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Date: (Filing No. H- )

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 20, L.D. 54, “An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence”

Amend the bill in section 2 in subsection 1-A in the 6th line (page 1, line 25 in L.D.) by inserting after the following: "evidence." the following: "The court may dismiss the petition if it determines that the petitioner has not made a prima facie showing that the new evidence is material and would have affected the criminal judgment."

Amend the bill by inserting after section 2 the following:

**'Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**ATTORNEY GENERAL, DEPARTMENT OF THE  
Administration - Attorney General 0310**

Initiative: Provides one Assistant Attorney General position and one Research Assistant Paralegal position to handle an increase in litigation and provides funding for All Other costs.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$210,947	\$221,178
All Other	\$9,849	\$9,849
<b>GENERAL FUND TOTAL</b>	<b>\$220,796</b>	<b>\$231,027</b>

**District Attorneys Salaries 0409**

Initiative: Provides funding for 7.5 Assistant District Attorney positions to handle an increase in litigation.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
POSITIONS - LEGISLATIVE COUNT	7,500	7,500

**COMMITTEE AMENDMENT**

1	Personal Services	\$878,057	\$920,642
2			
3	GENERAL FUND TOTAL	<u>\$878,057</u>	<u>\$920,642</u>
4			
5	<b>ATTORNEY GENERAL, DEPARTMENT OF THE</b>		
6	<b>DEPARTMENT TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
7			
8	<b>GENERAL FUND</b>	<b>\$1,098,853</b>	<b>\$1,151,669</b>
9			
10	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b><u>\$1,098,853</u></b>	<b><u>\$1,151,669</u></b>
11	<b>INDIGENT LEGAL SERVICES, MAINE COMMISSION ON</b>		
12	<b>Maine Commission on Indigent Legal Services Z112</b>		
13	Initiative: Provides additional funding for an increase in post-conviction reviews handled		
14	by the commission.		
15	<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
16	All Other	\$196,493	\$196,493
17			
18	GENERAL FUND TOTAL	<u>\$196,493</u>	<u>\$196,493</u>
19			
20	<b>INDIGENT LEGAL SERVICES, MAINE</b>		
21	<b>COMMISSION ON</b>		
22	<b>DEPARTMENT TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
23			
24	<b>GENERAL FUND</b>	<b>\$196,493</b>	<b>\$196,493</b>
25			
26	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b><u>\$196,493</u></b>	<b><u>\$196,493</u></b>
27	<b>JUDICIAL DEPARTMENT</b>		
28	<b>Courts - Supreme, Superior and District 0063</b>		
29	Initiative: Provides funding for one Judge, one Deputy Marshal position, one Assistant		
30	Clerk position and one part-time Law Clerk position due to the anticipated increase in post-		
31	conviction reviews.		
32	<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
33	Personal Services	\$397,452	\$410,170
34			
35	GENERAL FUND TOTAL	<u>\$397,452</u>	<u>\$410,170</u>
36			
37	<b>JUDICIAL DEPARTMENT</b>		
38	<b>DEPARTMENT TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
39			
40	<b>GENERAL FUND</b>	<b>\$397,452</b>	<b>\$410,170</b>
41			
42	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b><u>\$397,452</u></b>	<b><u>\$410,170</u></b>

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<b>SECTION TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
<b>GENERAL FUND</b>	<b>\$1,692,798</b>	<b>\$1,758,332</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$1,692,798</b>	<b>\$1,758,332</b>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment is a minority report of the committee.

The bill provides that there is no deadline for filing a petition for post-conviction review based on newly discovered evidence and that the court may require the petitioner to provide additional information about the nature of the newly discovered evidence. This amendment provides that the court may dismiss the petition if the court determines that the petitioner has not made a prima facie showing that the new evidence is material and would have affected the criminal judgment.

The amendment adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**