

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

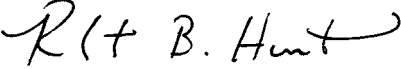
No. 340

H.P. 240

House of Representatives, February 3, 2025

An Act Regarding Speedy Trials

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


ROBERT B. HUNT
Clerk

Presented by Representative MOONEN of Portland.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: Speaker FECTEAU of Biddeford, KUHN of Falmouth, LEE of Auburn,
PUGH of Portland, SATO of Gorham, SINCLAIR of Bath, Senator: TALBOT ROSS of
Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 15 MRSA c. 207** is enacted to read:

3 **CHAPTER 207**

4 **SPEEDY TRIALS**

5 **§1491. Short title**

6 This chapter may be known and cited as "the Maine Speedy Trial Act."

7 **§1492. Time for commencement of trial**

8 **1. Beginning January 1, 2027; maximum time period before trial.** For any
9 complaint, indictment or information filed on or after January 1, 2027 and before January
10 1, 2029, trial must commence within the following time limits:

11 A. For a defendant charged with murder or a Class A crime, trial must commence
12 within 24 months from arraignment;

13 B. For a defendant charged with a Class B or Class C crime, trial must commence
14 within 15 months from arraignment; and

15 C. For a defendant charged with a Class D or Class E crime, trial must commence
16 within 12 months from arraignment.

17 If a defendant is charged with multiple counts in the same complaint, indictment or
18 information, the applicable time limit is determined by the highest sentencing classification
19 assigned to any count charged.

20 **2. Beginning January 1, 2029; maximum time period before trial.** For any
21 complaint, indictment or information filed on or after January 1, 2029 and before January
22 1, 2031, trial must commence within the following time limits:

23 A. For a defendant charged with murder or a Class A crime, trial must commence
24 within 24 months from arraignment;

25 B. For a defendant charged with a Class B or Class C crime, trial must commence
26 within 12 months from arraignment; and

27 C. For a defendant charged with a Class D or Class E crime, trial must commence
28 within 9 months from arraignment.

29 If a defendant is charged with multiple counts in the same complaint, indictment or
30 information, the applicable time limit is determined by the highest sentencing classification
31 assigned to any count charged.

32 **3. Beginning January 1, 2031; maximum time period before trial.** For any
33 complaint, indictment or information filed on or after January 1, 2031, trial must commence
34 within the following time limits:

35 A. For a defendant charged with murder or a Class A crime, trial must commence
36 within 24 months from arraignment;

1 B. For a defendant charged with a Class B or Class C crime, trial must commence
2 within 9 months from arraignment; and

3 C. For a defendant charged with a Class D or Class E crime, trial must commence
4 within 6 months from arraignment.

5 If a defendant is charged with multiple counts in the same complaint, indictment or
6 information, the applicable time limit is determined by the highest sentencing classification
7 assigned to any count charged.

8 **4. Time excluded.** Delays attributable to the following are excluded in computing the
9 time limits in subsections 1, 2 and 3:

10 A. Any trial or other court proceedings related to other charges against the defendant;

11 B. The absence or unavailability of the defendant;

12 C. Any proceedings relating to the extradition and transportation of the defendant from
13 another jurisdiction under Title 15, chapter 9;

14 D. The time during which prosecution is deferred by the State pursuant to written
15 agreement with the defendant pursuant to Title 17-A, chapter 67, subchapter 4 with the
16 approval of the court or pursuant to the Maine Rules of Unified Criminal Procedure,
17 Rule 11B or succeeding rule;

18 E. Any proceedings relating to a change of venue under the Maine Rules of Unified
19 Criminal Procedure, Rule 21 or succeeding rule;

20 F. A reasonable time period during which the defendant is joined for trial with a
21 codefendant as to whom the time for commencement of trial under subsection 1, 2 or
22 3 has not expired and no motion for severance has been granted. For the purposes of
23 this paragraph, reasonableness is determined at the court's discretion;

24 G. A reasonable time to transport the defendant from another county or to and from a
25 place of examination or hospitalization, except that any time consumed in excess of 5
26 days from the date of an order of removal or an order directing transportation under
27 this paragraph and the defendant's arrival at the destination is presumed to be
28 unreasonable;

29 H. Any proceeding, including any examination, to evaluate the mental competency,
30 abnormal condition of the mind, criminal responsibility or physical capacity of the
31 defendant;

32 I. The time during which the defendant is mentally incompetent or physically unable
33 to stand trial;

34 J. A period not to exceed 60 days during which any motion or request concerning the
35 defendant is under advisement by the court after considering written or oral argument
36 on the motion from the parties;

37 K. A continuance granted at the defendant's request. Before requesting a continuance,
38 the defense attorney for a defendant shall inform the court that the attorney has advised
39 the defendant of the right to a speedy trial and the effect of a continuance. If a defendant
40 is not represented by an attorney, the court shall inform the defendant of the right to a
41 speedy trial and the effect of a continuance and, before granting the request, allow a
42 reasonable time for the defendant to withdraw the request;

1 L. An enlargement of time granted at the defendant's request or with the defendant's
2 consent pursuant to section 1494;

3 M. A reasonable period of time after each change in the defendant's counsel at the
4 defendant's request. Any time in excess of 30 days from the defendant's request to
5 obtain new counsel is presumed to be unreasonable; and

6 N. An interlocutory appeal.

7 **5. Effect of mistrial or order of new trial.** If the court orders a mistrial or grants a
8 motion for a new trial, the new trial must commence for a defendant within 9 months from
9 the date of the mistrial or date that the order granting a new trial is entered on the docket.

10 **6. Rules.** The Supreme Judicial Court may adopt rules necessary to implement this Act.

11 **§1493. Waiver of speedy trial right**

12 A defendant may waive the defendant's right to a speedy trial under this Act. The
13 waiver is not effective unless the court has advised the defendant of the defendant's right
14 to a speedy trial and the effect of the waiver.

15 **§1494. Enlargement of time**

16 **1. Enlargement of time; factors.** The court, for good cause, may grant a motion to
17 enlarge the applicable maximum time period before trial under section 1492. A court may
18 not grant a motion for enlargement of time under this section unless the court makes
19 findings on the record that the interests of justice served by granting the enlargement
20 outweigh the interests of the public and the interest of the defendant in a speedy trial. In
21 making this determination, the court shall consider, at a minimum, the following factors:

22 A. Whether the failure to grant the motion for enlargement of time is likely to make
23 continuation of the proceeding impossible or to result in a miscarriage of justice;

24 B. Whether the case is so unusual or so complex, due to the number of defendants, the
25 number of counts, the nature of the prosecution or the existence of novel questions of
26 fact or law, that it is unreasonable to expect adequate preparation for pretrial
27 proceedings or for the trial within the applicable time limit established by section 1492;
28 and

29 C. Whether the failure to grant the motion for enlargement of time would unreasonably
30 deny the defendant or the State continuity of counsel, would limit the availability of
31 witnesses for the defendant or the State or would deny counsel for the defendant or the
32 attorney for the State the reasonable time necessary for effective preparation, taking
33 into account the exercise of due diligence.

34 **2. Consideration of certain factors prohibited.** A court may not consider either the
35 general congestion of the court's calendar or lack of diligent preparation on the part of the
36 attorney for the State as factors weighing in favor of granting an enlargement of time under
37 this section.

38 **§1495. Remedy for noncompliance with time limit**

39 **1. Motion by defendant or court.** The defendant, by motion, or the court, acting sua
40 sponte, may raise the issue of noncompliance with the applicable time limit established by
41 section 1492.

1 **2. Procedure on motion.** Notice of the motion under subsection 1 and an opportunity
2 to be heard must be provided to the defendant and to the attorney for the State.

3 **3. Remedy; factors.** The court shall dismiss the case, with or without prejudice, if it
4 determines that the defendant's trial did not commence within the applicable time limit
5 established by section 1492 and any enlargement of that time limit ordered under section
6 1494. In making a determination whether to dismiss the case with or without prejudice,
7 the court shall consider, at a minimum, the following factors:

8 A. The seriousness of the offense;

9 B. The facts and circumstances of the case that prompted the filing of the motion to
10 dismiss;

11 C. Whether the State can initiate future criminal proceedings based on the conduct
12 underlying the dismissed case and the impact of such a prosecution on the
13 administration of justice;

14 D. An objection made by a victim pursuant to Title 17-A, section 2110; and

15 E. Any other factor the court considers relevant.

16 **Sec. 2. 17-A MRSA §2102, sub-§1, ¶F-2,** as enacted by PL 2021, c. 330, §6 and
17 reallocated by RR 2021, c. 1, Pt. A, §14, is amended to read:

18 F-2. The final disposition of the charges against the defendant, including the amount
19 of deductions to time served that a defendant has accumulated as of the date of
20 sentencing. On or before the date of sentencing, the attorney for the State shall obtain
21 information about the deductions to time served from each correctional facility at
22 which a defendant was detained prior to sentencing on the relevant charges; ~~and~~

23 **Sec. 3. 17-A MRSA §2102, sub-§1, ¶F-3** is enacted to read:

24 F-3. The time and place of any hearing under Title 15, section 1495, subsection 2 to
25 determine the remedy for noncompliance with the Maine Speedy Trial Act and the right
26 to be heard; and

27 **Sec. 4. 17-A MRSA §2110** is enacted to read:

28 **§2110. Procedure on motion to dismiss for violation of Maine Speedy Trial Act**

29 When the attorney for the State receives notice of a motion under Title 15, section 1495
30 seeking dismissal of charges for noncompliance with the Maine Speedy Trial Act, the
31 attorney for the State shall disclose to the court any attempts made to notify each victim
32 and any objection by a victim. In a proceeding to determine the remedy for noncompliance
33 with the Maine Speedy Trial Act, if a victim is present in court, the victim may address the
34 court at that time.

35 **SUMMARY**

36 This bill establishes the Maine Speedy Trial Act. The Act establishes different time
37 limits for the commencement of a defendant's criminal trial depending on when the
38 complaint, indictment or information was filed and what class of crime the defendant is
39 charged with. The Act also provides a time limit for the commencement of a new trial
40 following a mistrial or order for a new trial. A defendant may waive the right to a speedy

1 trial under the Act after the defendant has been advised of the defendant's rights with
2 respect to the Act by the court.

3 The Act also establishes several reasons for delay, which are excluded in computing
4 the time limits for the commencement of trial; factors the court may consider when granting
5 a motion to enlarge the maximum time period before commencement of trial; and remedies
6 available to the defendant when the time limits established by the Act are not complied
7 with.

8 Upon motion by the defendant, the court must dismiss the case either with or without
9 prejudice if it finds that the defendant's trial did not commence within the applicable time
10 limit or any enlargement of that limit. Any victim of the crime for which the defendant is
11 charged must be notified of any hearing to determine whether the defendant's rights under
12 the Act have been violated, and that victim may object to the dismissal of charges and may
13 be heard by the court at the time of that hearing.