

# MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 287, L.D. 875)  
2 (New Title)

3 FIRST REGULAR SESSION  
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5 ONE HUNDRED AND ELEVENTH LEGISLATURE  
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7 Legislative Document

No. 1504

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9 S.P. 498

In Senate, April 21, 1983

10 Reported by Senator Collins of Knox from the Committee on Judiciary  
11 and printed under Joint Rule 2.

12 Original Bill: Sponsored by Senator Trafton of Androscoggin.

JOY J. O'BRIEN, Secretary of the Senate

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14 STATE OF MAINE  
15

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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-THREE  
18

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19 AN ACT Concerning Probation and  
20 Suspended Prison Sentences.  
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22 Be it enacted by the People of the State of Maine as  
23 follows:

24 Sec. 1. 17-A MRSA §1203, sub-§1, as repealed and  
25 replaced by PL 1979, c. 663, §122, is amended to  
26 read:

27 1. ~~Subject to the limitation in subsection 2,~~  
28 ~~the~~ The court may sentence a person to a term of  
29 imprisonment, not to exceed the maximum term author-  
30 ized for the crime, an initial portion of which shall  
31 be served and the remainder of which shall be sus-  
32 pended. The imprisonment for the initial unsuspended  
33 portion of the term may be at a different institution  
34 from that specified for the suspended portion. The

1 period of probation shall commence on the date the  
2 person is released from his initial unsuspended por-  
3 tion of the term of imprisonment, unless the court  
4 orders that it shall commence on an earlier date. If  
5 the period of probation is to commence upon release  
6 from the initial unsuspended portion of the term of  
7 imprisonment, the court may nonetheless revoke proba-  
8 tion for any criminal conduct committed during that  
9 initial period of imprisonment.

10 Sec. 2. 17-A MRSA §1203, sub-§2, as reenacted by  
11 PL 1979, c. 512, §39, is repealed.

12 Sec. 3. 17-A MRSA §1203-A, as reenacted by PL  
13 1981, c. 470, Pt. A, §39, is repealed.

14 STATEMENT OF FACT

15 The purpose of this new draft is essentially the  
16 same as that intended by section 2 in the original  
17 bill.

18 Section 1 of the original bill, concerning sep-  
19 arate trials arising from the same criminal episode  
20 is omitted from this new draft. The problems that  
21 section was intended to address are few and should be  
22 able to be handled administratively by district  
23 attorneys.

24 Sections 1 to 3 of the new draft amend the Maine  
25 Criminal Code to permit a court sentencing a criminal  
26 offender to provide for suspended and unsuspended  
27 portions of the prison sentence. These changes delete  
28 provisions that limited the amount of a prison term  
29 that could be suspended by the court. With these  
30 changes, a court may sentence a criminal offender to  
31 any suspended portion of a term of imprisonment and  
32 any unsuspended portion of a term of imprisonment, as  
33 long as the total does not exceed the maximum term  
34 authorized for the crime.

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