

MAINE STATE LEGISLATURE

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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

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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.

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Chapter 397 revises the list of factors a judicial officer considers when setting preconviction bail; although the judicial officer is still required to consider the defendant's past conduct, chapter 397 eliminates the consideration of any history of substance use disorder. It also adds three new factors to be considered by the judicial officer:

1. Whether the defendant is the person primarily responsible for the care of another person;
2. Whether the defendant has a specific health care need, including a mental health care need, that is being met or would be better met outside of custody; and
3. Whether being placed or remaining in custody would prevent the defendant from maintaining employment.

Chapter 397 also requires a judicial officer to state the reason for the amount of any financial condition the judicial officer imposes.

LD 1730 An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

ENACTED LAW SUMMARY

Public Law 2021, chapter 293 corrects inconsistencies, conflicts and errors in Maine's laws.

Public Law 2021, chapter 293 was enacted as an emergency measure effective June 21, 2021.