MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)

SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

5

6

8

NO. 1968

H.P. 1457 House of Representatives, January 7, 1988 Submitted by the Department of Corrections pursuant to Joint Rule 24.

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative FOSS of Yarmouth.

Cosponsored by Senators MATTHEWS of Kennebec, GOULD of Waldo and Representative RYDELL of Brunswick.

STATE OF MAINE

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

AN ACT	to Provide for a Record of the	
	Facility Designated for Confinement i	n
	Criminal Cases.	

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

15 MRSA §1707, as repealed and replaced by PL 1977, c. 114, §28, is repealed and the following enacted in its place:

Page 1-LR4515

§1707. Record to designated facility

1

20 21

22 23

24 25

31

32

33

34 35

36 37

38 39

40

2 Whenever a person is convicted of a crime and sentenced to a term of imprisonment which is to 3 served in served in the custody of the Department Corrections, the clerk of the court shall make 4 5 and 6 forward to the head of the correctional facility designated as the initial place of confinement by the Commissioner of Corrections pursuant to Title 17-A, section 1258, a record containing copies of the docket 7 8 9 entries and charging instrument, together with a statement of any fact or facts which the presiding justice may deem important or necessary for a full comprehension of the case. This record shall be 10 11 12 comprehension of the case. 13 14 delivered to the head of the designated correctional facility within 10 days of the date the prisoner is received at that facility. At the time a person, so 15 16 sentenced, is delivered to the designated correctional 17 facility, a copy of the judgment and commitment shall be given to the receiving officer at that facility. 18 19

STATEMENT OF FACT

The present Maine Revised Statues,

section 1707, is modified in 2 critical regards in First, because of statutory changes in the this bill. Maine Criminal Code, sentencing courts no longer specify the place of imprisonment unless that place is to be a county jail; instead the court commits the person to the Department of Corrections and the initial place of confinement is selected by the Commissioner of Corrections. The Maine State Prison is but one of a growing number of these correctional facilities. The bill reflects this fact. Second, the facility receiving the sentenced person needs receive, in addition to both the information supplied to it pursuant to Title 17-A, section 1253, subsection and any special information provided by the sentencing court, 3 specific court documents: namely, docket entries, the charging instrument and the judgment and commitment, the latter accompanied by the conditions of probation, if any. The documents specified in this section will provide the

Title 15,

2 3	normally need from the court. The facility may specifically request any other documents or information from the court.
/	Due to the continually increasing number of cases being handled by the courts and the criminal justice agencies, there is urgent and immediate need for this legislation.

9 4515121087