

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1302

H. P. 1078

House of Representatives, March 28, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Tarbell of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Limit the Duration of Sentences to County Jails.

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

17-A MRSA § 1252, sub-§ 6 is enacted to read:

6. No person shall be sentenced to a county jail for a period in excess of one year unless he consents to that sentence.

STATEMENT OF FACT

Since the repeal of Title 15, section 1703, by Public Law 1975, chapter 499, section 2, effective May 1, 1976, courts have been free to sentence offenders to county jails for periods up to 20 years, except for persons convicted of criminal homicide in the 2nd degree who must be sentenced to the State Prison, or even to life imprisonment. This bill would reasonably circumscribe the discretion of sentencing courts by preventing nonconsensual sentences to county jails for periods in excess of one year.