

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "*A*" to H.P. 1186, L.D. 1729, Bill, "An Act Relating to the Maine Criminal Justice Commission"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA c. 316 is enacted to read:

CHAPTER 316

MAINE CRIMINAL JUSTICE COMMISSION

§3358. Maine Criminal Justice Commission

1. Establishment. In order to monitor and evaluate the State's criminal justice system on an ongoing basis and to provide recommendations regarding changes in that system to the appropriate state departments and the Legislature, there is established, pursuant to Title 5, section 12004-J, subsection 10, an independent commission known as the Maine Criminal Justice Commission.

2. Composition. The commission consists of 25 members appointed as follows:

A. Two members from the Senate appointed by the President of the Senate;

B. Three members from the House of Representatives appointed by the Speaker of the House of Representatives;

C. One member from the Juvenile Justice Advisory Group appointed by the Governor;

- 2 D. One member from the Criminal Law Advisory Commission
3 appointed by the Attorney General;
- 4
- 5 E. The Attorney General or the Attorney General's designee;
- 6
- 7 F. The Commissioner of Corrections or the commissioner's
8 designee;
- 9
- 10 G. The Commissioner of Public Safety or the commissioner's
11 designee;
- 12
- 13 H. The Director of the Maine Criminal Justice Academy or
14 the director's designee;
- 15
- 16 I. One member from the Maine Chiefs of Police Association
17 appointed by the Governor;
- 18
- 19 J. One member from the Maine Sheriffs' Association
20 appointed by the Governor;
- 21
- 22 K. One member from the Maine Prosecutors Association
23 appointed by the Governor;
- 24
- 25 L. One attorney experienced in criminal defense appointed
26 by the Governor;
- 27
- 28 M. One member from the faculty of the University of Maine
29 School of Law appointed by the Governor;
- 30
- 31 N. One member representing the Maine Correctional Advisory
32 Commission, appointed by the Governor; and
- 33
- 34 O. Eight other persons appointed by the Governor,
35 consisting of:
- 36
- 37 (1) One member representing the Governor's office;
- 38
- 39 (2) One full-time nonadministrative employee from the
40 Department of Corrections;
- 41
- 42 (3) One former offender;
- 43
- 44 (4) Two nongovernmental service providers to the
45 State's criminal justice system;
- 46
- 47 (5) Two persons who have a demonstrated interest in
48 the State's criminal justice system; and
- 49
- 50 (6) One representative of a nongovernmental victims'
51 organization.
- 52

2 P. The commission shall request that the Chief Justice of
4 the Maine Supreme Judicial Court serve as an advisor to the
commission or designate a member of the Judicial Council to
serve as an advisor.

6 3. Chair. The Governor shall designate the first chair
8 from among the Governor's appointees. The first chair shall call
10 the first meeting of the commission as soon as funding permits.
At the first meeting or a subsequent meeting, the commission
shall select a chair from among its members and may select a new
chair annually.

12 4. Terms of appointment. The terms of appointment are as
14 follows.

16 A. Of the initial gubernatorial appointments, 5 must be for
18 terms of 3 years, 5 must be for terms of 2 years and 5 must
be for terms of one year.

20 B. Subsequent gubernatorial appointments must be for terms
22 of 3 years. Members may serve beyond their designated terms
until their successors are appointed.

24 C. Terms of appointment for Legislators must be for the
26 legislative term of office of the person appointed.

28 D. Other appointed members who are neither Legislators nor
gubernatorial appointees shall serve for terms of 3 years.

30 5. Meetings. The commission may meet as often as necessary
32 but, if funding permits, must meet at least quarterly. If
funding permits, a meeting may be called by the chair or by any 4
34 members. Minutes of all meetings must be taken and maintained by
the commission.

36 6. Staffing. If funding permits, the commission may employ
38 a full-time executive director and set the executive director's
salary. The executive director serves at the pleasure of the
40 commission. The executive director shall perform duties as
42 assigned by the commission. If funding permits, the commission
may employ other staff as needed. The staffs of the departments
44 represented on the commission may assist the commission in
carrying out its functions and duties within their existing
46 resources. The executive director may make recommendations to
the commission. The commission may contract for administrative,
professional and clerical services if funding permits.

48 7. Funding. The commission is authorized to seek, accept
50 and expend outside sources of funding to carry out the
commission's activities. Expenditures may not be incurred that
52 have an impact on the General Fund.

2 8. Duties. The commission shall:

4 A. Regularly advise the Governor and executive officers,
6 the Legislature, the Judicial Department, the Attorney
 General and any other parties affected by its
 recommendations regarding criminal justice policy;

8 B. Submit a report containing the results of its studies,
10 findings and recommendations to the Governor and committees
12 of the Legislature having jurisdiction over criminal justice
 matters by December 31st of each year. As resources permit,
 the report must include:

14 (1) A detailed assessment of existing and needed
16 resources within the State's criminal justice system,
18 to include an evaluation of population growth
20 management with respect to appropriate utilization of
 institutional and community resources, including law
 enforcement, prosecution, judicial, corrections and
 community corrections resources;

22 (2) An evaluation of existing programs for
24 incarcerated and nonincarcerated offenders, including
 recommendations for improvements or new programs;

26 (3) An evaluation of the method used to determine the
28 needs of offenders and the risks they present when
30 arrested, detained, prosecuted, sentenced, placed in
 community programs or institutionalized;

32 (4) Recommendations for effective management of the
 resources within the State's criminal justice system;

34 (5) Recommendations regarding an offender-based
36 tracking system to provide current and historical
 offender data at all levels of the State's criminal
 justice system;

38 (6) Recommendations for appropriate prevention
40 strategies at all levels of the State's criminal
 justice system;

42 (7) Recommendations regarding evaluation methodology
44 for the State's criminal justice system; and

46 (8) Evaluation and recommendations with respect to
48 provision of criminal legal defense assistance to
 indigent criminal defendants;

50 C. Develop rules of procedure necessary to carry out its
52 duties;

2 D. Conduct public hearings, conferences, workshops and
4 other such meetings to obtain information about, discuss and
publicize the needs of and solutions to, problems concerning
the State's criminal justice system; and

6 E. Prepare legislation for submission to the Legislature to
8 implement any recommendations of the commission.

10 Sec. 2. 5 MRSA §12004-J, sub-§10 is enacted to read:

| | | | | |
|----|-----------------|-----------------------|-------------------|---------------|
| 12 | <u>10.</u> | <u>Maine Criminal</u> | <u>As Author-</u> | <u>5 MRSA</u> |
| 14 | <u>Criminal</u> | <u>Justice</u> | <u>ized by</u> | <u>§3358</u> |
| 16 | <u>Justice</u> | <u>Commission</u> | <u>Commission</u> | |

16 **FISCAL NOTE**

18 This bill establishes the Maine Criminal Justice Commission
20 as an independent commission. The activities of the commission
22 will have no fiscal impact on the General Fund. The commission
24 may meet, employ staff and fulfill its duties only if it is
26 successful in procuring nonstate resources to fund its
activities. If non-General Fund resources become available and
the commission is able to meet, commission members representing
state departments and agencies will absorb the costs associated
with meeting attendance within budgeted resources.'

28 **STATEMENT OF FACT**

30 This amendment replaces the original bill. The Maine
32 Correctional Advisory Commission is preserved and the scope of
34 the Maine Criminal Justice Commission is broadened to include all
36 aspects of the criminal justice system. The amendment clarifies
38 that General Fund expenditures may not be made by the Maine
Criminal Justice Commission. The commission must be supported by
outside sources of funds. The amendment also adds a fiscal note
to the bill.

Reported by the Joint Select Committee on Correction
Reproduced and distributed under the direction of the Clerk of the
House

(6/3/91)

(Filing No. H-523)