

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 858

6
7 H.P. 588

House of Representatives, February 28, 1985

8 Submitted by the Department of Corrections pursuant to Joint Rule 24.

9 On Motion of Representative Kane of S. Portland, referred to the
Committee on Judiciary. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Carrier of Westbrook.

11 Cosponsored by Representative Paradis of Augusta, Senator Chalmers of
Knox and Representative Drinkwater of Belfast.

12 STATE OF MAINE
13

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

17 AN ACT to Clarify Sentences Permissible for a
18 Crime Committed by a Parolee.
19

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

22 34-A MRSA §5807, as enacted by PL 1983, c. 459,
23 §6, is amended to read:

24 §5807. Sentence for crime committed by parolee

25 Any parolee who commits an offense while on pa-
26 role who is sentenced to the ~~Maine State Prison~~ De-
27 partment of Corrections shall serve the 2nd sentence
28 beginning on the date of termination of the first
29 sentence, unless the first sentence is otherwise ter-
30 minated by the board.

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STATEMENT OF FACT

2 This bill conforms the language in the Maine Re-
3 vised Statutes, Title 34-A, section 5807, to the
4 changes made in the Maine Revised Statutes, Title
5 17-A, section 1252, by Public Law 1983, chapter 581,
6 section 4. Those committed to state penal or correc-
7 tional institutions are no longer sentenced by the
8 court to the specific institution. The revised lan-
9 guage retains the exclusion of any sentence, even for
10 a Class A, Class B or Class C crime, which is not to
11 the Department of Corrections, from operation of the
12 Maine Revised Statutes, Title 34-A, section 5807. For
13 all persons currently subject to the Maine Revised
14 Statutes, Title 34-A, chapter 5, subchapter V, "Pa-
15 role Laws for Precriminal Code Prisoners," a commit-
16 ment to the Department of Corrections is the equiva-
17 lent of a sentence to the Maine State Prison. Prior
18 to its repeal in 1976 by the same legislation which
19 enacted the Maine Criminal Code, the Maine Revised
20 Statutes, Title 17-A, and Title 34, section 802, pro-
21 hibited a Men's Correctional Center sentence for any
22 male who had previously been committed to any state
23 prison. Since, prior to the enactment of the Maine
24 Criminal Code, the maximum duration of a Men's Cor-
25 rectional Center sentence, including parole, was 3
26 years, all persons currently serving a sentence upon
27 which parole has been or may be granted must be in
28 execution of a state prison sentence, thus, none of
29 them could have been sentenced to the Men's Correc-
30 tional Center for what was then a felony, now called
31 a Class A, Class B or Class C crime, committed while
32 on parole.

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