

MAINE STATE LEGISLATURE

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MINORITY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1191, L.D. 1780, "An Act to Secure Under Authority of a Subpoena Pretrial Statements from a Witness Other than the Defendant in a Criminal Proceeding"

Amend the bill in section 1 in §1322 in subsection 1 in the first line (page 1, line 4 in L.D.) by striking out the following: "Any" and inserting the following: "Except in proceedings described in subsection 2, any"

Amend the bill in section 1 in §1322 by inserting after subsection 1 the following:

2. Excluded proceedings. This section does not apply to proceedings in which a defendant is charged with:

A. A domestic violence crime under Title 17-A, section 207-A, 208-D, 208-E, 208-F, 209-A, 210-A, 210-B, 210-C or 211-A;

B. Incest crimes under Title 17-A, section 556;

C. Aggravated sex trafficking or sex trafficking crimes under Title 17-A, sections 852 and 853;

D. A sexual assault crime under Title 17-A, chapter 11;

E. A sexual exploitation of minors crime under Title 17-A, chapter 12;

F. A violation of a protection from harassment order issued under Title 5, chapter 337-A;

G. A violation of a protective order in crimes between family members under section 321;

H. A violation of a protection from abuse order under Title 19-A, chapter 103;

I. A violation of a condition of release under section 1092, if the victim is a family or household member, as defined in Title 19-A, section 4102, subsection 6 or a dating partner, as defined in Title 19-A, section 4102, subsection 4; or

1 J. Any other crime if the facts pled in the complaint, indictment or information generate
 2 probable cause to believe that the defendant committed a crime described in this
 3 subsection.'

4 Amend the bill in section 1 in §1322 in subsection 3 by striking out all of paragraph B
 5 (page 1, lines 23 to 41 and page 2, lines 1 and 2 in L.D.).

6 Amend the bill in section 1 in §1322 in subsection 3 by relettering the paragraphs to
 7 read alphabetically.

8 Amend the bill in section 1 in §1322 in subsection 4 in paragraph A in the first line
 9 (page 2, line 18 in L.D.) by striking out the following: "subsection 3, paragraph D" and
 10 inserting the following: 'subsection 4, paragraph C'

11 Amend the bill in section 1 in §1322 in subsection 4 in paragraph B in the first line
 12 (page 2, line 23 in L.D.) by striking out the following: "If" and inserting the following:
 13 'Unless the interests of justice demand otherwise, if'

14 Amend the bill in section 1 in §1322 in subsection 4 in paragraph C in the first line
 15 (page 2, line 26 in L.D.) by striking out the following: "subsection 3, paragraph E" and
 16 inserting the following: 'subsection 4, paragraph D'

17 Amend the bill in section 1 in §1322 by renumbering the subsections to read
 18 consecutively.

19 Amend the bill by inserting after section 1 the following:

20 '**Sec. 2. Appropriations and allocations.** The following appropriations and
 21 allocations are made.

22 **ATTORNEY GENERAL, DEPARTMENT OF THE**

23 **Administration - Attorney General 0310**

24 Initiative: Provides funding for 2 Assistant Attorney General positions and related costs to
 25 administer and manage the provisions of this legislation.

26	GENERAL FUND	2025-26	2026-27
27	POSITIONS - LEGISLATIVE COUNT	0,000	2,000
28	Personal Services	\$0	\$380,984
29	All Other	\$0	\$20,000
30			
31	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$400,984</u>

32

33 **ATTORNEY GENERAL, DEPARTMENT OF THE**
 34 **DEPARTMENT TOTALS**

35		2025-26	2026-27
36	GENERAL FUND	\$0	\$400,984
37			
38	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$400,984</u>

39 **PUBLIC SAFETY, DEPARTMENT OF**

40 **State Police 0291**

COMMITTEE AMENDMENT "A" to H.P. 1191, L.D. 1780

Initiative: Provides funding for call-out pay for State Police Trooper positions who provide pretrial statements to defense attorneys.

GENERAL FUND	2025-26	2026-27
Personal Services	\$192,081	\$198,996
GENERAL FUND TOTAL	\$192,081	\$198,996
HIGHWAY FUND	2025-26	2026-27
Personal Services	\$103,428	\$107,152
HIGHWAY FUND TOTAL	\$103,428	\$107,152
PUBLIC SAFETY, DEPARTMENT OF		
DEPARTMENT TOTALS	2025-26	2026-27
GENERAL FUND	\$192,081	\$198,996
HIGHWAY FUND	\$103,428	\$107,152
DEPARTMENT TOTAL - ALL FUNDS	\$295,509	\$306,148
SECTION TOTALS	2025-26	2026-27
GENERAL FUND	\$192,081	\$599,980
HIGHWAY FUND	\$103,428	\$107,152
SECTION TOTAL - ALL FUNDS	\$295,509	\$707,132

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment clarifies that a pretrial statement may not be requested by a defendant charged with certain sex crimes, certain domestic violence crimes, a violation of certain protection orders or a violation of a condition of release when the victim is a family or household member or dating partner. The amendment removes from the bill a provision that provides a separate process for serving a subpoena to and taking the statement of the victim when the defendant is charged with a crime against another person and the victim is the defendant's family or household member. Finally, the amendment clarifies that the court is required to issue an order barring a potential witness from any future testimony if the witnesses are properly served and fail to appear, unless the interests of justice demand otherwise.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



Approved: 06/06/25 **LRL**

132nd MAINE LEGISLATURE

LD 1780

LR 876(02)

An Act to Secure Under Authority of a Subpoena Pretrial Statements from a Witness Other than the Defendant in a Criminal Proceeding

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-720)
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

	FY 2025-26	FY 2026-27	Projections FY 2027-28	Projections FY 2028-29
Net Cost (Savings)				
General Fund	\$192,081	\$599,980	\$623,006	\$678,619
Highway Fund	\$103,428	\$107,152	\$111,009	\$115,005
Appropriations/Allocations				
General Fund	\$192,081	\$599,980	\$623,006	\$678,619
Highway Fund	\$103,428	\$107,152	\$111,009	\$115,005

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Public Safety of \$192,081 in fiscal year 2025-26 and \$198,996 in fiscal year 2026-27 and Highway Fund allocations of \$103,428 in fiscal year 2025-26 and \$107,152 in fiscal year 2026-27 for callout pay for State Police Trooper positions who provide pre-trial statements to defense attorneys.

The bill also includes General Fund appropriations to the Office of the Attorney General of \$400,984 in fiscal year 2026-27 for 2 Assistant Attorney General positions and related costs to administer and manage the provisions of this legislation.