

# MAINE STATE LEGISLATURE

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M  
R. of S.

L.D. 1020

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4  
DATE: 4-17-03

(Filing No. H-153)

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

10 Reproduced and distributed under the direction of the Clerk of  
12 the House.

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

18  
20 COMMITTEE AMENDMENT "A" to H.P. 741, L.D. 1020, Bill, "An  
Act To Amend the Maine Criminal Code as Recommended by the  
22 Criminal Law Advisory Commission"

24 Amend the bill by striking out all of sections 5 and 6.

26 Further amend the bill by striking out all of section 11.

28 Further amend the bill by striking out all of section 12 and  
inserting in its place the following:

30 'Sec. 12. 17-A MRSa §1252, sub-§4-A, as amended by PL 2003, c.  
32 1, §10, is further amended to read:

34 4-A. If the State pleads and proves that, at the time any  
crime, excluding murder, under chapter 9, 11, 13 or 27 was  
36 committed, the defendant had been convicted of 2 or more crimes  
violating chapter 9, 11, 13 or 27 or essentially similar crimes  
38 in other jurisdictions, the sentencing class for the crime is one  
class higher than it would otherwise be. In the case of a Class  
40 A crime, the sentencing class is not increased, but the prior  
record must be given serious consideration by the court when  
42 imposing a sentence. Section 9-A governs the use of prior  
convictions when determining a sentence, except that, for the  
44 purposes of this subsection, for violations under chapter 11, the  
dates of prior convictions may have occurred at any time. This  
46 subsection does not apply to section 210-A if the prior  
convictions have already served to enhance the sentencing class  
under section 210-A, subsection 1, paragraph C.'

**COMMITTEE AMENDMENT**

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 741, L.D. 1020

2 Further amend the bill by relettering or renumbering any  
4 nonconsecutive Part letter or section number to read  
consecutively.

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**SUMMARY**

10 This amendment strikes language that proposed to repeal the  
12 statutory provisions regarding the "2 witness" rule. This  
amendment also strikes language that would have eliminated the  
current 2-tier system for sentencing in Class A crimes.

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**FISCAL NOTE REQUIRED**  
(See attached)

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1020**

**An Act to Amend the Maine Criminal Code as Recommended by the  
Criminal Law Advisory Commission**

**LR 0811(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**  
**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - General Fund