

CLAC MEMORANDUM/TESTIMONY NFNA
LD 224, An Act to Expand the Definition of “Terrorism” in the Laws Governing the
Maine Emergency Management Agency

TO: Senator Anne Beebe-Center
Representative Tavis Hasenfus
Joint Standing Committee on Criminal Justice and Public Safety

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

RE: LD 224, An Act to Expand the Definition of “Terrorism” in the Laws Governing the
Maine Emergency Management Agency

DA: February 3, 2025

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony neither for nor against LD 224.

While CLAC members do not have expertise regarding laws governing the MEMA, we note that the proposal and existing definitions in 37-B M.R.S. § 703 include language similar to that in the Criminal Code that was enacted in response to the terrorist attacks of September 11. P.L. 2001, c. 634, An Act to Amend the Maine Criminal Code to Address Terrorism. Accordingly, CLAC recommends updating the definition of “critical infrastructure” at 17-A M.R.S. § 2(6-A), which is incorporated in the definition of “terroristic intent,” and the crime of “causing a catastrophe,” 17-A M.R.S. § 803-A, to include the concept of information and telecommunications technology infrastructure, systems or services. CLAC will work on proposed language with the sponsor or OPLA analyst if the Committee so requests.

*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 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.