

MAINE STATE LEGISLATURE

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GAK
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L.D. 842

Date: 6-16-21

(Filing No. H-717)

REPORT A
JUDICIARY

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

COMMITTEE AMENDMENT "A" to H.P. 610, L.D. 842, "An Act To Reestablish Parole"

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

'Resolve, To Create the Commission To Examine Reestablishing Parole'

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, this legislation creates the Commission To Examine Reestablishing Parole to study the reinstatement of parole; and

Whereas, the study must be initiated before the 90-day period expires in order that the study 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. Commission established. Resolved: That the Commission To Examine Reestablishing Parole, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members as follows:

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

2. Three members of the House of Representatives appointed by the Speaker of the House, including at least one member from each of the 2 parties holding the largest number of seats in the Legislature;

- 1 3. The Commissioner of Corrections or the commissioner's designee;
- 2 4. The Attorney General or the Attorney General's designee;
- 3 5. A district attorney, designated by an association representing prosecutors in the
- 4 State;
- 5 6. A representative of an organization advocating for the interests of people who are
- 6 incarcerated, appointed by the President of the Senate;
- 7 7. A member with experience in the fields of criminal sentencing or criminology or
- 8 with experience in administering parole, appointed by the Speaker of the House;
- 9 8. A member who is an expert in criminal procedure, appointed by the President of the
- 10 Senate;
- 11 9. A representative of an organization advocating for the interests of racial minorities,
- 12 appointed by the Speaker of the House; and
- 13 10. An active or retired judge or justice, designated by the Chief Justice of the Supreme
- 14 Judicial Court.

15 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair

16 and the first-named House of Representatives member is the House chair of the

17 commission.

18 **Sec. 4. Appointments; convening of commission. Resolved:** That all

19 appointments must be made no later than 30 days following the effective date of this

20 resolve. The appointing authorities shall notify the Executive Director of the Legislative

21 Council once all appointments have been completed. After appointment of all members,

22 the chairs shall call and convene the first meeting of the commission. If 30 days or more

23 after the effective date of this resolve a majority of but not all appointments have been

24 made, the chairs may request authority and the Legislative Council may grant authority for

25 the commission to meet and conduct its business.

26 **Sec. 5. Duties. Resolved:** That the commission shall examine parole as it currently

27 operates in this State and in other states, the benefits and drawbacks of parole, different

28 models of parole, how parole fits in with the overall framework of the Maine Criminal

29 Code, the effect of parole on parolees, the costs and savings of instituting parole and the

30 elements of a plan to implement parole.

31 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide

32 necessary staffing services to the commission, except that the Legislative Council staff

33 support is not authorized when the Legislature is in regular or special session.

34 **Sec. 7. Consultants. Resolved:** That the commission may request that individuals

35 with specific expertise in parole and the logistics of parole systems, including but not

36 limited to the current members of the Department of Corrections, State Parole Board, serve

37 as consultants to the commission.

38 **Sec. 8. Report. Resolved:** That, no later than December 1, 2021, the commission

39 shall submit a report that includes its findings and recommendations, including suggested

40 legislation, to the Joint Standing Committee on Judiciary, which may report out legislation

41 to the Second Regular Session of the 130th Legislature.

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Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

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

SUMMARY

This amendment is the majority report of the committee. It replaces the bill with a resolve that establishes the Commission To Examine Reestablishing Parole, consisting of 13 members, 5 of whom are Legislators. The commission may request the current members of the Department of Corrections, State Parole Board as well as others to serve as consultants to the commission. The commission must report to the Joint Standing Committee on Judiciary by December 1, 2021.

**FISCAL NOTE REQUIRED
(See attached)**



130th MAINE LEGISLATURE

LD 842

LR 195(02)

An Act To Reestablish Parole

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Judiciary

Fiscal Note Required: Yes

CH-717

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$2,750 in fiscal year 2021-22. The Legislature's budget for the 2022-2023 biennium includes \$10,000 in fiscal year 2021-22 and \$10,000 in fiscal year 2022-23 for the costs of legislative studies, as well as \$21,260 of balances carried over from prior years for this purpose. Whether these amounts are 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.

Fiscal Detail and Notes

Any additional costs to the Department of Corrections or to the Office of the Attorney General to serve on the commission are assumed to be minor and can be absorbed within existing budgeted resources.