

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

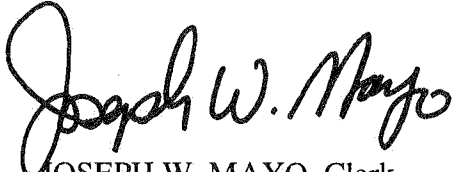
No. 1267

H.P. 924

House of Representatives, February 27, 1997

An Act to Abolish the Judicial Council.

Submitted by the Judicial Department pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative PLOWMAN of Hampden.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 4 MRSA c. 9, first 2 lines** are repealed and the following
enacted in their place:

6 **CHAPTER 9**

8 **MAINE CRIMINAL JUSTICE SENTENCING INSTITUTE**

10 **Sec. 2. 4 MRSA §451**, as amended by PL 1993, c. 401, §1, is
repealed.

12 **Sec. 3. 4 MRSA §451-A**, as enacted by PL 1993, c. 401, §2, is
14 repealed.

16 **Sec. 4. 4 MRSA §452** is repealed.

18 **Sec. 5. 4 MRSA §453**, as amended by PL 1989, c. 891, Pt. A,
§9, is repealed.

20 **Sec. 6. 4 MRSA §454**, as amended by PL 1989, c. 925, §1, is
22 further amended to read:

24 **§454. Maine Criminal Justice Sentencing Institute**

26 There is established a Maine Criminal Justice Sentencing
28 Institute under the administrative supervision of the State Court
Administrator to provide a continuing forum for the regular
30 discussion of the most appropriate methods of sentencing
convicted offenders and adjudicated juveniles by judges in the
32 criminal justice system, prosecutors, law enforcement and
correctional personnel, representatives of advisory and advocacy
groups and such representatives of the defense bar as the chair
34 of the ~~Judicial Council~~ Chief Justice of the Supreme Judicial
Court may invite. All Supreme Judicial Court, Superior Court,
36 District Court and Administrative Court Judges, all District
Attorneys and attorneys within the Criminal Division of the
38 Office of the Attorney General are, and such other criminal
justice personnel as the ~~Judicial Council~~ Chief Justice of the
40 Supreme Judicial Court may authorize may be, members of the
institute.

42 The institute shall meet ~~not less than~~ at least once every 3
44 years, at the call of the ~~Judicial Council~~ Chief Justice of the
Supreme Judicial Court, for a 2-day period to discuss
46 recommendations for changes in the sentencing authority and
policies of the State's criminal and juvenile courts, in response
48 to current law enforcement problems and the available
alternatives for criminal and juvenile rehabilitation within the
50 State's correctional system. Inasmuch as possible the
deliberations of the institute must be open to the general public.

2 Members of the institute are not entitled to receive
3 compensation for their services, but are allowed, out of any
4 appropriation or other fund made available for the purpose, such
5 expenses for clerical and other services, travel and incidentals
6 as the ~~Judicial-Council~~ Chief Justice of the Supreme Judicial
7 Court may authorize.

8
9 **Sec. 7. 5 MRSA §3358, sub-§2**, as amended by PL 1993, c. 349,
10 §9, is further amended by amending the last blocked paragraph to
11 read:

12
13 The commission shall request that the Chief Justice of the Maine
14 Supreme Judicial Court, or a designee of the Chief Justice, serve
15 as an advisor to the commission ~~or designate a member of the~~
16 ~~Judicial-Council to serve as an advisor.~~

17 **Sec. 8. 5 MRSA §12004-I, sub-§51**, as enacted by PL 1987, c.
18 786, §5, is repealed.

19
20 **Sec. 9. 5 MRSA §20067, sub-§2**, as enacted by PL 1993, c. 410,
21 Pt. LL, §12, is amended to read:

22
23 **2. Advise, consult and assist.** The commission shall
24 advise, consult and assist the Governor, the executive and
25 legislative branches of State Government and the Chief Justice of
26 the Supreme Judicial Council Court with activities of State
27 Government related to drug abuse prevention, including alcoholism
28 and intoxication.

29
30 **Sec. 10. 17-A MRSA §1354, sub-§2**, as amended by PL 1993, c.
31 184, §1, is further amended to read:

32
33 **2.** The commission shall submit to the Legislature, at the
34 start of each session, such changes in the criminal laws and in
35 related provisions as the commission may determine appropriate.
36 The commission may also make recommendations to the Chief Justice
37 of the Supreme Judicial Council Court, the Advisory Committee on
38 Criminal Rules and to any other organization or committee whose
39 affairs pertain to the criminal justice system.

40
41 **Sec. 11. 19 MRSA §2004, sub-§2**, as enacted by PL 1995, c. 694,
42 Pt. A, §15, is amended to read:

43
44 **2. Propose changes.** The commission may propose to the
45 Legislature, at the start of each session, changes in family laws
46 and in related provisions as the commission considers
47 appropriate. The commission may also make recommendations to the
48 Chief Justice of the Supreme Judicial Council Court, the Advisory

2 Committee on Criminal Rules, the Advisory Committee on Civil
Rules and to any other organization or committee whose affairs
4 pertain to family law and its practice in this State.

6 **Sec. 12. 19-A MRSA §354, sub-§2**, as enacted by PL 1995, c.
694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

8 **2. Propose changes.** The commission may propose to the
Legislature, at the start of each session, changes in the family
10 laws and in related provisions as the commission considers
appropriate. The commission may also make recommendations to the
12 Chief Justice of the Supreme Judicial Council Court, the Advisory
Committee on Criminal Rules, the Advisory Committee on Civil
14 Rules and to any other organization or committee whose affairs
pertain to family law and its practice in Maine.

16 **Sec. 13. Effective date.** That section of this Act that amends
18 the Maine Revised Statutes, Title 19, section 2004, subsection 2
is repealed October 1, 1997. That section of this Act that
20 amends Title 19-A, section 354, subsection 2 takes effect October
1, 1997.

24 SUMMARY

26 This bill abolishes the Judicial Council. The need for the
council has been supplanted by other working groups within the
28 Judicial Department and other committees created by statute and
court order, such as the Criminal Justice Advisory Committee, the
30 Family Law Advisory Committee and the Nonadversarial Forum
Committee. The Maine Criminal Justice Sentencing Institute will
32 remain in effect, but the appointment process and other
authorizations of the institute will be supervised by the Chief
34 Justice of the Supreme Judicial Court.