



# Administrative Office of the Courts

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TO: Judiciary Committee

FROM: Julie Finn, Legislative Analyst

RE: LD 302, as amended

DATE: July 23, 2020

CC: Peggy Reinsch, OPLA

Senator Carpenter, Representative Bailey, Members of the Joint Standing Committee on the Judiciary:

After the work session on LD 302 last week, I circulated the new amendment to Judicial Leadership. I have received some feedback which I would like to share with the Committee.

There is one issue that we would like to flag for the Committee. In the proposed new statute, 15 MRS § 2128-B(1-A), there is no limitation on the number of petitions that could be filed on the basis of newly discovered evidence. If the one-year limitation is eliminated, petitions could be filed repeatedly each time there is a claim of newly discovered evidence. Without language limiting petitions in terms of time or number, criminal convictions can never be considered truly final during the lifetime of a defendant.

To further assist the Committee, we have produced some numbers on Post-Conviction Review petitions (PCRs) that are copied below. As you can see, the numbers are relatively small. These cases, however, take a great deal of judicial resources. They involve one or more pre-hearing conferences. The judge needs to review the record from the earlier proceeding, which can be extensive if a trial was conducted. The actual PCR hearing can take multiple days to complete. After that the judge must consider all of the evidence and issue a decision.

A significant increase in the number of PCR petitions filed would be difficult for the Judicial Branch to absorb within existing resources.

Thank you in advance for taking the time to consider our concerns.

**PCR filings, by calendar year:**

CY17: 102

CY18: 117

CY19: 128

CY20 as of July 8, 2020: 61