



# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1903

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H.P. 1218

House of Representatives, May 9, 2023

**Resolve, to Create an Advisory Council to Oversee the Review and  
Revision of the Maine Criminal Code and Other Statutes  
Establishing Criminal Offenses**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Speaker TALBOT ROSS of Portland.  
Cosponsored by Senator BRAKEY of Androscoggin and  
Representatives: ANDREWS of Paris, FAULKINGHAM of Winter Harbor, KUHN of  
Falmouth, MOONEN of Portland, Senator: BENNETT of Oxford.

1           **Sec. 1. Advisory council to review and revise Maine Criminal Code and**  
2 **other criminal provisions. Resolved:** That an advisory council is created to oversee a  
3 review and revision of the Maine Criminal Code and other statutes establishing Class A to  
4 Class E crimes in the Maine Revised Statutes. The advisory council shall select and enter  
5 into a contract with an outside consultant under section 2 to conduct the review. The  
6 advisory council shall review the report of the outside consultant and make  
7 recommendations to the Legislature. The advisory council consists of the following 7  
8 members:

- 9           1. A person who is a prosecuting attorney, appointed by the President of the Senate;
- 10           2. A representative of a statewide organization with a mission of advancing civil  
11 liberties, appointed by the President of the Senate;
- 12           3. A member of the public, appointed by the President of the Senate;
- 13           4. A person who is a criminal defense attorney, appointed by the Speaker of the House  
14 of Representatives;
- 15           5. A person who is a legal educator, appointed by the Speaker of the House of  
16 Representatives;
- 17           6. A representative of a statewide organization with a mission of advancing racial  
18 justice, appointed by the Speaker of the House of Representatives; and
- 19           7. An active retired judge or justice, appointed by the Chief Justice of the Supreme  
20 Judicial Court.

21           **Sec. 2. Outside consultant; review. Resolved:** That the Legislative Council shall  
22 issue a request for proposals seeking an outside consultant with experience and expertise  
23 in the review of criminal statutory provisions to conduct a review of the Maine Criminal  
24 Code and other statutes establishing Class A to Class E crimes in the Maine Revised  
25 Statutes. The advisory council shall assist the Legislative Council in drafting the request  
26 for proposals and shall interview the applicants and select the outside consultant from the  
27 group of applicants. The outside consultant shall conduct a review of the Maine Criminal  
28 Code and other offenses that are designated as Class A to Class E crimes in the Maine  
29 Revised Statutes to determine criminal offenses that have not been charged or have rarely  
30 been charged in the State within the previous 10 years and other offenses that may be  
31 redundant, outdated or otherwise not conducive to public safety in the State and the proper  
32 application of the Maine Criminal Code and of the laws regarding other offenses that are  
33 designated as Class A to Class E crimes in the Maine Revised Statutes and determine  
34 whether to eliminate those offenses from or retain those offenses in the Maine Criminal  
35 Code and in other laws. The advisory council shall review the report of the outside  
36 consultant and develop recommendations.

37           **Sec. 3. Departments and agencies. Resolved:** That a department or agency of  
38 the State may make recommendations to the advisory council concerning a crime under the  
39 jurisdiction of the department or agency.

40           **Sec. 4. Report. Resolved:** That, by November 6, 2024, the advisory council shall  
41 submit a report based upon the review under this resolve and any recommended legislation  
42 to the joint standing committee of the Legislature having jurisdiction over criminal justice

1 and public safety matters, which may report out legislation to the 132nd Legislature in  
2 2025.

3 **SUMMARY**

4 This resolve creates an advisory council to select an outside consultant to review the  
5 Maine Criminal Code and other statutes establishing Class A to Class E crimes in the Maine  
6 Revised Statutes for criminal offenses that have not been charged or have rarely been  
7 charged within the previous 10 years and other offenses not conducive to public safety in  
8 the State and the proper application of the Maine Criminal Code and of the laws regarding  
9 other offenses that are designated as Class A to Class E crimes in the Maine Revised  
10 Statutes and determine whether to eliminate those offenses from or retain those offenses in  
11 the Maine Criminal Code and in other laws. This resolve directs the advisory council to  
12 submit a report based upon the review and any recommended legislation to the joint  
13 standing committee of the Legislature having jurisdiction over criminal justice and public  
14 safety matters, which is authorized to report out legislation to the 132nd Legislature in  
15 2025.