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Date: (Filing No. H- )

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1451, L.D. 1946, “An Act To Ensure Constitutionally Adequate Contact with Counsel”

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

**'Resolve, Establishing the Committee To Ensure Constitutionally Adequate Contact with Counsel'**

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 resolve establishes the Committee To Ensure Constitutionally Adequate Contact with Counsel to conduct a review to ensure that residents of Department of Corrections correctional and detention facilities, persons who are incarcerated in county jails and other county correctional facilities and criminal defendants in court facilities have constitutionally adequate contact with counsel; and

**Whereas,** the review must be initiated before the 90-day period expires in order that the review 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. Committee established. Resolved:** That the Committee To Ensure Constitutionally Adequate Contact with Counsel, referred to in this resolve as "the constitutional communications committee," is established.

**Sec. 2. Committee membership. Resolved:** That, notwithstanding Joint Rule 353, the constitutional communications committee consists of 16 members appointed as follows:

**COMMITTEE AMENDMENT**

1           1. Two members of the Senate appointed by the President of the Senate, including  
2 members from each of the 2 parties holding the largest number of seats in the Legislature;

3           2. Three members of the House of Representatives appointed by the Speaker of the  
4 House, including members from each of the 2 parties holding the largest number of seats  
5 in the Legislature;

6           3. The Commissioner of Corrections or the commissioner's designee;

7           4. The Attorney General or the Attorney General's designee;

8           5. The Commissioner of Public Safety or the commissioner's designee;

9           6. The Executive Director of the Maine Commission on Indigent Legal Services or the  
10 executive director's designee;

11          7. The president of a statewide association of sheriffs or the president's designee;

12          8. The president of a statewide association of criminal defense lawyers or the  
13 president's designee;

14          9. The president of a statewide association of prosecutors or the president's designee;

15          10. A representative of a civil rights organization whose primary mission includes the  
16 advancement of racial justice, appointed by the President of the Senate;

17          11. A representative of a civil liberties organization whose primary mission is the  
18 protection of civil liberties, appointed by the Speaker of the House;

19          12. A representative of a statewide prisoners' rights organization, appointed by the  
20 President of the Senate; and

21          13. A representative of a statewide organization whose mission includes advocating  
22 for victims and survivors of domestic violence, appointed by the Speaker of the House.

23           **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair  
24 and the first-named House of Representatives member is the House chair of the  
25 constitutional communications committee.

26           **Sec. 4. Appointments; convening of committee. Resolved:** That all  
27 appointments must be made no later than 30 days following the effective date of this  
28 resolve. The appointing authorities shall notify the Executive Director of the Legislative  
29 Council once all appointments have been completed. After appointment of all members,  
30 the chairs shall call and convene the first meeting of the constitutional communications  
31 committee. If 30 days or more after the effective date of this resolve a majority of but not  
32 all appointments have been made, the chairs may request authority and the Legislative  
33 Council may grant authority for the constitutional communications committee to meet and  
34 conduct its business.

35           **Sec. 5. Duties. Resolved:** That the constitutional communications committee shall:

36           1. Review the federal and state constitutional and statutory requirements concerning  
37 adequate communications with counsel for those involved in the criminal justice system;

38           2. Review recent policies and practices that have resulted in reported violations of the  
39 requirements in the State;

