

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 901

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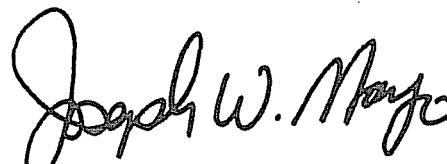
H.P. 663

House of Representatives, March 15, 1993

**An Act to Reinstate a System of Parole.**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative HOLT of Bath.  
Cosponsored by Senator BUSTIN of Kennebec and  
Representative: LARRIVEE of Gorham.

2  
3 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 17-A MRSA §1251, as repealed and replaced by PL 1983,  
5 c. 673, §3, is amended by adding at the end a new paragraph to  
6 read:

7 For purposes of this section and sections 1253, 1254 and  
8 1256, time served on parole as authorized by Title 34-A, section  
9 5803 is deemed to be imprisonment.

10 Sec. 2. 17-A MRSA §1252, sub-§9 is enacted to read:

11 9. For purposes of this section and sections 1253, 1254 and  
12 1256, time served on parole as authorized by Title 34-A, section  
13 5803 is deemed to be imprisonment.

14 Sec. 3. 17-A MRSA §1257-A, first ¶, as enacted by PL 1985, c.  
15 266, §1, is amended to read:

16 A victim of any Class A, B or C crime for which the  
17 perpetrator is committed to the Department of Corrections may  
18 receive notice of that person's release from custody, including  
19 parole, furloughs or work-release programs, upon complying with  
20 this section, unless the Department of Corrections determines  
21 that giving this notice could pose a threat to the safety of the  
22 sentenced person.

23 Sec. 4. 34-A MRSA §5801, as enacted by PL 1983, c. 459, §6,  
24 is amended to read:

25 **§5801. Applicability**

26 This subchapter applies only to those persons in the custody  
27 of the Department of Corrections pursuant to a sentence imposed  
28 under the law in effect prior to May 1, 1976 and to those persons  
29 in the custody of the Department of Corrections on or after  
30 October 1, 1993 pursuant to a sentence imposed under Title 17-A.

31 Sec. 5. 34-A MRSA §5802, sub-§2, as enacted by PL 1983, c.  
32 459, §6, is amended to read:

33 **2. Custody and control.** While on parole, the parolee is  
34 under the custody of the warden or superintendent of the  
35 institution from which he the parolee was released, but under the  
36 immediate supervision of and subject to the rules of the division  
37 or any special conditions of parole imposed by the board.  
38 Special conditions of parole may include but are not limited to  
39 electronic monitoring or other forms of intensive supervision.

2           **Sec. 6. 34-A MRSA §5803, sub-§2**, as enacted by PL 1983, c.  
459, §6, is amended to read:

4           **2. Expiration of 1/2 of term in certain cases.** Prior to the  
6 expiration of 1/2 of the term of imprisonment imposed by the  
court, less the deduction for good behavior, when the prisoner  
8 has been convicted of an offense under Title 17, section 1951,  
3151, 3152 or 3153 or, for prisoners in the custody of the  
10 department on or after October 1, 1993, pursuant to a sentence  
imposed under Title 17-A. This subsection applies to a prisoner  
12 who has been convicted previously of an offense under Title 17,  
section 1951, 3151, 3152 or 3153;

14           **Sec. 7. 34-A MRSA §5803**, as enacted by PL 1983, c. 459, §6,  
is amended by adding at the end 2 new paragraphs to read:

16           A prisoner sentenced to a county jail is not eligible for  
18 parole.

20           Parole may be granted only for that portion of the sentence  
that is not suspended. Probation or other terms that the court  
22 assigns to the suspended portion of a sentence may not be  
discharged or altered by the board.

24           **Sec. 8. Rulemaking.** The State Parole Board, in accordance  
26 with the Maine Revised Statutes, Title 34-A, section 5211, shall  
adopt rules to implement this Act.

28           **Sec. 9. Report.** The Department of Corrections and the State  
30 Parole Board shall jointly submit a report, including any  
necessary legislation, by December 1, 1993 to the Joint Select  
32 Committee on Corrections making recommendations necessary to  
accomplish the purpose of this Act to implement a system of  
34 parole for prisoners in the custody of the department on or after  
October 1, 1993.

36           **Sec. 10. Effective date.** Sections 1 to 7 of this Act take  
38 effect October 1, 1993.

40   **STATEMENT OF FACT**

42           This bill implements a system of parole for prisoners  
44 sentenced to terms of imprisonment under the Maine Revised  
Statutes, Title 17-A, section 1252 in the custody of the  
46 Department of Corrections on and after October 1, 1993.  
Prisoners sentenced to county jails are not eligible for parole.  
48 Under the bill, parole is deemed to be imprisonment for purposes  
of determinate sentencing under the Maine Criminal Code. The  
50 bill provides that the State Parole Board may not discharge or

2 alter any condition of probation or other term assigned by a  
3 court for the suspended portion of a sentence. The bill  
4 clarifies that certain victims of crimes may receive notice of  
5 the perpetrator's release on parole. The bill authorizes  
6 electric monitoring or other forms of intensive supervision as  
7 special conditions of parole.

8 The bill requires rulemaking by the State Parole Board to  
9 implement the new parole provisions and requires the board to  
10 submit jointly with the Department of Corrections a report,  
11 including legislation, making recommendations necessary to  
12 implement the system.