

CLAC MEMORANDUM/TESTIMONY

In Support of LD #527
An Act to Establish Bail Officers to Administer the Maine Bail Code

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

FR: Criminal Law Advisory Commission (CLAC)

RE: LD #527
An Act to Establish Bail Officers to Administer the Maine Bail Code

DA: March 10, 2025

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony on LD #527.

CLAC is in Support of LD #527 and makes the following two observations/suggestions:

First, § 1023, Paragraph 7 “**Mandatory training**” states that as a condition of appointment and continued service, a bail commissioner must complete a training program “...not later than one year following appointment.” While CLAC knows of no case where there has been such a long delay in training for such critical work, the language of the statute authorizes postponement of training for a significant amount of time after appointment, to wit, one year.

Second, Section 6 amending 15 MRSA §1025 apparently mistakenly strikes the reference to Class D offenses generally which is not consistent with the language of 15 MRSA § 1092, par 4. Under § 1092 par 4, a bail commissioner may not set bail only for those Class D offenses described in paragraphs 4 (A)(B) or (C). It is CLAC’s suggestion that Class D offenses not be excluded.

*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.