

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 464

H. P. 375

House of Representatives, February 16, 1977

On motion of Mr. Spencer of Standish, referred to Committee on Judiciary.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Amending the Procedure for Charging Prior Offenses.

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

15 MRSA § 757 is repealed and the following enacted in its place:

§ 757. **Prior convictions alleged separately; subsequent arraignment**

In all cases where a prior conviction for an identical offense or any other offense affects the sentence which a court may impose in a current principal offense, such prior conviction shall not be alleged in the same count in the complaint, information or indictment alleging such principal offense, but may be alleged in a separate count contained in the complaint, information or indictment, ancillary to the principal offense, upon which the respondent shall not be tried until such time as the respondent has been convicted of the principal offense.

Upon a conviction of the principal offense, the defendant shall, unless he admits to the allegations, then be tried upon any ancillary matters affecting sentence before the same finders of fact.

The State may establish a prima facie case on any ancillary matters effecting sentence upon allegation and proof that the name and date of birth of the person named in the principal offense is the same as in the alleged prior offense.

STATEMENT OF FACT

The purpose of this bill is to provide that prior convictions affecting sentence may be alleged in the same charging document as the principal offense and to clearly specify the proof needed to obtain a conviction and judgment for the purpose of sentence.