

MAINE STATE LEGISLATURE

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R
R. & S.

L.D. 693

DATE: 4-28-97

(Filing No. H-255)

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 502, L.D. 693, Bill, "An Act to Amend Procedures Relating to Extradition Proceedings"

Amend the bill by inserting before section 1 the following:

'Sec. 1. 15 MRSA §210, as amended by PL 1983, c. 843, §§4 to 6, is further amended to read:

§210. Rights of accused person; habeas corpus

No A person arrested upon such a Governor's warrant shall may not be delivered over to the agent whom the executive authority demanding him ~~shall have~~ the person has appointed to receive him the person, unless he the person is first taken ~~forthwith~~ before a judge of a court of record in this State, who shall inform him the person of the demand made for his the person's surrender and of the crime with which he the person is charged and that he the person has the right to demand and procure legal counsel. If the prisoner or his the prisoner's counsel state states that the prisoner may or will contest extradition, the judge shall fix a reasonable time, not to exceed 7 days, to ~~be allowed him within which~~ allow the person to file a petition contesting extradition. The petition shall must be filed in Superior District Court and shall state the grounds upon which extradition is contested. When the petition is filed, notice of it and of the time and place of hearing shall must be given to the prosecuting attorney of the county in which the arrest is made and in which the accused is in custody, to the Attorney General and to the agent of the demanding state.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 502, L.D. 693

2 A person arrested upon the warrant of the Governor shall ~~may~~
not be admitted to bail, except as provided as follows: If a
4 petition contesting extradition is granted and the order is
appealed by the State to the Supreme Judicial Court sitting as
6 the Law Court, the petitioner may be admitted to bail, in the
discretion of the presiding ~~justice~~ judge, pending that appeal.
8 If the appeal is sustained, the petitioner shall ~~shall~~ must be
immediately placed in custody without bail to await delivery to
10 the agent of the demanding state.'

12 Further amend the bill in section 1 in that part designated
"S210-A." in the last paragraph in the next to the last line
14 (page 2, line 18 in L.D.) by striking out the following:
"Supreme Judicial" and inserting in its place the following:
16 'Law'

18 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
20 consecutively.

22 **SUMMARY**

24 This amendment makes technical changes to the Maine Revised
26 Statutes, Title 15, section 210 to make that section consistent
with the changes made to section 210-A in the original bill.

COMMITTEE AMENDMENT