

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 330

H.P. 230

House of Representatives, February 3, 2025

**Resolve, to Create an Advisory Council to Oversee the Review and
Technical Revision of the Maine Criminal Code and Other Statutes
Establishing Criminal Offenses**

Received by the Clerk of the House on January 30, 2025. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MILLIKEN of Blue Hill.
Cosponsored by Senator TALBOT ROSS of Cumberland and
Representatives: BOYER of Poland, LIBBY of Auburn.

1 **Sec. 1. Advisory council to review and revise Maine Criminal Code and**
2 **other criminal provisions. Resolved:** That an advisory council, referred to in this
3 resolve as "advisory council," is created to oversee a review and technical revision of the
4 Maine Criminal Code and other statutes establishing criminal offenses. The advisory
5 council shall select and enter into a contract with an outside consultant under section 2 to
6 conduct the review. The advisory council shall review the report of the outside consultant,
7 consult with the Criminal Law Advisory Commission, established pursuant to the Maine
8 Revised Statutes, Title 5, section 12004-I, subsection 52, and make recommendations to
9 the Legislature. The advisory council consists of the following 5 members:

10 1. A person who is a prosecuting attorney licensed in the State, appointed by the
11 President of the Senate upon the recommendation of the Maine Prosecutors' Association;

12 2. A person who is a criminal defense attorney licensed in the State, appointed by the
13 Speaker of the House of Representatives upon the recommendation of the Maine
14 Commission on Public Defense Services, established pursuant to Title 5, section 12004-G,
15 subsection 25-A;

16 3. A person who is a legal educator with expertise in the State's criminal law, appointed
17 by the Speaker of the House of Representatives upon the recommendation of the dean of
18 the University of Maine School of Law;

19 4. An active retired judge or justice, appointed by the Chief Justice of the Supreme
20 Judicial Court; and

21 5. The Attorney General or the Attorney General's designee, who serves as chair of the
22 advisory council.

23 A majority of the advisory council must be present to conduct business, but all votes
24 and other approvals of advisory council actions require the consensus of all 5 members.

25 **Sec. 2. Outside consultant; review. Resolved:** That the Attorney General shall
26 issue a request for proposals seeking an outside consultant who is a licensed attorney in the
27 State with experience and expertise in criminal law and statutory construction to conduct a
28 review of the Maine Criminal Code and other statutes establishing criminal offenses.
29 Submitted proposals must include a list of staff required to perform the proposed work on
30 behalf of the advisory council. The advisory council shall assist the Attorney General in
31 drafting the request for proposals and shall interview the applicants and select the outside
32 consultant from the group of applicants. The outside consultant shall conduct a review of
33 the Maine Criminal Code and other crimes established in the Maine Revised Statutes to
34 identify unused and obsolete provisions, clarify confusing language, eliminate
35 inconsistencies, consolidate or eliminate redundant provisions and reorganize or restructure
36 the Maine Criminal Code and other statutes establishing criminal offenses. The advisory
37 council shall review the report of the outside consultant and develop recommendations.

38 **Sec. 3. Departments and agencies. Resolved:** That a department or agency of
39 the State may make recommendations to the advisory council concerning a crime under the
40 jurisdiction of the department or agency.

41 **Sec. 4. Report. Resolved:** That, by February 1, 2026, the advisory council shall
42 submit a report based upon the review under this resolve and any recommended legislation

1 to the Joint Standing Committee on Criminal Justice and Public Safety, which may report
2 out legislation to the Second Regular Session of the 132nd Legislature.

3 **SUMMARY**

4 This resolve creates an advisory council to select an outside consultant to review the
5 Maine Criminal Code and other statutes establishing criminal offenses to identify unused
6 and obsolete provisions, clarify confusing language, eliminate inconsistencies, consolidate
7 or eliminate redundant provisions and reorganize or restructure the Maine Criminal Code
8 and other statutes establishing criminal offenses. It also directs the advisory council to
9 submit a report based upon the review and any recommended legislation to the Joint
10 Standing Committee on Criminal Justice and Public Safety, which is authorized to report
11 out legislation to the Second Regular Session of the 132nd Legislature.