

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1462

H.P. 1093

House of Representatives, March 8, 2001

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### Resolve, Establishing a Criminal Code Revision Commission.

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Reference to the Committee on Criminal Justice suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative POVICH of Ellsworth.  
Cosponsored by Senator McALEVEY of York and  
Representatives: BLANCHETTE of Bangor, O'BRIEN of Lewiston, PEAVEY of Woolwich,  
RICHARDSON of Brunswick, SAVAGE of Buxton, SHERMAN of Hodgdon, SNOWE-  
MELLO of Poland, WHEELER of Bridgewater.

2           **Sec. 1. Commission established. Resolved:** That the Criminal  
Code Revision Commission, referred to in this resolve as the  
"commission," is established; and be it further

4  
6           **Sec. 2. Commission membership. Resolved:** That the commission  
consists of the following members:

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

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

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

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

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

24           The commission shall ask the Chief Justice of the Supreme  
Judicial Court to designate a judge or retired judge from the  
26 Supreme Judicial Court, the Superior Court and the District Court  
to serve on the commission as a voting member; and be it further

28           **Sec. 3. Chairs. Resolved:** That the first named Senate member  
30 is the Senate Chair and the first named House member is the House  
Chair of the commission; and be it further

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

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

44           1. Review all provisions of the Maine Criminal Code,  
46 Juvenile Code and Maine Bail Code; and

48           2. Draft proposed legislation that:

50           A. Repeals or amends archaic language; and

2 B. Repeals crimes that are redundant or covered by existing  
4 general provisions.

6 In doing its work, the commission may consult with parties  
8 who have an interest in the criminal justice system; and be it  
further

10 **Sec. 6. Staff. Resolved:** That the commission shall request  
12 necessary staffing assistance from the Legislative Council; and  
be it further

14 **Sec. 7. Compensation. Resolved:** That the members of the  
16 commission who are Legislators are entitled to the legislative  
per diem, as defined in the Maine Revised Statutes, Title 3,  
18 section 2, and reimbursement for necessary expenses incurred for  
their attendance at authorized meetings of the commission. Other  
20 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

22 **Sec. 8. Report. Resolved:** That the commission shall submit  
24 its report, together with any necessary implementing legislation,  
to the First Regular Session of the 121st Legislature no later  
26 than November 15, 2002. If the commission requires a limited  
extension of time to conclude its work, it may apply to the  
28 Legislative Council, which may grant the extension.

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**SUMMARY**

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34 This resolve creates the Criminal Code Revision Commission,  
the duties of which include reviewing all provisions of the Maine  
Criminal Code, Juvenile Code and Maine Bail Code and drafting  
36 proposed legislation that repeals or amends archaic language and  
repeals crimes that are redundant or covered by existing general  
38 provisions. The commission shall deliver its report and any  
proposed legislation to the First Regular Session of the 121st  
40 Legislature.