

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 875

6  
7 S.P. 287

In Senate, February 24, 1983

8 Referred to the Committee on Judiciary. Sent down for concurrence and  
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator Trafton of Androscoggin.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT Concerning Separate Trials  
18 Arising from the Same Criminal Episode and  
19 Concerning Probation and Suspended Prison  
20 Sentences.  
21

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

24 Sec. 1. 17-A MRS §14, as amended by PL 1975, c.  
25 740, §21, is further amended to read:

26 §14. Separate trials

27 A defendant shall not be subject to separate  
28 trials for multiple offenses based on the same con-  
29 duct or arising from the same criminal episode, if  
30 such those offenses were known to the appropriate  
31 prosecuting officer at the time of the commencement  
32 of the first trial and were within the jurisdiction  
33 of the same court and within the same venue, unless

1 the court, on application of the prosecuting attorney  
2 or of the defendant or on its own motion, orders any  
3 such charge to be tried separately if it is satisfied  
4 that justice so requires. This section shall not pre-  
5 vent a defendant from pleading guilty to or being  
6 tried for a Class D or Class E crime in District  
7 Court even though he may later plead guilty to or be  
8 tried for a Class A, Class B or Class C crime in  
9 Superior Court based on the same conduct or arising  
10 from the same criminal episode.

11 Sec. 2. 17-A MRSA §1203-A, as reenacted by PL  
12 1981, c. 470, Pt. A, §39, is amended to read:

13 §1203-A. Suspension of last portion of sentence with  
14 probation

15 The court, at the time of imposing a term of  
16 imprisonment for 4 years or more for a Class A or  
17 Class B crime, may suspend any portion of the last 2  
18 years with probation. The term of probation ~~shall not~~  
19 ~~exceed one year and~~ shall commence on release from  
20 the unsuspended term of imprisonment. The total of  
21 the unsuspended term of imprisonment and the sus-  
22 pended term of imprisonment shall not exceed the  
23 maximum term authorized for the crime.

#### 24 STATEMENT OF FACT

25 The purpose of this bill is to improve the admin-  
26 istration of justice in criminal cases in 2 respects.

27 Section 1 addresses a problem arising at the  
28 trial stage when a person is charged with a Class D  
29 or Class E crime. These misdemeanors are tried or  
30 pleaded to in District Court and are generally dis-  
31 posed of more quickly than charges for Class A, Class  
32 B or Class C crimes which are pleaded to or tried in  
33 Superior Court. The District Court may accept pleas  
34 of guilty to Class A, Class B or Class C crimes. Mis-  
35 demeanors and related felony pleas of guilty in Dis-  
36 trict Court may be more easily disposed of together.  
37 A "plea" may not be a "trial." Defendants have argued  
38 that the Maine Criminal Code prevents the prosecution  
39 from proceeding in Superior Court on felony charges  
40 arising from the same criminal episode as a misde-

1       mearor charge when the misdemeanor has been disposed  
2       of in District Court. This bill makes it clear that a  
3       charge being prosecuted in Superior Court is not to  
4       be considered within the same jurisdiction as a  
5       charge being prosecuted in District Court.

6               Section 2 addresses a discrepancy between Title  
7       17-A, sections 1203 and 1203-A. Title 17-A, section  
8       1203 permits a court to sentence a defendant to a  
9       specific unsuspended term of imprisonment and a spe-  
10       cific suspended term. The period of probation is to  
11       commence on the date the person is released from the  
12       unsuspended imprisonment portion of his sentence. The  
13       section sets no limits on how long the period of  
14       probation may be. It seems that a court can require  
15       probation for longer than the suspended imprisonment  
16       portion of the sentence.

17               Title 17-A, section 1203-A concerns suspending a  
18       portion of a term of imprisonment for a Class A or  
19       Class B crime. This section limits the period of  
20       probation to one year. This limitation shall be  
21       deleted because it is inconsistent with Title 17-A,  
22       section 1203 and also because a court sentencing a  
23       defendant with reference to Title 17-A, section  
24       1203-A shall be able to establish whatever period of  
25       probation which seems appropriate.

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