

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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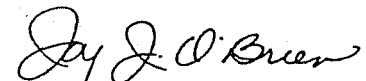
Legislative Document

No. 723

S.P. 277

In Senate, March 13, 1989

Reference to the Joint Select Committee on Corrections suggested and ordered printed.

  
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin.

Cosponsored by Representative DORE of Auburn and Representative GREENLAW of Standish.

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STATE OF MAINE

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

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An Act to Require Counties to Accept Prisoners with Sentences up to One Year in Length and to Provide Assistance to Counties in Developing Community Corrections Programs.

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

3 **Sec. 1. 17-A MRSA §1203, sub-§1, as repealed and replaced by**  
5 **PL 1985, c. 821, §6, is amended to read:**

7 1. The court may sentence a person to a term of  
9 imprisonment, not to exceed the maximum term authorized for the  
11 crime, an initial portion of which shall be served and the  
13 remainder of which shall be suspended. As to both the initial  
15 unsuspended portion and the suspended portion relative to a Class  
17 A, Class B or Class C crime, the sentence of the court shall  
19 specify the place of imprisonment if that place is to be a county  
21 jail, otherwise the court shall commit the person to the  
23 Department of Corrections.

25 ~~Beginning April 1, 1987, if any portion of a split sentence is~~  
27 ~~specified by the court to be 6 months or less, the court shall~~  
29 ~~specify the place of imprisonment to be a county jail as to that~~  
31 ~~portion.~~ Beginning January 1, 1989, if any portion of a split  
33 sentence is specified by the court to be 9 months or less, the  
35 court shall specify the place of imprisonment to be a county jail  
37 as to that portion. Beginning July 1, 1990, if any portion of a  
split sentence is specified by the court to be 12 months or less,  
the court shall specify the place of imprisonment to be a county  
jail as to that portion. In the case of a Class D or Class E  
crime, the court shall, after the effective date of this  
paragraph, specify the place of imprisonment to be a county jail  
with respect to each portion of the split sentence.

39 The period of probation shall commence on the date the person is  
41 released from his initial unsuspended portion of the term of  
43 imprisonment, unless the court orders that it shall commence on  
45 an earlier date. If the period of probation is to commence upon  
47 release from the initial unsuspended portion of the term of  
49 imprisonment, the court may nonetheless revoke probation for any  
51 criminal conduct committed during that initial period of  
imprisonment.

41 **Sec. 2. 17-A MRSA §1252, sub-§1, as repealed and replaced by**  
43 **PL 1985, c. 821, §7, is amended to read:**

45 1. In the case of a person convicted of a crime other than  
47 murder, the court may sentence to imprisonment for a definite  
49 term as provided for in this section, unless the statute which  
51 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 imprisonment and required to pay the fine authorized therein.  
The sentence of the court relative to a Class A, Class B or Class  
C crime shall specify the term to be served and the place of  
imprisonment if that place is to be a county jail, otherwise the  
court shall commit the person to the Department of Corrections.

1  
3 ~~Beginning April 1, 1987, if the sentence of the court specifies~~  
5 ~~the term of imprisonment to be 6 months or less, the court shall~~  
7 ~~specify the place of imprisonment to be a county jail.~~ Beginning  
9 January 1, 1989, if the sentence of the court specifies the term  
11 of imprisonment to be 9 months or less, the court shall specify  
13 the place of imprisonment to be a county jail. Beginning July 1,  
1990, if the sentence of the court specifies the term of  
imprisonment to be 12 months or less, the court shall specify the  
place of imprisonment to be a county jail. In the case of a  
Class D or Class E crime, the court shall, after the effective  
date of this paragraph, specify the place of imprisonment to be a  
county jail.

15           Sec. 3. 34-A MRSA §1210, sub-§6, as enacted by PL 1985, c.  
17 821, §18, is amended to read:

19           6. County Correctional Improvement Account. The county  
21 commissioners of each county shall establish the County  
23 Correctional Improvement Account for funds received from the  
25 State under this section, which shall be used for improving,  
27 maintaining and developing correctional programs, community-based  
correctional programs, and standards compliance and--capital  
improvements. Funds in this account unexpended at the end of the  
year do not lapse, but shall carry forward into subsequent years.  
The Department of Corrections shall oversee the use of these  
funds.

## 31 STATEMENT OF FACT

33           Governor Brennan's Blue Ribbon Commission on Corrections  
35 recommended reducing the burden on state prisons imposed by the  
37 incarceration of offenders with sentences less than one year by  
39 transferring them to county facilities. The Legislature adopted  
41 this approach but limited the transfer to offenders serving 9  
43 months or less. In order to have a more substantial impact in  
45 reducing state prison populations, however, offenders with  
sentences up to 12 months would be transferred to county  
facilities. The effective date for this change would be July 1,  
1990, so that counties can prepare alternative programming in  
order that additional jail cells are not required to carry out  
this mandate.

47           Section 3 of this bill amends the community corrections laws  
49 to restrict the use of funds within the County Correctional  
Improvement Account to use for maintaining and developing  
correctional programs, rather than for any capital improvements.