

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-607)

COMMITTEE AMENDMENT "A" to H.P. 703, L.D. 884, Bill,
"AN ACT Relating to Setting Determinant Sentences for Inmates
Sentenced Prior to Enactment of the Maine Criminal Code."

Amend the Bill by striking out all of the title and
inserting in its place the following: 'AN ACT Relating to
Certain Sentences Imposed under the Law in Effect Prior to
the Maine Criminal Code.'

Further amend the Bill by striking out everything after
the enacting clause and inserting in its place the following:

'Sec. 1. 17-A MRSA §1254, sub-§3, 1st sentence, as
repealed and replaced by PL 1975, c. 740, §120, is amended to
read:

All persons in the custody of the Bureau of Corrections pursuant
to a sentence imposed under the law in effect prior to the
effective date of this code shall be released and discharged
according to the law as it was in force prior to the effective
date of this code, except as provided in subsection 4, and such
law shall continue in force for this purpose as if this code
were not enacted; provided that any such person who is entitled
to a deduction of 7 days a month from his sentence under the
provisions of Title 34, section 705, may elect to have 10 days
a month deducted instead of 7.

Sec. 2. 17-A MRSA §1254, sub-§4 is enacted to read:

4. Any person in the custody of the Bureau of Corrections or on parole pursuant to a sentence imposed under the law in effect prior to the effective date of this code:

A. Who was convicted of a crime the elements of which, as it was committed, do not constitute a crime under the law in effect subsequent to the effective date of this code; or

B. The minimum term of whose sentence is greater than the maximum term of imprisonment permitted under this code for a crime of which the elements are the same as the crime, as it was committed, for which the person was sentenced;

may petition the Superior Court of the county in which he was convicted for a reduction of his sentence. Upon notice to the prosecuting attorney, the court shall hold a hearing on the petition and shall reduce the sentence to a term of years. A sentence under paragraph B shall be reduced to a term that is not more than the maximum term of imprisonment under this code for a crime the elements of which are the same as the crime, as it was committed, for which the person shall be unconditionally released and discharged upon the expiration of the term specified in such sentence minus such deductions authorized under section 1253 as he shall have accumulated.'

Statement of Fact

This amendment permits 2 categories of persons, those sentenced for crimes which are no longer crimes under the code and those serving a sentence the minimum of which is longer than the maximum allowed under the code, to petition the courts for resentencing.

Reported by the Majority of the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.
6/13/77

(Filing No. H-607)