

CLAC MEMORANDUM/TESTIMONY NFNA  
LD 1074, An Act to Remove the Limit on the Length of Probation  
That May Be Served for Aggravated Attempted Murder

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 1074, An Act to Remove the Limit on the Length of Probation  
That May Be Served for Aggravated Attempted Murder

DA: March 31, 2025

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The Criminal Law Advisory Commission (CLAC)\* respectfully submits the following testimony neither for nor against LD 1074.

The bill appropriately places the proposed exception to the maximum period of probation applicable to the Class A crime of aggravated attempted murder in 17-A M.R.S. § 1804. This exception should also be reflected in the language that defines the crime, 17-A M.R.S. § 152-A(2). That statute currently includes language identifying the maximum period of imprisonment that may be imposed, which is an exception to the statutory maximum for most Class A crimes; that drafting approach can be used as a model.

If the intent of the bill is that the period of probation that may be imposed for conviction of the crime of aggravated attempted murder is a maximum of (may not exceed) any term of years, the language should be revised to reflect that. CLAC understood that to be the intent of the bill, consistent with its title. If, however, the bill is proposing that the term of probation *must* be any term of years, this is a mandatory sentence. The current language of the bill (“The period of probation...*is* any term of years.”) is potentially confusing, and should be clarified. CLAC generally opposes the creation of new mandatory sentences.

\*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.