

CLAC MEMORANDUM/TESTIMONY  
LD 1516 (Opposed)

TO: Senator Anne Carney  
Representative Matt Moonen  
Joint Standing Committee on Judiciary

FR: Criminal Law Advisory Commission (CLAC)  
c/o [laura.yustak@maine.gov](mailto:laura.yustak@maine.gov)

RE: LD 1516, An Act to Establish Alternative Sentencing for Primary Caregivers

DA: May 2, 2023

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The Criminal Law Advisory Commission (CLAC)\* respectfully submits the following testimony opposed to LD 1516.

CLAC members unanimously oppose LD 1516 as unnecessary. All of the listed factors proposed to be addressed on a “motion for alternative sentence” are factors already considered at the time of sentencing. Opportunities to address errors or otherwise appeal sentences are available by virtue of direct appeal, sentence appeal, and Maine Rule of Unified Criminal Procedure 35. In addition, the bill drafting is unclear, and raises legal issues as to whether this procedure is in effect a re-sentencing, and how it affects deadlines for appeal and other post-judgment deadlines. The reference to “alternative sentence under section 1502” seems to be a reference to what are the listed “sentencing alternatives” already available under the Criminal Code. Overall, the proposal is duplicative and introduces confusion into the sentencing and appeal process.

\*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include current defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature’s Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court’s Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.