MAINE STATE LEGISLATURE

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(New Draft of S.P. 438, L.D. 1318) FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1738

S.P. 586

In Senate, June 4, 1987

Reported by Senator Black of Cumberland for the Committee on Judiciary and printed under Joint Rule 2. Original Bill sponsored by Senator Brannigan of Cumberland. Cosponsored by: Representative Paradis of Augusta, Senator Black of Cumberland.

JOY J. O'BRIEN, Secretary of the Senate

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	STATE OF MAINE
	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN
1 2 3	AN ACT to Modify Certain Sections of the Maine Criminal Code.
4 5	Be it enacted by the People of the State of Maine as follows:
6 : 7	<pre>Sec. 1. 17-A MRSA \$803, sub-\$2, as enacted by PL 1975, c. 499, \$1, is amended to read:</pre>
8 9 10 11	2. As used in this section, "catastrophe" means death or serious bodily injury to 10 or more people or substantial damage to 5 or more structures, as defined in section 801 2, subsection 24.
12 13	Sec. 2. 17-A MRSA §853-A, sub-§2, as amended by PL 1981, c. 245, §1, is further amended to read:

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- 2. Engaging in prostitution is a Class E crime except that it is subject only to the penalties provided in section 13017-unless-the-defendant-has-not attained-his-18th-birthday7-in-which-case-the-disposition-provided-in-Title-157-section-3314--is applicable.
- 7 Sec. 3. 17-A MRSA \$1201, sub-\$1, as amended by 8 PL 1977, c. 510, \$68, is further amended to read:
- 1. A person who has been convicted of any a crime may be sentenced to a suspended-term-of-impris-onment--with-probation-or-to-a-suspended-fine-with probation-or-to-an section 1152 sentencing alternative which includes a period of probation or to the sentencing alternative of unconditional discharge, unless:
- 16 A. The conviction is for murder;

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- 17 B. The statute which the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person shall be sentenced to the imprisonment and required to pay the fine authorized therein;
 - C. The court finds that there is an undue risk that during the period of probation the convicted person would commit another crime; or
 - D. The court finds that such a sentence would diminish the gravity of the crime for which he was convicted.
- 29 Sec. 4. 17-A MRSA §1204, sub-§1, as repealed and replaced by PL 1977, c. 671, §28, is amended to read:
- 31 If the court imposes a suspended-sentence-of 32 imprisonment-with-probation-or-a-suspended-fine--with 33 section 1152 sentencing alternative which includes a 34 period of probation, it shall attach such conditions 35 of probation, as authorized by this section, as it deems to be reasonable and appropriate to assist the 36 37 convicted person to lead a law-abiding life, provided that in every case it shall be a condition of proba-38 39 tion that the convicted person refrain from criminal 40 conduct.

Sec. 5. 17-A MRSA §1252-A is enacted to read:

§1252-A. Deductions

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	3	Unless otherwise specifically provided by law,
\	4	deductions for good time and meritorious good time
)	5	shall be calculated in accordance with the laws in
1	6	effect on the date the offense was committed. When a
	7	 judgment of conviction involving a term of imprison-
	8	ment is vacated or a sentence involving a term of im-
	9	prisonment is revised or reviewed and a new sentence
	10	involving a term of imprisonment is thereafter im-
	11	posed for the same offense, calculation of good time
	12	and meritorious good time shall be in accordance with
	13	the laws which governed this calculation on the sen-
	14	tence previously imposed.

15 Sec. 6. 17-A MRSA §1256, sub-§6, as enacted by PL 1981, c. 324, §34, is amended to read: 16

6. If it is discovered subsequent to the imposi-

tion of a sentence of imprisonment that the sentenc-19 ing court was unaware of a previously imposed sen-20 tence of imprisonment which is not fully discharged, 21 the court shall resentence the defendant and shall 22 specify whether the sentences are to be served con-23 currently or consecutively. The court shall 24 resentence the defendant if the sentences are re-25 quired-to-be-served-consecutively-pursuant-to-subsection-1 consecutive as a matter of law. 26

STATEMENT OF FACT

28 This new draft deletes several sections of 29 bill which involved substantive additions to the 30 criminal law and retains only those sections which 31 make technical corrections.

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