

# MAINE STATE LEGISLATURE

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*M*  
*R.O.S.*

L.D. 870

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DATE: 5-1-01

(Filing No. H-263)

**CRIMINAL JUSTICE**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 670, L.D. 870, "Resolve, Establishing a Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child"

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

**Sec. 1. Commission established. Resolved:** That the Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child, referred to in this resolve as the "commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 11 members:

1. Two members of the Senate, appointed by the President of the Senate;

2. Three members of the House of Representatives, appointed by the Speaker of the House;

3. An attorney employed in the Criminal Division within the Department of the Attorney General, appointed by the Attorney General;

4. The President of the Maine Prosecutors Association or the president's designee; and

5. The President of the Maine Association of Criminal Defense Lawyers or the president's designee.

**COMMITTEE AMENDMENT**

R.O.S.

2           The commission shall ask the Chief Justice of the Supreme  
4           Judicial Court to designate a justice or retired justice from the  
6           Supreme Judicial Court and the Superior Court and a judge or  
          retired judge of the District Court to serve on the commission as  
          voting members; and be it further

8           **Sec. 3. Chairs. Resolved:** That the first named Senate member  
10           is the Senate chair and the first named House member is the House  
          chair of the commission; and be it further

12           **Sec. 4. Appointments; meetings. Resolved:** That all  
14           appointments must be made no later than 30 days following the  
16           effective date of this resolve. The appointing authorities shall  
18           notify the Executive Director of the Legislative Council once the  
20           appointments and selections have been made. When the appointment  
          of all members has been completed, the chairs of the commission  
          shall call and convene the first meeting of the commission no  
          later than 30 days after the appointment of all members is  
          complete; and be it further

22           **Sec. 5. Duties. Resolved:** That the commission shall:

24           1. Conduct a comprehensive review of Maine's laws and other  
26           states' laws pertaining to penalties imposed for crimes against  
          children;

28           2. Review sentencing practices and patterns for crimes  
30           against children in this State, paying particular attention to  
          sex offenses and murder and manslaughter cases; and

32           3. Evaluate the effectiveness and proportionality of those  
34           penalties and sentences and the need, if any, for the State to  
36           modify its current sentencing guidelines for crimes committed  
          against children; and be it further

38           **Sec. 6. Staff. Resolved:** That, upon approval of the  
40           Legislative Council, the Office of Policy and Legal Analysis  
          shall provide necessary staffing assistance to the commission;  
          and be it further

42           **Sec. 7. Compensation. Resolved:** That the members of the  
44           commission who are Legislators are entitled to the legislative  
46           per diem, as defined in the Maine Revised Statutes, Title 3,  
48           section 2, and reimbursement for necessary expenses incurred for  
50           their attendance at authorized meetings of the commission. Other  
          members of the commission who are not otherwise compensated by  
          their employers or other entities that they represent are  
          entitled to receive reimbursement of necessary expenses incurred  
          for their attendance at authorized meetings; and be it further

R. & S.

2           **Sec. 8. Budget. Resolved:** That the chairs of the commission,  
 4 with assistance from the commission staff, shall administer the  
 6 commission budget. Within 10 days after its first meeting, the  
 8 commission shall present a work plan and proposed budget to the  
 10 Legislative Council for approval. The commission may not incur  
 12 expenses that would result in the commission's exceeding its  
 approved budget. Upon request from the commission, the Executive  
 Director of the Legislative Council or the executive director's  
 designee shall promptly provide the commission chair and staff  
 with a status report on the commission's budget, expenditures  
 incurred and paid and available funds; and be it further

14           **Sec. 9. Report. Resolved:** That the commission shall submit  
 16 its report, together with any necessary implementing legislation,  
 18 to the Second Regular Session of the 120th Legislature no later  
 20 than November 15, 2001. If the commission requires a limited  
 extension of time to conclude its work, it may apply to the  
 Legislative Council, which may grant the extension; and be it further

22           **Sec. 10. Appropriation. Resolved:** That the following funds are  
 24 appropriated from the General Fund to carry out the purposes of  
 this resolve.

26 **2001-02**

28 **LEGISLATURE**

30 **Commission to Study the Laws Governing the**  
 32 **Sentencing of a Person Convicted of a Crime**  
**Involving a Child**

34	Personal Services	\$1,100
	All Other	2,200

36  
 38 Provides funds for the per diem and expenses  
 of legislative members and other eligible  
 40 members of the Commission to Study the Laws  
 Governing the Sentencing of a Person  
 42 Convicted of a Crime Involving a Child and  
 to print the required report.

44	<b>LEGISLATURE</b>	
	<b>TOTAL</b>	<b>\$3,300'</b>

46  
 48 Further amend the resolve by inserting at the end before the  
 summary the following:

R. of S.

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**FISCAL NOTE**

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**2001-02**

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**APPROPRIATIONS/ALLOCATIONS**

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General Fund

\$3,300

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The Legislature will require an additional General Fund appropriation of \$3,300 in fiscal year 2001-02 for the per diem and expenses of legislative members and other eligible members of the Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child and to print the required report.

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The additional costs associated with providing staffing assistance to the commission during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources. If an extension of the reporting deadline is granted and the commission requires staffing assistance during the legislative session, the Legislature may require an additional General Fund appropriation to contract for staff services.

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The Judicial Department and the Department of the Attorney General will incur some minor additional costs to serve on the commission. These costs can be absorbed within the departments' existing budgeted resources.'

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**SUMMARY**

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This amendment replaces the resolve. The amendment establishes the Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child, the duties of which include: conducting a comprehensive review of Maine's laws and other states' laws pertaining to penalties imposed for crimes against children; reviewing sentencing practices and patterns for crimes against children in this State, paying particular attention to sex offenses and murder and manslaughter cases; and evaluating the effectiveness and proportionality of those penalties and sentences and the need, if any, for the State to modify its current sentencing guidelines for crimes committed against children. The commission shall deliver its report and any proposed legislation to the Second Regular Session of the 120th Legislature. It also adds an appropriation section and a fiscal note to the resolve.

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