

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)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 539

S.P. 223

In Senate, March 3, 1989

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

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland.

Cosponsored by Representative HEPBURN of Skowhegan, Representative MELENDY of Rockland and Representative STROUT of Windham.

STATE OF MAINE

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

An Act to Make Technical Changes to Provisions Related to the Probation and Parole and Intensive Supervision Program Functions.



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

3 Sec. 1. 15 MRSA §3003, sub-§17, as enacted by PL 1977, c. 520,
5 §1, is amended to read:

7 17. Law enforcement officer. "Law enforcement officer"
9 means any person who by virtue of his public employment is vested
11 by law with a duty to maintain public order, to prosecute
13 offenders, to make arrests for crimes ~~or whether that duty~~
extends to all crimes or is limited to specific crimes to perform
probation functions, whether that duty extends to all crimes or
is limited to specific crimes or to perform intensive supervision
functions.

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

19 17. "Law enforcement officer" means any person who by
21 virtue of his public employment is vested by law with a duty to
23 maintain public order, to prosecute offenders, ~~or to make arrests~~
for crimes, whether that duty extends to all crimes or is limited
to specific crimes, to perform probation functions or to perform
intensive supervision functions.

25 Sec. 3. 17-A MRSA §1253, sub-§3, as amended by PL 1985, c.
27 821, §12, is repealed and the following enacted in its place:

29 3. Beginning October 1, 1983, a person sentenced to
imprisonment for more than 6 months shall be entitled to receive
a deduction of 10 days each month for observing all rules of the
department and institution. The period from which the deduction
is made shall be calculated from the first day the person is
delivered into the custody of the department and includes the
full length of the unsuspended portion of the sentence. This
provision does not apply to the suspended portion of the person's
sentence, pursuant to section 1203 or to the period of intensive
supervision of a sentence under section 1262.

39 Sec. 4. 17-A MRSA §1262, sub-§5, as enacted by PL 1985, c.
41 821, §15, is amended to read:

43 5. If, at the time the defendant is scheduled to be
45 released to the Intensive Supervision Program, the ratio of
47 prisoners to Intensive Supervision Program officers would exceed
49 25 to 2, the Department of Corrections shall petition the court
51 to relieve it of its obligation to place the defendant in the
Intensive Supervision Program until it can place the defendant in
that program without exceeding the ratio of 25 to 2. If the
court is satisfied that the ratio of 25 to 2 would be exceeded,
it shall grant the motion relieving the department of that
obligation. The department must place the defendant in the

1 Intensive Supervision Program as soon as the ratio of 25 to 2
2 would not be exceeded and such the placement shall occur
3 ~~notwithstanding the fact that~~ even if the defendant may would not
4 then be serving a ~~full year on intensive supervision~~ the full
5 term of intensive supervision ordered by the court.

7
8
9 **STATEMENT OF FACT**

11 Section 1 establishes a definition of a law enforcement
12 officer which includes intensive supervision program officers.

13 Section 2 clarifies the definition of a law enforcement
14 officer to make it consistent with the definition established by
15 section 1 of this bill.

16 Section 3 clarifies that a prisoner may serve a period of
17 intensive supervision which is other than an exact 12 months.

18 Section 4 makes a technical correction to recognize that the
19 original sentence to intensive supervision is not necessarily one
20 year.
21
22
23