

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1273

H. P. 1070

House of Representatives, March 12, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Connolly of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Clarify the Sentencing Statutes under the Criminal Code.

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

Sec. 1. 17-A MRSA § 1253, sub-§ 3, as amended by PL 1977, c. 510, § 80, is further amended to read:

3. Each person sentenced ~~before January 1, 1978~~ to imprisonment for more than 6 months **for an offense committed prior to May 1, 1976, providing that sentence is imposed under the sentencing authority of the law as existed prior to the Maine criminal code, whose record of conduct shows that he has observed all the rules and requirements of the institution in which he has been imprisoned shall be entitled to a deduction of 10 days a month from his sentence, commencing, in the case of all such convicted persons, on the first day of his delivery into the custody of the department.**

Sec. 2. 17-A MRSA § 1253, sub-§ 3-A, first sentence, as enacted by PL 1977, c. 510, § 81, is amended to read:

Each person sentenced ~~on or after January 1, 1978~~ to imprisonment for more than 6 months **under the sentencing provisions of this Title shall earn a reduction of ~~10 days~~ **one day** from his sentence for each ~~month~~ **day** during which he has faithfully observed all the rules and requirements of the institution in which he has been imprisoned.**

STATEMENT OF FACT

The purposes of this bill are:

1. To extinguish the overlapping effect of Title 17-A, section 1253, subsection 3 by enacting distinctly separate good time provisions for each division of sentencing law thereby eliminating the existing difficulty and disparity of applying pre-Maine Criminal Code good time to Maine Criminal Code sentences. Also, the bill reconciles the good time laws with the post-conviction order in *Dodge vs. State of Maine, et al.*, Superior Court Docket No. CV 80-16 (Washington) and other associated cases in which section 1253 was found to be *ex post facto* as to one class of prisoners; and

2. To provide a system whereby an offender can reduce his sentence by one day for each day spent in prison without violating established rules. Prison administrators need a tool to make prison life more rational. "We propose that the limit on the flat time sentence be mitigated only by good time credit. This puts the discretion closer to the source which can most usefully employ it." (*The Justice Perspective in Corrections, Fogel*). Good time is a reward for good and responsible behavior by offenders. The offender would begin his sentence knowing he could earn release from prison before his full sentence is served, if he does not violate any rules. The offender earns good time to encourage continuing lawful and responsible behavior. Parole as we know it would no longer be considered necessary.