

# MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1090, L.D. 1533, Bill, "An Act to Make Certain Changes to Post-conviction Review"

Amend the bill in section 1 in that part designated "§2122." in the first paragraph in the 7th line (page 1, line 14 in L.D.) by striking out the following: "directly--or--indirectly" and inserting in its place the following: 'directly or indirectly'

Further amend the bill in section 2 in the first paragraph in the last 2 lines (page 1, lines 40 and 41 in L.D.) by striking out the following: "to 3, 1-A and 2" and inserting in its place the following: 'to 3'

Further amend the bill by striking out all of section 3.

Further amend the bill in section 4 in subsection 5 in the first line (page 2, line 1 in L.D.) by inserting after the following: "deadline" the following: 'for direct impediment'

Further amend the bill by inserting after section 4 the following:

'Sec. 5. 15 MRSA §2128, sub-§6 is enacted to read:

6. Filing deadline for indirect impediment. A one-year period of limitation applies to initiating a petition for post-conviction review seeking relief from a criminal judgment under section 2124, subsection 3. The limitation period runs from the date of imposition of a sentence for the new crime resulting in the indirect impediment.'

COMMITTEE AMENDMENT

A 48

2 Further amend the bill in section 5 in the first line (page  
4 2, line 26 in L.D.) by striking the following: "Section 4 of  
6 this Act applies" and inserting in its place the following:  
8 'Those sections of this Act that repeal and replace the Maine  
10 Revised Statutes, Title 15, section 2128, subsection 5 and that  
12 enact Title 15, section 2128, subsection 6 apply'

10 Further amend the bill by relettering or renumbering any  
12 nonconsecutive Part letter or section number to read  
14 consecutively.

14 Further amend the bill by inserting at the end before the  
16 summary the following:

**FISCAL NOTE**

18 The Department of the Attorney General will incur some minor  
20 additional costs to handle the additional cases resulting from  
22 the modifications of post-conviction reviews. These costs can be  
24 absorbed within the Attorney General's existing budgeted  
resources.

26 This bill may increase the number of post-conviction reviews  
28 filed in the court system. The additional workload and  
30 administrative costs associated with the minimal number of new  
cases filed can be absorbed within the budgeted resources of the  
Judicial Department. The collection of additional filing fees  
may also increase General Fund revenue by minor amounts.'

**SUMMARY**

34 This amendment adopts a filing deadline for initiating a  
36 petition seeking relief from a criminal judgment coming within  
38 the Maine Revised Statutes, Title 15, section 2124, subsection 1  
or 1-A. That filing deadline is modeled after the federal habeas  
40 corpus statute, 28 United States Code, Section 2254. In order to  
ensure fairness, a grace period of the same length as the new  
42 limitation period is provided.

44 This amendment adopts a flat one-year filing deadline for  
initiating a petition seeking relief from a criminal judgment  
46 coming within the Maine Revised Statutes, Title 15, section 2124,  
subsection 3. The limitation period starts to run from the date  
48 the sentence is imposed for the new crime.

The amendment also adds a fiscal note to the bill.