

MAINE STATE LEGISLATURE

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L.D. 1632

Date: 3/16/16

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1108, L.D. 1632, Bill, "An Act To Make Certain Statutory Changes in Light of the New Maine Rules of Unified Criminal Procedure"

Amend the bill in section 2 in subsection 3 in the 3rd and 4th line (page 1, lines 17 and 18 in L.D.) by striking out the following: "~~and the Maine Rules of Criminal Procedure, Rule 42~~" and inserting the following: 'and the Maine Rules of Unified Criminal Procedure, Rule 42'

Amend the bill by striking out all of section 6 and inserting the following:

'**Sec. 6. 15 MRSA §454**, as amended by PL 2007, c. 539, Pt. JJ, §6, is further amended to read:

§454. Murder or felony murder; filing copies of proceedings; expenses

Whenever any person is convicted of murder or felony murder, by jury verdict, court finding or court acceptance of a plea of guilty or nolo contendere, a copy, as applicable, of the ~~Maine Rules of Criminal Procedure, Rule 11, if applicable~~, transcript of the plea hearing, trial testimony and ~~charge of the presiding justice, jury instructions~~, certified by the Official Court Reporter who created a transcript of the reporter's stenographic notes or the transcriber who created a transcript from the electronically recorded record, must be filed with the clerk of the court where that trial is held, and the expense for the transcript must be paid by the State. A copy, as applicable, of the ~~Maine Rules of Criminal Procedure, Rule 11, if applicable~~, transcript of the plea hearing, trial testimony and ~~charge of the presiding justice, jury instructions~~, certified by the Official Court Reporter who created a transcript of the reporter's stenographic notes or the transcriber who created a transcript from the electronically recorded record, must be furnished by the clerk of court to the Secretary of State at no charge for use in any pardon hearing before the Governor, when the individual is indigent.'

Amend the bill in section 7 in subsection 6 in the 2nd line (page 3, line 32 in L.D.) by striking out the following: "~~and 41C~~" and inserting the following: '41C and 111'

COMMITTEE AMENDMENT

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SUMMARY

This amendment provides technical corrections to the bill and rewrites the proposed changes to the law regarding filing copies of the proceedings in murder and felony murder cases.

The amendment changes the requirements applicable to the assembling of records in cases in which a person is convicted of murder or felony murder. With respect to the records that must be assembled, the amendment repeals the requirement that a copy of the Maine Rules of Criminal Procedure, Rule 11 be included, requires inclusion of a transcript of the plea hearing and jury instructions and repeals the requirement that the charge of the presiding justice be included. The amendment makes the same changes in the law requiring the clerk of court to provide certain records to the Secretary of State for use by the Governor in a pardon hearing.