

MAINE STATE LEGISLATURE

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L.D. 478

Date: 6/14/21

(Filing No. H-576)

Minority
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 352, L.D. 478, "An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons"

Amend the bill in section 2 in c. 603 in §22106 in subsection 1 in the last line (page 2, line 40 in L.D.) by inserting after the following: "years" the following: 'total compensation is limited by subsection 4'

Amend the bill in section 2 in c. 603 in §22106 in subsection 2 in the last line (page 3, line 5 in L.D.) by inserting after the following: "years" the following: 'total compensation is limited by subsection 4'

Amend the bill in section 2 in c. 603 in §22106 by inserting after subsection 3 the following:

4. Maximum compensation. The total compensation paid under this section may not exceed \$500,000.

Amend the bill by inserting after section 3 the following:

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF Unjustly Incarcerated Persons Compensation Fund N380
Initiative: Creates and provides allocations to the Unjustly Incarcerated Persons Compensation Fund.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "B" to H.P. 352, L.D. 478

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SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary. It limits total compensation per person under the Unjustly Incarcerated Persons Compensation Fund to \$500,000. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 478

LR 850(03)

An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons

Fiscal Note for Bill as Amended by Committee Amendment

B(H-576)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

Fiscal Detail and Notes

Currently, an individual must be pardoned in order to be considered for compensation for being wrongly incarcerated and a maximum compensation of \$300,000 is paid from the General Fund. This bill establishes a new process, providing \$50,000 for each year of imprisonment and \$10,000 for each year served as a registered sex offender, limited to \$500,000. This total would be an additional \$200,000 per person compared with current law.

Any compensation is paid from the newly established Unjustly Incarcerated Persons Compensation Fund, which will be funded by amounts authorized to be transferred by the Legislature from the unappropriated surplus of the General Fund. The total additional cost to the General Fund will depend on the number of unjustly incarcerated people who apply for compensation and the amount each is entitled to receive. The bill includes Other Special Revenue Funds allocations of \$500 beginning in fiscal year 2021-22 to the Department of Financial and Administrative Services to establish and keep active the Unjustly Incarcerated Persons Fund.

The bill also requires a person seeking compensation to file a claim in District Court. This will increase the number of civil suits filed in the court system. There is currently a \$300 fee for jury trials, which is split between the General Fund (\$273) and the Civil Legal Services Fund (\$27).