

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 969

6
7 H.P. 683

House of Representatives, March 8, 1985

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

10 EDWIN H. PERT, Clerk

Presented by Representative Allen of Washington.

11 Cosponsored by Representative Cooper of Windham, Representative
Drinkwater of Belfast and Senator Violette of Aroostook.

12 STATE OF MAINE
13

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

17 AN ACT to Amend Calculation of Period of
18 Imprisonment under the Maine Criminal
19 Code.
20

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

23 Sec. 1. 17-A MRSA §1253, sub-§2, as amended by
24 PL 1983, c. 450, §10, is repealed and the following
25 enacted in its place:

26 2. Each person sentenced to imprisonment who has
27 previously been detained for the conduct for which
28 the sentence is imposed in any state correctional fa-
29 cility or county institution or facility or in any
30 local lockup awaiting trial, during trial, post-trial
31 awaiting sentencing or post-sentencing prior to the
32 date on which the sentence commenced to run either to
33 await transportation to the place of imprisonment
34 specified, or pursuant to court order, and not in ex-
35 ecution of any other sentence of confinement, shall
36 be entitled to receive a day-for-day deduction from

1 the total term of imprisonment required under that
2 sentence. Each person shall be entitled to receive
3 the same deduction for any such period of detention
4 in any federal, state or county institution, local
5 lockup or similar facility in another jurisdiction,
6 including any detention resulting from being a fugi-
7 tive from justice, as defined by Title 15, section
8 201, subsection 4, unless he is simultaneously being
9 detained for non-Maine conduct.

10 For the purpose of calculating the day-for-day deduc-
11 tion specified by this subsection, a "day" means 24
12 hours.

13 The total term required under the sentence of impris-
14 onment shall be reduced by the total deduction of
15 this subsection prior to applying any of the other
16 deductions specified in this section or in Title 34,
17 section 1009.

18 The attorney representing this State shall furnish
19 the court, at the time of sentencing or within 10
20 days thereafter, a statement showing the total deduc-
21 tions of this subsection, to that point in time, and
22 the statement shall be attached to the official
23 records of the commitment.

24 The sheriff or other person upon whom the legal duty
25 is imposed to deliver a sentenced person who is enti-
26 tled to a deduction for a period of detention
27 post-sentencing shall, at the time of delivery, fur-
28 nish to the custodian a statement showing the length
29 of that post-sentencing detention. In addition, the
30 transporter shall, without needless delay, furnish to
31 the sentencing court the same statement which shall
32 be attached to the official records of the commit-
33 ment.

34 Sec. 2. 17-A MRSa §1253, sub-§2-A, as enacted by
35 PL 1981, c. 317, §26, is repealed and the following
36 enacted in its place:

37 2-A. For the purpose of calculating the term of
38 imprisonment, when used by a sentencing court, the
39 words "day," "week," "month" and "year" have the fol-
40 lowing meanings.

1 Section 1 of this bill modifies the repealed sub-
2 section so as to make clear:

3 1. That no deduction is authorized when the de-
4 tained person is, at the same time, in execution of
5 any other sentence of confinement;

6 2. That a person is entitled to the same deduc-
7 tion for any previous detention outside of the State
8 unless he is, at the same time, being detained there
9 as well for something other than "for the conduct for
10 which the Maine sentence is "imposed," and that some-
11 thing is non-Maine conduct;

12 3. That for purposes of calculating the
13 day-for-day deduction specified by subsection 2, a
14 "day" means 24 hours;

15 4. That the deduction specified by subsection 2
16 must be applied to the sentence prior to applying the
17 deductions authorized either by section 1253 for good
18 time and "extra" good time or by the Maine Revised
19 Statutes, Title 30, section 1806, for participation
20 in public works-related projects, these latter deduc-
21 tions having no application to the period of deten-
22 tion addressed by subsection 2; and

23 5. That the prosecutor has an additional 10 days
24 beyond sentencing within which to furnish his written
25 statement showing the total deductions, it often be-
26 ing impossible to supply the same at the time of sen-
27 tencing.

28 Section 2 modifies the Maine Revised Statutes,
29 Title 17-A, section 1253, subsection 2-A, by ad-
30 dressing, in addition to the meaning of the term
31 "day," the terms "week," "month" and "year." Note,
32 that because "month" is defined as a 30-day period,
33 it is no longer tied to the calendar. As a conse-
34 quence, "month" does not precisely dovetail with the
35 7-day week or the 365-day year. Thus, for example, a
36 term of imprisonment of 12 months (i.e., 30 x 12 or
37 360) is shorter by 5 days than a term of imprisonment
38 of 1 year (i.e., 365). The minor anomalies which may
39 occur are viewed as acceptable since, in exchange, 2
40 important goals are achieved. First, it allows for
41 uniformity of sentences, a constant 30-day period be-

1 ing applied rather than a varying 28 to 31-day peri-
2 od. Second, it reduces the complexity of sentence
3 calculation which presently frustrates both govern-
4 ment and incarcerated persons alike.

5 Section 3 explains how deductions under the Maine
6 Revised Statutes, Title 17-A, section 1253, and Title
7 30, section 1806, are to be applied when a person has
8 been resentenced.

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