS/Other MV Violations**

#### **Not Enacted**

LD 1859	An Act To Include Operating a Motor Vehicle in a Parking Area in the Law Regarding Operating after Habitual Offender Revocation	INDEF PP
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### **Prison/Jail/Inmate**

#### **Enacted**

LD 1490	An Act To Stabilize Funding for the County Jails	PUBLIC 450
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#### **Not Enacted**

LD 377	Resolve, To Establish the York County Jail Drug Detoxification and Rehabilitation Pilot Program	Died On Adjournment
LD 1414	An Act To Ensure the Availability of In-person Visitation in County Jails	Veto Sustained
LD 1415	An Act To Provide Additional Deductions from a Sentence of Imprisonment for Completion of Education, Mental Health Treatment and Substance Abuse Treatment Programs	Died Between Houses
LD 1782	An Act To Provide for In-person Visitation of Incarcerated Persons	Majority (ONTP) Report

**Public Safety/Emergency Medical Services**

**Enacted**

LD 1735	An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement	PUBLIC 373 EMERGENCY
LD 1855	An Act To Fund the Reorganization of the Department of Public Safety, State Bureau of Identification	PUBLIC 383 EMERGENCY
LD 1910	An Act To Fund Enhanced Data Sharing between the Department of Public Safety, Bureau of State Police and the Maine Judicial Branch	PUBLIC 468

**Victim Rights**

**Enacted**

LD 1705	An Act To Strengthen Crime Victims' Rights	PUBLIC 386
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**Not Enacted**

LD 1168	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights	Died On Adjournment
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**Victim's Compensation Fund**

**Enacted**

LD 1751	An Act Regarding the Victims' Compensation Fund	PUBLIC 348
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