

CLAC MEMORANDUM/TESTIMONY OPPOSED  
LD 1888, An Act to Combat Organized Criminal Enterprises in Maine

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 1888, An Act to Combat Organized Criminal Enterprises in Maine

DA: May 12, 2025

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The Criminal Law Advisory Commission (CLAC)\* respectfully submits the following testimony in opposition to LD 1888.

CLAC members questioned what gaps in existing criminal laws are not sufficient to address criminal activity that has been identified by proponents of this bill. In deliberating on the policy of whether Maine should adopt a racketeering statute, the Legislature should consider whether prosecutions of criminal enterprises engaged in organized crime are more appropriately pursued by federal authorities with greater resources to investigate and prosecute complex criminal schemes and enterprises that reach across jurisdictional lines primarily outside the State of Maine.

The proposed jurisdictional provisions overlap but are not entirely consistent with Maine's existing criminal jurisdictional statute, 17-A M.R.S. § 7, which is premised on the criminal conduct having a sufficient territorial relationship with the State to be consistent with constitutional requirements of due process. CLAC members were concerned that an exercise of jurisdiction based only on residence of the victim, where the conduct underlying the crime occurs entirely outside the State, may not comport with due process requirements related to the exercise of criminal jurisdiction.

The bill takes an inconsistent approach to sentencing classification in proposed § 1132(4), in one instance assigning the classification of the more serious crime included in the pattern of criminal activity; in the other, assigning the classification of the less serious crime. CLAC members were not certain if this was deliberate or a drafting error.

\*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.