

MAINE STATE LEGISLATURE

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(New Draft of H.P. 978, L.D. 1279)
(New Title)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1716

H.P. 1295

House of Representatives, May 31, 1983

Reported by the Majority from the Committee on Judiciary and printed
under Joint Rule 2.

Original bill presented by Representative Connolly of Portland.
Cosponsored by Senator Brown of Washington.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT Concerning the Calculation of
Periods of Imprisonment.

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

Sec. 1. 17-A MRSA §1253, sub-§1, as amended by
PL 1977, c. 671, §30, is further amended to read:

1. The sentence of any person committed to the
custody of the Department of Mental Health and Cor-
rections shall commence to run on the date on which
such person is received into the custody of the
department pursuant to that sentence. The sentence
of any person committed to the custody of a sheriff
shall commence to run on the date on which that
person is received into the custody of the sheriff
pursuant to that sentence.

1 Sec. 2. 17-A MRSA §1253, sub-§1-A, as amended by
2 PL 1981, c. 470, Pt. B, §7, is further amended to
3 read:

4 1-A. When a person who has been previously sen-
5 tenced in another jurisdiction has not commenced or
6 completed that sentence, the court, subject to
7 section 1256, subsection 1, may, with consideration
8 of the factors stated in section 1256, subsection 2,
9 sentence the person to a term of imprisonment which
10 shall be treated as a concurrent sentence from the
11 date of sentencing although the person is incarcer-
12 ated in an institution of the other jurisdiction. No
13 concurrent sentence pursuant to this subsection may
14 be imposed unless the person being sentenced consents
15 or unless the person being sentenced executes, at the
16 time of sentencing, a written waiver of extradition
17 for his return to this State upon completion of the
18 sentence of the other jurisdiction, if any portion of
19 this state's sentence remains unserved. In the ab-
20 sence of an order pursuant to this subsection requir-
21 ing concurrent sentences, any sentence of imprison-
22 ment in this State shall commence as provided in sub-
23 section 1 and shall run consecutively to the sentence
24 of the other jurisdiction. Subsections 3-A 3, 3-B
25 and, 4 and 5 shall apply and shall be administered by
26 the supervising officer of this state's institution
27 to which the person is sentenced. If the person is
28 released from imprisonment under the sentence of the
29 other jurisdiction prior to the termination of this
30 state's sentence, the remainder of this state's sen-
31 tence shall be served in the institution in this
32 State to which the person was sentenced.

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

35 3. Each Beginning October 1, 1983, each person
36 sentenced, before January 1, 1978, to imprisonment
37 for more than 6 months whose record of conduct shows
38 that he has observed all the rules and requirements
39 of the institution in which he has been imprisoned
40 shall be entitled to a deduction of 10 days a month
41 from his sentence, commencing, in the case of all
42 such convicted persons, on the first day of his
43 delivery into the custody of the department shall be
44 entitled to receive a deduction of 10 days per month

1 calculated from the first day of his delivery into
2 the custody of the department, to include the full
3 length of the unsuspended portion of his sentence,
4 for observing all the rules of the department and
5 institution, except this provision shall not apply to
6 the suspended portion of a person's sentence pursuant
7 to split sentences under section 1203. All persons
8 committed to the custody of the Department of Correc-
9 tions prior to the effective date of this subsection
10 shall have these provisions applied prospectively to
11 the portion of their sentences remaining to be
12 served.

13 Sec. 4. 17-A MRSA §1253, sub-§3-A, as amended by
14 PL 1977, c. 510, §81, is repealed.

15 Sec. 5. 17-A MRSA §1253, sub-§3-B, as enacted by
16 PL 1977, c. 671, §32, is amended to read:

17 3-B. Each Beginning October 1, 1983, each person
18 sentenced, on or after the effective date of this
19 subsection, to imprisonment for 6 months or less
20 shall earn a deduction of 3 days from his sentence
21 for each month during which he has faithfully
22 observed all the rules and requirements of the insti-
23 tution in which he has been imprisoned be entitled to
24 receive a deduction of 3 days per month calculated
25 from the first day of his delivery into the custody
26 of the department, to include the full length of the
27 unsuspended portion of his sentence, for observing
28 all the rules of the department and institution,
29 except this provision shall not apply to the sus-
30 pended portion of a persons sentence pursuant to
31 split sentences under section 1203. The procedure
32 described in subsection 3-A shall apply to the deduc-
33 tions authorized under this subsection. All persons
34 committed to the custody of the Department of Correc-
35 tions prior to the effective date of this subsection
36 shall have these provisions applied prospectively to
37 the portion of their sentences remaining to be
38 served.

39 Sec. 6. 17-A MRSA §1253, sub-§4, as enacted by
40 PL 1975, c. 499, §1, is repealed and the following
41 enacted in its place:

1 4. Up to an additional 3 days per month may be
2 deducted in the case of those inmates committed to
3 the Maine State Prison, the Maine Correctional Center
4 or assigned elsewhere by the Department of Correc-
5 tions, who are assigned work and responsibilities
6 within the institution or program which are deemed to
7 be of sufficient importance to warrant those deduc-
8 tions by the institution head in accordance with
9 policy and guidelines established by the Department
10 of Corrections.

11 Sec. 7. 17-A MRSA §1253, sub-§5, as enacted by
12 PL 1977, c. 671, §33, is repealed and the following
13 enacted in its place:

14 5. In addition to the provisions contained in
15 subsection 4, up to 2 days per month may also be
16 deducted in the case of those inmates assigned to and
17 participating in minimum security community programs
18 administered by the Department of Corrections outside
19 the Maine State Prison or the Maine Correctional Cen-
20 ter. These deductions may also apply in the case of
21 those inmates assigned to or participating in minimum
22 security community programs through agencies provid-
23 ing services to the Department of Corrections. These
24 deductions may be authorized for work and responsi-
25 bilities to include public restitution which are
26 deemed to be of sufficient importance to warrant
27 those deductions by the institution head in accor-
28 dance with the Department of Corrections policy and
29 guidelines.

30 Sec. 8. 17-A MRSA §1253, sub-§§6 and 7 are
31 enacted to read:

32 6. Any portion of the time deducted from the
33 sentence of any person pursuant to subsection 3 or
34 3-B may be withdrawn by the supervising officer of
35 the institution for the infraction of any rule of the
36 institution, for any misconduct or for the violation
37 of any law of the State. The withdrawal of deduc-
38 tions may be made at the discretion of the institu-
39 tion head, in accordance with policies and guide-
40 lines established by the Department of Corrections,
41 who may restore any portion thereof if the person's
42 later conduct and outstanding effort warrant that
43 restoration.

1 7. The provisions of this section, except those
2 contained in subsection 5, also shall apply to per-
3 sons who are sentenced to imprisonment in a county
4 jail.

5 STATEMENT OF FACT

6 This new draft simplifies the calculation of good
7 time earned by inmates by establishing a uniform
8 method of calculation.

9 In addition, passage of this bill will provide
10 for the awarding of additional "meritorious" good
11 time for inmates in the Department of Corrections'
12 major institutions and community programs who fulfill
13 work and responsibilities deemed to be of sufficient
14 importance. At the same time, these provisions pro-
15 vide greater incentives for inmates to participate in
16 minimum security, community type programs, including
17 public restitution. Institutional overcrowding will
18 be reduced thereby reducing new capital construction
19 requirements in the Department of Corrections.

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