

MAINE STATE LEGISLATURE

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L.D. 1871

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DATE: 5-4-99

(Filing No. H-427)

CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1310, L.D. 1871, Bill, "An Act to Revise Procedures for Probation Revocation"

Amend the bill in section 1 in that part designated "**§1205.**" in subsection 4 in the 3rd line from the end (page 2, line 3 in L.D.) by striking out the following: "may not be afforded" and inserting in its place the following: 'is not required'

Further amend the bill in section 1 in that part designated "**§1205.**" in subsection 6 in the 3rd line (page 2, line 25 in L.D.) by striking out the following: "shall may be" and inserting in its place the following: 'shall-be is'

Further amend the bill in section 3 in that part designated "**§1205-C.**" in subsection 1 in the first line (page 4, line 43 in L.D.) by inserting after the following: "revocation" the following: ', which first must be approved by the prosecuting attorney,'

Further amend the bill in section 3 in that part designated "**§1205-C.**" in subsection 4 in the 2nd line (page 5, line 11 in L.D.) by striking out the following: "motion and" and inserting in its place the following: 'motion,' and in the 3rd line (page 5, line 12 in L.D.) by inserting after the following: "the motion" the following: ', the right to be represented by counsel at a hearing and the right to appointed counsel. If the probationer can not afford counsel, the court shall appoint counsel for the probationer'

COMMITTEE AMENDMENT

2 Further amend the bill in section 3 in that part designated
3 "~~§1205-C.~~" in subsection 6 in the 3rd line (page 5, line 31 in
4 L.D.) by striking out the following: "may be" and inserting in
5 its place the following: 'is'
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10 **SUMMARY**

11 This amendment does the following.

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13 1. It clarifies that a preliminary hearing is not required
14 if a person is charged with or convicted of a new offense and is
15 incarcerated as a result of the pending charge or conviction.

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17 2. It specifies that a motion for probation revocation must
18 be approved by the prosecuting attorney.

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20 3. It continues to use failure to hold a preliminary
21 hearing as grounds for a person's release.

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23 4. It specifies that at an initial appearance the court
24 shall advise the probationer of the right to be represented by
25 counsel at a hearing and that if the probationer can not afford
26 counsel the court shall appoint counsel.