

MAINE STATE LEGISLATURE

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PMG
R. 4/2/17

Date: 6/2/2017

(Filing No. S-191)

Majority

JUDICIARY

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STATE OF MAINE

SENATE

128TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 97, L.D. 309, Bill, "An Act To Restore Judicial Discretion"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Establish the Working Group To Restore Judicial Discretion'

Amend the bill by striking out everything after the title and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Working Group To Restore Judicial Discretion is created to review mandatory minimum sentences and make recommendations to support judicial discretion in sentencing; and

Whereas, the review must be initiated before the 90-day period expires in order that the review may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Working group established. Resolved: That the Working Group To Restore Judicial Discretion, referred to in this resolve as "the working group," is established; and be it further

Sec. 2. Working group membership. Resolved: That the working group consists of 5 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature; and

COMMITTEE AMENDMENT

H. & S.

COMMITTEE AMENDMENT "A" to S.P. 97, L.D. 309

1 Advisory Commission. The working group is required to submit a report to the Second
2 Regular Session of the 128th Legislature that includes recommendations to repeal or
3 amend specific mandatory minimum sentence requirements.

4 **FISCAL NOTE REQUIRED**

5 (See attached)



128th MAINE LEGISLATURE

LD 309

LR 1009(02)

An Act To Restore Judicial Discretion

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-191)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$2,750 in fiscal year 2017-18. The Legislature's proposed budget includes \$10,000 in fiscal year 2017-18 for legislative studies. Whether this amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.