

MAINE STATE LEGISLATURE

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L D 1625

Date 7/22/23

(Filing No S-486)

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STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S P 642,
L D 1625, "An Act to Update Criminal Indictment Procedures and Expand the Provision
of Counsel to Certain Indigent Defendants"

Amend the amendment by striking out everything after the title and inserting the
following

'Amend the bill by striking out everything after the enacting clause and inserting the
following

'Sec. 1. 15 MRSA §810, as amended by P&SL 1975, c 147, Pt C, §14, is repealed
and the following enacted in its place

§810 Copy of indictment furnished; assignment of counsel

1. Copy of indictment furnished. The clerk shall, without charge, furnish to any
person indicted for a crime a copy of the indictment unless the indictment is sealed

2. Assignment of counsel before arraignment. Before arraignment, competent
defense counsel must be assigned by the court unless waived by the accused after being
fully advised of the accused's rights by the court if the court determines that the accused is
indigent and the accused is charged with murder or a Class A, B or C crime, except when
the accused has not had an initial appearance on the complaint

3. Assignment of counsel at arraignment. Competent defense counsel must be
assigned by the court unless waived by the accused after being fully advised of the
accused's rights by the court if the court determines that the accused is indigent and that

A There is a risk upon conviction that the accused may be sentenced to a term of
imprisonment,

B The accused has a physical, mental or emotional disability preventing the accused
from fairly participating in the criminal proceeding without counsel, or

C The accused is a noncitizen for whom the criminal proceeding poses a risk of
adverse immigration consequences ' '

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

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SUMMARY

This amendment removes the appropriations and allocations section from Committee Amendment "A" It removes from the bill a requirement to furnish to a person indicted for a crime a list of jurors and a process to obtain witnesses and provisions regarding payment of witnesses The amendment requires assignment of counsel for an accused person who is indigent before arraignment for persons accused of murder or a Class A, B or C crime and at arraignment under the other conditions in the bill as amended

SPONSORED BY: Rotundo M

(Senator ROTUNDO, M.)

COUNTY: Androscoggin

FISCAL NOTE REQUIRED
(See attached)



131st MAINE LEGISLATURE

LD 1625

LR 826(04)

An Act to Update Criminal Indictment Procedures and Expand the Provision of Counsel to Certain Indigent Defendants

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Rotundo of Androscoggin

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	(\$21,000)	(\$28,000)	(\$28,000)	(\$28,000)
Appropriations/Allocations				
General Fund	(\$21,000)	(\$28,000)	(\$28,000)	(\$28,000)

Fiscal Detail and Notes

This amendment removes the appropriation to the Maine Commission on Indigent Legal Services. The impact on other programs and services cannot be determined.