

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)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 898

S. P. 303

In Senate, March 15, 1977

Reported by Senator Collins of Knox from the Committee on Judiciary, and printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to Work Probation in Lieu of Fine.

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

Sec. 1. 17-A MRSA § 1152, sub-§ 2, ¶ A, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

A. A suspended term of imprisonment or a suspended fine with probation as authorized by chapter 49;

Sec. 2. 17-A MRSA § 1152, sub-§ 3, ¶ A, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

A. A suspended fine with probation or an unconditional discharge as authorized by chapter 49;

Sec. 3. 17-A MRSA § 1201, sub-§ 1, first ¶, as repealed and replaced by PL 1975, c. 740, § 109, is amended to read:

A person who has been convicted of any crime may be sentenced to a suspended term of imprisonment with probation or to a suspended fine with probation or to an unconditional discharge, unless:

Sec. 4. 17-A MRSA § 1204, sub-§ 2-A, ¶¶ K and L, as enacted by PL 1975, c. 740, § 110-A, are repealed and the following enacted in their place:

K. To pay a fine as authorized by chapter 53;

L. To perform specified work for the benefit of the State, a county, a municipality, a school administrative district, other public entity or a charitable institution; or

M. To satisfy any other conditions reasonably related to the rehabilitation of the convicted person or the public safety or security.

STATEMENT OF FACT

The purposes of this new draft differ from the original bill in the following respects:

1. It limits the imposition of the work requirement to cases in which probation is imposed. This places the work requirement within an established structure and eliminates the need to create an entirely new type of sentence.
2. It authorizes the work requirement as a condition of probation whether the underlying sentence is a fine or imprisonment. This increases the availability of the work requirement.
3. It eliminates the prerequisite that the convicted person consent to the work. This change, coupled with the change described in item 2, should lessen the possibility that the work requirement will be imposed only on the poor and makes it possible to impose a work requirement on persons who could pay a fine, but for whom a work requirement would be a more suitable punishment.