

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 246

S.P. 112

In Senate, January 21, 2025

An Act to Establish the Option of Sentencing Alternatives for Primary Caregivers

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TALBOT ROSS of Cumberland.
Cosponsored by Representative KUHN of Falmouth and
Senators: BEEBE-CENTER of Knox, CARNEY of Cumberland, HICKMAN of Kennebec,
Representatives: HASENFUS of Readfield, LEE of Auburn, SATO of Gorham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1613** is enacted to read:

3 **§1613. Sentencing alternatives for primary caregivers**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Dependent" has the same meaning as in Title 33, section 1021, subsection 1.

7 B. "Elderly" means that an individual is 60 years of age or older.

8 C. "Physical or mental disability" has the same meaning as in Title 5, section 4553-A,
9 subsection 1.

10 D. "Primary caregiver" means an individual who has the greatest responsibility for the
11 care of a minor, an elderly dependent person or an individual with a physical or mental
12 disability.

13 **2. Motion for sentencing alternative.** Upon a conviction of an offense that may
14 result in a sentence of imprisonment, unless the offense requires a sentence of
15 imprisonment, the court may issue a sentencing alternative under section 1502, subsection
16 2 due to the defendant's being a primary caregiver. The court shall consider the defendant's
17 status as a primary caregiver if, no more than 10 days after the entry of judgment, the
18 defendant makes a motion for a sentencing alternative. A motion for a sentencing
19 alternative under this subsection must be supported by an affidavit by the defendant
20 detailing the basis for the assertion that the defendant is a primary caregiver under this
21 section.

22 **3. Findings.** Upon receipt of a motion for a sentencing alternative under subsection
23 2, the court shall consider the defendant's status as a primary caregiver and make written
24 findings of the court's decision prior to issuing the sentence. In making the decision under
25 this subsection, the court shall consider:

26 A. The nature and circumstances of the offense committed;

27 B. The history and character of the defendant;

28 C. The defendant's family circumstances and relationships; and

29 D. The impact of any sentence on every individual for whom the defendant is the
30 primary caregiver.

31 **SUMMARY**

32 This bill requires a court in sentencing a defendant convicted of an offense that may
33 result in a term of imprisonment, upon motion of the defendant and supported by an
34 affidavit, to consider a sentencing alternative other than imprisonment due to the
35 defendant's being a primary caregiver of a minor, elderly dependent or individual with a
36 physical or mental disability. In making the decision, the court is required to consider
37 factors such as the nature and circumstances of the offense, the history and character of the
38 defendant, the defendant's family circumstances and relationships and the impact of any
39 sentence considered on every individual for whom the defendant is the primary caregiver.

1 The court is required to make written findings of the court's decision before issuing the
2 sentence.