

# MAINE STATE LEGISLATURE

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STATE OF MAINE (Filing No. H-1163)  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P.  
697, L.D. 2144, Bill, "AN ACT to Revise the State Criminal  
Extradition and Criminal Code."

Amend the Amendment on page 3 by striking out all of the  
first 2 paragraphs and inserting in their place the following:

'Further amend the Bill in section 5 in that part designated  
"§203." by striking out all of paragraph B of subsection 1 and  
inserting in its place the following:

'B. A copy of an indictment returned; or an information issued  
upon a waiver of indictment; or an information or other formal  
charging instrument issued upon a judicial determination of  
probable cause in the demanding state or accompanied by an arrest  
warrant issued upon a judicial determination of probable cause in the  
or any other formal charging instrument, together with any demandin  
affidavits in support thereof, or in support of an arrest state;  
warrant, which support  $\leftarrow$   $\rightarrow$  a finding of probable cause;  
or an affidavit which supports a finding of probable cause.  
The indictment, information, other formal charging instrument or  
affidavit shall substantially charge the person demanded with having  
committed a crime under the law of that state, and the copy shall  
be authenticated by the executive authority making the demand.'

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 697,

L.D. 2144

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Further amend the Amendment on page 3 by striking out all of the last 2 paragraphs and inserting in their place the following:

'Further amend the Bill in section 10 in that part designated "§210-A." by striking out all of the / <sup>first</sup> 2 sentences and inserting in their place the following: 'At the hearing on the petition for a writ of habeas corpus, if the Governor's warrant and the demand comply with the provisions of this chapter, the petitioner shall have the burden of proving by clear and convincing evidence that he has not been charged with a crime in the demanding state and that he is not a fugitive from justice. If the name of the petitioner is the same as that of the person named in the Governor's warrant, the petitioner shall have the burden of proving, by clear and convincing evidence, that he is not the person whom the demanding state is seeking to extradite.

Further amend the bill in section 10 in that part designated "§210-A." 2nd paragraph, last 2 lines (last line in L.D.) by striking out the following: "as defined in section 201"

Further amend the Amendment on page 4 by inserting after the first paragraph the following:

'Further amend the Bill in section 13 in that part designated "§215." by striking out all of the 2nd underlined paragraph and inserting in its place the following:

'The following shall be conclusive on the issue of probable cause:

1. Indictment or information. An indictment or an information issued upon a waiver of indictment; or

2. Charging instrument or warrant. An information or other formal charging instrument or an arrest warrant when they are issued upon a judicial determination of probable cause in the demanding state.'

Statement of Fact

This amendment corrects the language in the bill and adopts the proper burden of proof for a writ of habeas corpus.

Filed by Mr. Hughes of Auburn.

Reproduced and distributed under the direction of the Clerk of the House.  
3/15/78

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