

# MAINE STATE LEGISLATURE

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R. G. S.

L.D. 2248

DATE: *March 18, 1998*

(Filing No. S-544)

**CRIMINAL JUSTICE**

Reported by: *MAJORITY*

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**STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 844, L.D. 2248, Bill, "An Act Authorizing the State to Appeal Decisions Granting Preconviction Bail"

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

**Sec. 1. 15 MRSA §1026, sub-§3, ¶B-1** is enacted to read:

B-1. Upon motion by the attorney for the State or the defendant, the judge or justice who issued the bail order may entertain a motion for reconsideration. The judge or justice may, after notice, hold a hearing on the motion or may summarily deny the motion without hearing.

**Sec. 2. 15 MRSA §1051, sub-§§3-A and 3-B** are enacted to read:

3-A. Motion for reconsideration. Upon motion by the attorney for the State or the defendant, the judge or justice who issued the bail order may entertain a motion for reconsideration. The judge or justice may, after notice, hold a hearing on the motion or may summarily deny the motion without hearing.

3-B. Bail order; amend. Upon motion by the attorney for the State or the defendant and after notice and upon a showing of changed circumstances or upon the discovery of new and significant information, the court may amend the bail order to relieve the defendant of any condition of release, modify the

**COMMITTEE AMENDMENT**

2 conditions imposed or impose further conditions authorized by  
3 subsection 3 as the court determines will reasonably ensure the  
4 appearance of the defendant as required and will otherwise  
5 reasonably ensure the integrity of the judicial process.'

6 Further amend the bill by inserting at the end before the  
7 summary the following:

10 **FISCAL NOTE**

12 The additional workload and administrative costs associated  
13 with the minimal number of new cases filed in the court system  
14 can be absorbed within the budgeted resources of the Judicial  
15 Department.

16 The net impact on the caseload of the Department of the  
17 Attorney General will be insignificant.'

20 **SUMMARY**

22 The amendment replaces the bill and is the majority report  
23 of the Joint Standing Committee on Criminal Justice. The  
24 amendment clarifies that an attorney for the State or a defendant  
25 may make a motion to the court for reconsideration of the court's  
26 preconviction or post-conviction bail decision. The judge or  
27 justice may, after notice, hold a hearing on the motion or may  
28 summarily deny the motion without hearing.

30 The amendment also adds a fiscal note.  
32