

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2253

6  
7 H.P. 1699

House of Representatives, March 15, 1984

8 Referred to the Committee on Judiciary. Sent up for concurrence and  
9 ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Hobbins of Saco.

11 Cosponsors: Senator Trafton of Androscoggin, Representative Diamond  
12 of Bangor and Representative Benoit of So. Portland.

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-FOUR  
17

18 RESOLUTION, Proposing an Amendment to the  
19 Constitution of Maine to Provide for an Express  
20 Statement of the Right to Bail and Authorizing  
21 the Denial of Bail in Certain Cases.  
22

23 Constitutional amendment. RESOLVED: Two-thirds  
24 of each branch of the Legislature concurring, that  
25 the following amendment to the Constitution of Maine  
26 be proposed:

27 Constitution, Art. I, §10 is amended to read:

28 Section 10. Bailable offences; habeas cor-  
29 pus. No person before conviction shall be bailable  
30 for any of the crimes which now are, or have been de-  
31 nominated capital offences since the adoption of the  
32 Constitution, when the proof is evident or the pre-  
33 sumption great, whatever the punishment of the crimes  
34 may be. Every person before adjudication shall have  
35 the right to reasonable bail or other conditions of  
36 release, except when the offense charged is a serious

1 crime against the person and it is probable that con-  
2 viction or adjudication for the offense charged will  
3 result and there is clear and convincing evidence  
4 that no combination of bail or other release condi-  
5 tions will reasonably minimize the substantial risk  
6 or nonappearance for court proceedings, the commis-  
7 sion of another such offense or a threat to the in-  
8 tegrity of the judicial process. And the privilege  
9 of the writ of habeas corpus shall not be suspended,  
10 unless when in cases of rebellion or invasion the  
11 public safety may require it.

12 Constitutional referendum procedure; form of  
13 question; effective date. Resolved: That the city  
14 aldermen, town selectmen and plantation assessors of  
15 this State shall notify the inhabitants of their re-  
16 spective cities, towns and plantations to meet, in  
17 the manner prescribed by law for holding a statewide  
18 election, at the next general election in the month  
19 of November following passage of this resolution, to  
20 vote upon the ratification of the amendment proposed  
21 in this resolution by voting upon the following ques-  
22 tion:

23 "Shall the Constitution of Maine be amended  
24 as proposed by a resolution of the Legislature to  
25 provide for an express statement of the right to  
26 bail and authorizing the denial of bail in cer-  
27 tain cases?"

28 The legal voters of each city, town and  
29 plantation shall vote by ballot on this question, and  
30 shall designate their choice by a cross or check mark  
31 placed within the corresponding square below the word  
32 "Yes" or "No." The ballots shall be received,  
33 sorted, counted and declared in open ward, town and  
34 plantation meetings and returns made to the Secretary  
35 of State in the same manner as votes for members of  
36 the Legislature. The Governor shall review the re-  
37 turns and, if it appears that a majority of the legal  
38 votes are in favor of the amendment, the Governor  
39 shall proclaim that fact without delay and the amend-  
40 ment shall become part of the Constitution on the  
41 date of the proclamation.

1           Secretary of State shall prepare ballots. Re-  
2 solved: That the Secretary of State shall prepare  
3 and furnish to each city, town and plantation all  
4 ballots, returns and copies of this resolution neces-  
5 sary to carry out the purposes of this referendum.

6

STATEMENT OF FACT

7           This constitutional resolution amends the Consti-  
8 tution of Maine, Article I, Section 10, as recom-  
9 mended by the Governor's Commission to Study the Laws  
10 Relating to Bail in Criminal Cases. In particular,  
11 the resolution would expressly recognize the consti-  
12 tutional right of every person to "reasonable bail or  
13 other conditions of release." The resolution also  
14 recognizes the authority to deny bail altogether in  
15 certain situations.

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