

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1416

S. P. 450

In Senate, March 14, 1973
Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary
Presented by Senator Clifford of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Sentencing of Offenders.

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

Sec. 1. R. S., T. 15, § 1743, repealed and replaced. Section 1743 of Title 15 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1743. Maximum and minimum terms

When any person shall be convicted of crime, the punishment for which prescribed by law may be imprisonment in the State Prison, the court imposing sentence may:

1. Maximum and minimum. Fix a maximum and minimum term, in which event the maximum sentence shall not exceed the longest term fixed by law for the punishment of the offense of which the person sentenced is convicted, and the minimum sentence shall not exceed $\frac{1}{2}$ of the maximum term of imprisonment fixed by statute; or

2. Maximum. Fix a maximum term only, in which event the person sentenced shall be committed to the custody of the Director of the Bureau of Corrections. If through oversight, or otherwise, any person committed under this subsection is committed for a minimum and maximum term, said commitment shall not for that reason be void, but the person so committed shall be entitled to the benefit and subject to this subsection in the same manner and to the same extent as if the commitment had been in the terms required by this subsection.

For the purpose of aiding in post conviction review of the sentence imposed, the justice presiding shall record as part of the case the facts acquired and considered by him in imposing sentence.

Sec. 2. R. S., T. 34, § 528, additional. Title 34 of the Revised Statutes is amended by adding a new section 528 to read as follows:

§ 528. Custody of certain offenders

When any person has been committed to the custody of the Director of the Bureau of Corrections pursuant to Title 15, section 1743, the director shall designate the state correctional institution under his general administrative supervision at which the sentence shall be served.

When it appears to the director that for reasons of security, overcrowding, or in the interest of any such person and the public, and the result will be the most effective use of available correction programs with respect to such person, he may transfer such person to any other state correctional institution under his jurisdiction; provided that no juvenile committed shall be transferred to an institution for adult offenders.

Any person so committed shall become eligible for hearing by the State Parole Board when $\frac{1}{3}$ of the total of the time necessary to serve the maximum sentence imposed has elapsed, and if parole is not then granted, he shall be further entitled to such hearing annually thereafter.

STATEMENT OF FACT

This legislation is designed to afford flexibility in sentencing procedures and to permit the Director of the Bureau of Corrections to place an offender in the state institution most likely to provide the most needed rehabilitative services for that particular offender with the greatest savings to the taxpayers. Parole eligibility and rights to a parole hearing for persons committed to the director's custody are also defined.