

# 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

STATE OF MAINE

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

AN ACT to Modify Certain Sections of the  
Maine Criminal Code.

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

Sec. 1. 17-A MRSA §803, sub-§2, as enacted by PL 1975, c. 499, §1, is amended to read:

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.

Sec. 2. 17-A MRSA §853-A, sub-§2, as amended by PL 1981, c. 245, §1, is further amended to read:

1           2. Engaging in prostitution is a Class E crime  
2 except that it is subject only to the penalties pro-  
3 vided in section 1301, ~~unless the defendant has not~~  
4 ~~attained his 18th birthday, in which case the dispo-~~  
5 ~~sition provided in Title 15, section 3314 is~~  
6 ~~applicable.~~

7           Sec. 3. 17-A MRSA §1201, sub-§1, as amended by  
8 PL 1977, c. 510, §68, is further amended to read:

9           1. A person who has been convicted of any a  
10 crime may be sentenced to a ~~suspended term of impris-~~  
11 ~~onment with probation or to a suspended fine with~~  
12 ~~probation or to an~~ section 1152 sentencing alterna-  
13 tive which includes a period of probation or to the  
14 sentencing alternative of unconditional discharge,  
15 unless:

16           A. The conviction is for murder;

17           B. The statute which the person is convicted of  
18 violating expressly provides that the fine and  
19 imprisonment penalties it authorizes may not be  
20 suspended, in which case the convicted person  
21 shall be sentenced to the imprisonment and re-  
22 quired to pay the fine authorized therein;

23           C. The court finds that there is an undue risk  
24 that during the period of probation the convicted  
25 person would commit another crime; or

26           D. The court finds that such a sentence would  
27 diminish the gravity of the crime for which he  
28 was convicted.

29           Sec. 4. 17-A MRSA §1204, sub-§1, as repealed and  
30 replaced by PL 1977, c. 671, §28, is amended to read:

31           1. 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  
36 deems to be reasonable and appropriate to assist the  
37 convicted person to lead a law-abiding life, provided  
38 that in every case it shall be a condition of proba-  
39 tion that the convicted person refrain from criminal  
40 conduct.

