

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2471

H.P. 1801

House of Representatives, April 3, 1990

Reported by Representative MELENDY from the Joint Select Committee on Corrections pursuant to H.P. 1483 and printed under Joint Rule 2.

Ed Pert

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

Resolve, Creating a Commission on Adult Sentencing.

(EMERGENCY)



Emergency preamble. Whereas, Acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

Whereas, the State's correctional resources are severely
overcrowded; and

Whereas, the State's sentencing system directly affects the
State's correctional resources; and

Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, be it

Sec. 1. Commission created; purpose of commission. Resolved:
That there is created the Commission on Adult Sentencing. The
commission shall examine the sentencing system in the State and
consider various alternatives for linking sentencing and
correctional resources to ensure that the 2 remain balanced. The
commission shall address the following questions:

1. What ongoing information and data are needed in order to
make sentencing policy decisions?

2. Should the State reinstitute parole or an alternative to
parole?

3. Would a structured sentencing system, similar to those
implemented in Oregon, Minnesota and Washington, be appropriate
for Maine?

4. Should the mandated sentences for Class A crimes be
adjusted?

5. Should mandatory minimum sentences be eliminated?

6. Should fines be broadened as an alternative to
incarceration for some crimes? Would a "day fine" system be
appropriate for this State?

7. What additional alternatives might the State consider to
strengthen the tie between sentencing and correctional resources?

8. How will any recommendations offered by the commission
be implemented and at what cost?

; and be it further

2 **Sec. 2. Membership; appointment; chair. Resolved:** That the
commission shall be comprised of 10 members to be appointed
within 30 days of the effective date of this resolve as follows:

4
6 1. Two Legislators from the Joint Select Committee on
Corrections and 2 Legislators from the Joint Standing Committee
8 on Judiciary, to be appointed by the President of the Senate and
the Speaker of the House of Representatives. The President of
10 the Senate and the Speaker of the House of Representatives shall
designate one of the legislative members as chair of the
12 commission. Legislative members shall serve for the life of the
commission, regardless of any changes in the status of the
14 legislative members;

16 2. One representative from the Department of Corrections
appointed by the Commissioner of Corrections;

18 3. One prosecutor from the Maine Prosecutors' Association
appointed jointly by the President of the Senate and the Speaker
20 of the House of Representatives;

22 4. One practicing defense attorney appointed jointly by the
President of the Senate and the Speaker of the House of
24 Representatives;

26 5. One sheriff from the Maine Sheriffs' Association
appointed jointly by the President of the Senate and the Speaker
28 of the House of Representatives; and

30 6. Two representatives of the general public appointed
jointly by the President of the Senate and the Speaker of the
32 House of Representatives.

34 The chair of the commission shall ask the Chief Justice of
the Supreme Judicial Court to designate one Justice of the
36 Supreme Judicial Court or of the Superior Court, one Judge of the
District Court and one representative from the Maine Criminal
38 Justice Sentencing Institute to act as advisors to the commission
and to assist the group in coordinating efforts of the commission
40 with judicial efforts in this area; and be it further

42 **Sec. 3. Assistance. Resolved:** That the commission may request
staffing assistance from the Legislative Council, except that the
44 Legislative Council may not provide staff assistance during the
First Regular Session of the 115th Legislature; and be it further
46

48 **Sec. 4. Meetings; report. Resolved:** That the commission may hold
up to 10 meetings, the first of which must be held no later than
June 15, 1990, and the last of which must be held no later than
50 October 15, 1991. The commission shall submit a final report,
together with any necessary implementing legislation to

2 the Second Regular Session of the 115th Legislature by November
1, 1991; and be it further

4 **Sec. 5. Compensation. Resolved:** That the members of the
commission who are Legislators shall receive the legislative per
6 diem as described in the Maine Revised Statutes, Title 3, section
2, for days in attendance at commission meetings. All members of
8 the commission who are not state employees shall receive
reimbursement for travel and other necessary expenses upon
10 application to the Legislative Council; and be it further

12 **Sec. 6. Appropriation. Resolved:** That the following funds are
appropriated from the General Fund to carry out the purposes of
14 this resolve.

16 1989-90

18 **LEGISLATURE**

20 **Commission on Adult Sentencing**

22	Personal Services	\$2,200
	All Other	7,000

24 Provides funds for the per diem, travel and
26 related expenses of the Commission on Adult
Sentencing. These funds may not lapse but
28 must be carried forward.

30 **LEGISLATURE**
32 **TOTAL** \$9,200

34 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

36 **STATEMENT OF FACT**

38 The resolve establishes a 2-year Commission on Adult
40 Sentencing to examine ways that correctional resources and
sentencing might be linked to produce a balanced system that does
42 not result in chronic overcrowding of prisons.