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Date: (Filing No. H-)

JUDICIARY

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

COMMITTEE AMENDMENT “ ” to H.P. 1213, L.D. 1630, “An Act To Establish a System of Proportional Fines and To Repeal Certain Fees and Assessments”

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

'Resolve, To Establish the Proportional Fines Commission'

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 Proportional Fines Commission to study the use of proportional fines and develop a plan for implementation; 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. Proportional Fines Commission established. Resolved: That the Proportional Fines Commission, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 9 members as follows:

- 1. An attorney who practices as a defense attorney for clients who qualify for court-appointed counsel, appointed by the President of the Senate;
- 2. A representative of an agency that provides social services or that serves lower-income communities, appointed by the President of the Senate;

COMMITTEE AMENDMENT

1 3. An expert in the field of criminal sentencing or criminology, appointed by the
2 President of the Senate;

3 4. A representative of an agency that provides pretrial services, appointed by the
4 Speaker of the House of Representatives;

5 5. A representative of a statewide organization working for the protection of
6 constitutional rights, appointed by the Speaker of the House of Representatives;

7 6. A representative of the judicial branch, designated by the Chief Justice of the
8 Supreme Judicial Court;

9 7. The Dean of the University of Maine School of Law or the dean's designee;

10 8. The Attorney General or the Attorney General's designee; and

11 9. An employee of the Department of Corrections who provides probation services
12 under the Maine Revised Statutes, Title 34-A, chapter 5, subchapter 3, designated by the
13 Commissioner of Corrections.

14 **Sec. 3. Appointments; convening of commission; chair. Resolved:** That,
15 notwithstanding Joint Rule 353, all appointments must be made no later than 30 days
16 following the effective date of this resolve. The appointing authorities shall notify the
17 Executive Director of the Legislative Council once all appointments have been completed.
18 The Executive Director of the Legislative Council shall call the first meeting of the
19 commission as soon as all the appointments are made. At the first meeting, the commission
20 shall select a chair from among its members.

21 **Sec. 4. Duties. Resolved:** That the commission shall examine proportional fines
22 programs as proposed in models and as implemented in other jurisdictions. The
23 commission shall identify the data necessary to implement a proportional fine program as
24 well as the sources of the data. The commission shall identify the logistics necessary to
25 implement such a program, including but not limited to the underlying assignment of value
26 on which fines will be based; the calculations a sentencing court is required to make in
27 imposing a fine in each appropriate case and the information needed to make those
28 calculations; and the process of updating for each change in the laws governing crimes.
29 The commission may engage in any additional review or research necessary to develop a
30 plan for implementation of a statewide proportional fine program. The commission may
31 invite public comment.

32 **Sec. 5. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the
33 Legislative Council shall provide necessary staffing services or may contract for necessary
34 staffing services for the commission, except that the Legislative Council staff support is
35 not authorized when the Legislature is in regular or special session.

36 **Sec. 6. Report. Resolved:** That, no later than December 1, 2021, the commission
37 shall submit a report that includes its findings and recommendations, including suggested
38 legislation regarding a proportional fine program and, at a minimum, an outline for
39 implementation of such a program, for presentation to the Joint Standing Committee on
40 Judiciary during the Second Regular Session of the 130th Legislature.

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

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

3 **SUMMARY**

4 This amendment replaces the bill with a resolve to create the Proportional Fines
5 Commission, consisting of 9 members. The commission is directed to submit a report to
6 the Joint Standing Committee on Judiciary no later than December 1, 2021 containing the
7 commission's findings and recommendations, including suggested legislation regarding a
8 proportional fine program and, at a minimum, an outline for implementation of such a
9 program in this State.