

Criminal Code Revision Planning Committee

Meeting Summary

Third meeting held on December 16, 2013

Present: Sen. Gerzofsky, Rep. Carey, Rep. Priest, Rep. Wilson, Hon. LaVerdiere, Stephanie Anderson, Neal Duffett, Oami Amarasingham (for Zachary Heiden) and Elizabeth Ward Saxl

Absent: Sen. Hill, Sen. Burns, Tobey Dilworth

Introductions (1:00)

Summary of the committee's discussion

The committee discussed adding additional members to the commission including the Maine Coalition Against Sexual Assault and the American Civil Liberties Union of Maine. Committee members discussed allowing commission members to vote in ad hoc nonvoting members to provide expertise when appropriate. The committee agreed that having judges/ justices as nonvoting members and authorizing the commission to form advisory groups as needed would be essential to the success of the commission.

The committee discussed the potential overlap of the commission's duties with CLAC's. Members recognized that some overlap would be inevitable but requiring the commission to conduct policy work would be an important departure from CLAC's usual course of business. CLAC has stated that it is uncomfortable making policy recommendation and it tries to focus on technical aspects of criminal law and pending legislation.

The committee discussed resources that may be available to the commission focusing on staff support. There was general agreement that a person serving as "chief counsel" needed to be hired along with administrative support. There was also general agreement to authorize the commission to apply for grants and request staffing resources from the Legislative Council. However, if adequate funding was not available, the commission should not start or should cease operations until it received adequate funding to effectively carryout its duties.

The committee discussed whether the commission should be funded in full upfront or incremental funding over time through grant writing and General Fund support. No consensus was reached on this issue. Some members supported including in the bill a General Fund appropriation of \$155,000 for Fiscal Year 2013-14 while other members were undecided.

The committee briefly discussed what areas of the Criminal Code the commission should work on first but no consensus was reached.

The committee agreed to amend the draft bill to:

1. Make it an emergency measure effective upon approval by the Governor;
2. Remove the definition of “criminal law;”
3. Add two nonvoting members who are either active or retired judges;
4. Require the commission to meet at least twice annually;
5. Add language to state that if the commission does not have proper funding it should not start or cease its operations until adequate funding becomes available to fully and effectively carryout it duties;
6. Require the commission to do periodic reviews of its progress and report to the Legislature (Not clear whether committee agreed on this item);
7. Provide stagger terms of the membership and specify that the first appointments must include a member from the Maine Association of Criminal Defense Lawyers and a member from the Maine Prosecutor’s Association; and
8. Add an appropriation and allocations section for \$155,000 in All Other for Fiscal Year 2013-14; and
9. Repeal the commission on October 1, 2017.

Next meeting date is Thursday, January 2, 2014 at 10:00am in room 211 of the Cross Office Building. This is the last authorized meeting.

Adjourned 4:55