

MAINE STATE LEGISLATURE

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(EMERGENCY)
(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1982

H. P. 1917

House of Representatives, March 7, 1980

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House

Presented by Mr. Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Authorize Deductions from the Term of Imprisonment of Certain Persons Serving a Split Sentence.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, persons sentenced for crimes committed on or after July 6, 1978 and on or before September 13, 1979 to an initial unsuspended term of imprisonment in excess of 120 days do not receive full good time credits; and

Whereas, persons sentenced for crimes committed after September 13, 1979 who receive an initial unsuspended term of imprisonment in excess of 120 days are eligible for full good time credits; and

Whereas, at the present time there are some 50 persons who committed crimes during the period between July 6, 1978 and September 13, 1979 who are not receiving good time credits on their unsuspended term in excess of 120 days; and

Whereas, this fact has created inequities in the time served by these inmates; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following

legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

17-A MRSA § 1203, sub-§ 4 is enacted to read:

4. Each person sentenced pursuant to this section for a crime committed on or after July 6, 1978 and on or before September 13, 1979, to an initial unsuspended term of imprisonment in excess of 120 days, shall earn deductions authorized by section 1253, subsections 3, 3-A, 3-B and 4.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

A problem exists at the Maine Correctional Center regarding the awarding of good time at that institution. There are some 50 inmates sentenced to an initial unsuspended sentence i.e., serving a "split sentence" who committed crimes between July 6, 1978 and September 13, 1979. Correctional officials interpreted the law to mean that these inmates were eligible for good time credits on split sentences in excess of 120 days. However, an Attorney General's ruling dated January 15, 1980 states that because of a technicality these inmates, who had been expecting good time, are not eligible because of the fact that they committed crimes between July 6, 1978 and September 13, 1979.

Persons committing crimes prior to July 6, 1978 and after September 13, 1979 and serving a split sentence of more than 120 days are eligible for good time. This discrepancy has created a major injustice for those 50 inmates who committed crimes between July 6, 1978 and September 13, 1979. For example, a person sentenced for one year on a split sentence who committed a crime between the above two dates would serve approximately 12 months. However, a person who committed a crime after September 13, 1979 for a one-year period on a split sentence could earn approximately 90 days deduction from his sentence i.e., he would serve a sentence of approximately nine months.

This bill would only affect those inmates who committed crimes between July 6, 1978 and September 13, 1979 and sentenced to a split sentence.