

MAINE STATE LEGISLATURE

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L.D. 858

(Filing No. H- 117)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 588, L.D. 858,
Bill, "AN ACT to Clarify Sentences Permissible for a
Crime Committed by a Parolee."

Amend the Bill in that part designated "§5807."
in the 2nd and 3rd lines (page 1, lines 25 and 26 in
L.D.) by inserting after the word "parole" the under-
lined words 'where the offense is punishable by im-
prisonment for one year or more and'

STATEMENT OF FACT

The current statutory language in the Maine Re-
vised Statutes, Title 34-A, section 5807, does not
reflect recent statutory changes which have elimi-
nated the traditional practice of sentencing to a
specific institution. Those convicted of crimes are
no longer committed "to the Maine State Prison" or
"to the Maine Correctional Center," but rather to the
"Department of Corrections."

The old language "to the Maine State Prison" in-
cluded an inherent limitation that one could not be
sentenced to the prison except upon conviction of an
offense which is punishable by imprisonment for one
year or more. Since the phrase "to the Department of
Corrections" does not contain that inherent limita-
tion (one can be sentenced to the Department of Cor-
rections for Class D or Class E offenses) it is nec-
essary to explicitly state that "felony only" limita-
tion.

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Reported by the Committee on Judiciary
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