

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

December 2021

MEMBERS:

SEN. ANNE M. CARNEY, CHAIR
SEN. HEATHER B. SANBORN
SEN. LISA M. KEIM

REP. THOM HARNETT, CHAIR
REP. CHRISTOPHER W. BABBIDGE
REP. JOYCE MCCREIGHT*
REP. BARBARA A. CARDONE*
REP. LOIS GALGAY RECKITT
REP. STEPHEN W. MORIARTY
REP. ERIN R. SHEEHAN
REP. DAVID G. HAGGAN
REP. LAUREL D. LIBBY*
REP. JENNIFER L. POIRIER
REP. JAMES F. THORNE*
REP. JEFFREY EVANGELOS
REP. RENA D. NEWELL

STAFF:

MARGARET REINSCH, SR. LEGISLATIVE ANALYST
SAM SENFT, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

*Committee member for a portion of the session

JOINT STANDING COMMITTEE ON JUDICIARY

LD 1692 An Act To Improve Judicial Branch Facilities in Hancock County

ENACTED LAW SUMMARY

Public Law 2021, chapter 451 authorizes the Maine Governmental Facilities Authority to use previously authorized securities to acquire and improve property relating to the judicial branch in Hancock County.

LD 1703 An Act To Amend the Bail Code

ENACTED LAW SUMMARY

Public Law 2021, chapter 397 provides that a defendant who is otherwise eligible to be released on personal recognizance or upon the execution of an unsecured appearance bond, whether or not accompanied by one or more conditions of bail, must be released if the defendant cannot afford to pay the bail commissioner fee. It clarifies that the bail commissioner fee is not a financial condition of release for the purposes of the prohibition on financial conditions of release for certain Class E crimes.

Chapter 397 removes from the list of potential conditions of release for preconviction bail the requirement to submit to a random search for possession or use of alcohol or use of illegal drugs when use or possession is prohibited by a condition of release, unless the defendant is a participant in a specialty court docket or as agreed to by the parties as a part of a deferred disposition. It also eliminates the condition that requires the defendant to report on a regular basis to the defendant's attorney.

Chapter 397 prohibits a judicial officer from imposing a financial condition of release on a defendant whose most serious crime charged is a Class E crime. However, the prohibition on financial conditions of release does not apply when the Class E crime is any of the following:

1. A violation of the Maine Criminal Code, chapter 11, which covers sexual assault crimes;
2. A crime committed against a family or household member or a dating partner;
3. A violation of a condition of release when the underlying crime for which the defendant has been released on bail is a violation of the Maine Criminal Code, chapter 11 or a crime against a family or household member or a dating partner;
4. A violation of a condition of release that is premised on an allegation of new criminal conduct;
5. When a defendant fails to appear in court on a Class E crime; or
6. When agreed to by the defendant and the State. The parties may not agree to a bail amount under this provision that is more than \$5.