

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 544

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S.P. 201

In Senate, February 14, 1995

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**An Act to Reduce the Amount of Good Time and Meritorious Good  
Time Available to Persons Sentenced to Terms of Imprisonment.**

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Reported by Senator MILLS of Somerset for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Criminal Justice suggested and ordered printed pursuant to Joint Rule 20.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

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

4 **Sec. 1. 17-A MRSA §1252-B**, as enacted by PL 1987, c. 808, §2,  
is repealed and the following enacted in its place:

6 **§1252-B. Imposition of sentence; court consideration of good time**

8 1. If a court imposes a sentencing alternative pursuant to  
10 section 1152 that includes a term of imprisonment, in setting the  
12 appropriate length of that term, as well as any unsuspended  
14 portion of that term, if any, the court shall consider the  
potential impact of deductions for good time along with all other  
appropriate factors.

16 2. For persons who commit crimes on or after October 1,  
18 1995, section 1253, subsections 8, 9 and 10 substantially reduce  
20 the statutory deductions for good time and meritorious good time  
22 to ensure that the term of imprisonment imposed closely  
24 approximates what will in fact be served and to abandon  
26 administrative awards that have seriously imperiled the State's  
28 statutory scheme relative to authorized terms of imprisonment for  
30 murder under section 1251 and for crimes other than murder under  
32 section 1252, subsection 2. At the same time that it reduces  
34 these statutory deductions, however, the Legislature intends that  
sentencing courts, to the extent that they, pursuant to  
subsection 1, have imposed longer terms of imprisonment in an  
effort to compensate for the impact of substantial good time and  
meritorious good time deductions, must make pursuant to this  
section the necessary adjustments in their sentencing decisions  
in view of the substantially reduced deductions. Application of  
this subsection resulting in reductions in good time and  
meritorious good time must be reflected in the imposition of  
shorter terms of imprisonment by courts.

36 **Sec. 2. 17-A MRSA §1253, sub-§6**, as enacted by PL 1983, c.  
456, §8, is amended to read:

38 **6.** Any portion of the time deducted from the sentence of  
40 any person pursuant to subsection 3 ~~or~~, 3-B or 8 may be withdrawn  
42 by the supervising officer of the institution for the infraction  
44 of any rule of the institution, for any misconduct or for the  
46 violation of any law of the State. The withdrawal of deductions  
48 may be made at the discretion of the institution head, in  
accordance with policies and guidelines established by the  
Department of Corrections, who may restore any portion thereof if  
the person's later conduct and outstanding effort warrant that  
restoration.

50 **Sec. 3. 17-A MRSA §1253, sub-§6-A**, as amended by PL 1989, c.  
104, Pt. C, §§8 and 10, is further amended to read:

2           **6-A.** When a judgment of conviction involving a term of  
4 imprisonment is vacated or a sentence involving a term of  
6 imprisonment is revised or reviewed and a new sentence involving  
8 a term of imprisonment is thereafter imposed upon the person for  
10 the same offense, day-for-day credit shall must be accorded on  
12 the new sentence both for each day the person served in execution  
14 of the initial sentence and for all previously earned deductions  
16 specified in subsections 4 and, 5, 8 and 9 and Title 30-A,  
section 1606. Prior to the day-for-day credit being given on the  
new sentence, the new sentence shall must, after first having  
been reduced by any deductions specified in subsection 2  
previously or subsequently received, have applied to it the  
controlling deduction specified in either subsection 3 or 3-B, if  
applicable.

18           **Sec. 4. 17-A MRSAs §1253, sub-§7,** as enacted by PL 1983, c.  
456, §8, is repealed and the following enacted in its place:

20           7. Notwithstanding the fact that subsections 3, 3-B, 4 and  
22 6 directly address only persons who are committed to the custody  
24 of the Department of Corrections, they apply also to persons who  
are committed to the custody of a sheriff. Subsections 5 and 8  
do not apply to persons who are committed to the custody of a  
sheriff.

26           **Sec. 5. 17-A MRSAs §1253, sub-§§8 to 10** are enacted to read:

28           8. Any person who commits a crime on or after October 1,  
30 1995 and is subsequently sentenced to a term of imprisonment in  
32 the custody of the Department of Corrections for that crime is  
34 eligible to receive an as-earned, good time deduction of up to 2  
36 days per month, calculated from the date of commencement of that  
38 term as determined under subsection 1, for observing all the  
rules of the Department of Corrections and the institution.  
Subsections 3 and 3-B do not apply to any person subject to this  
subsection. For the purpose of calculating the deduction under  
this subsection, a month is a calendar month. Partial months are  
to be calculated as follows:

<u>Days of partial month</u>	<u>Maximum good time authorized</u>
<u>1 to 15 days</u>	<u>up to 1</u>
<u>16 to 31 days</u>	<u>up to 2</u>

46           9. Any person who commits a crime on or after October 1,  
48 1995 and is subsequently sentenced to a term of imprisonment in  
50 the custody of the Department of Corrections for that crime is  
eligible to receive an as-earned meritorious good time deduction  
of up to 2 days per month if that person is assigned or is

2 participating in work, education or other responsibilities within  
3 the institution or program that are determined to be of  
4 sufficient importance to warrant that deduction by the  
5 institution head in accordance with policy and guidelines  
6 established by the Department of Corrections. Subsections 4 and  
7 5 do not apply to any person subject to this subsection. For the  
8 purpose of calculating the deduction under this subsection, a  
9 month is a calendar month. Partial months are to be calculated  
10 as follows:

<u>Days of partial month</u>	<u>Maximum meritorious good time</u> <u>authorized</u>
<u>1 to 15 days</u>	<u>up to 1</u>
<u>16 to 31 days</u>	<u>up to 2</u>

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17 10. Subsections 3, 3-B and 4 do not apply to any person who  
18 commits a crime on or after October 1, 1995 and is subsequently  
19 sentenced to a term of imprisonment in the custody of a sheriff.  
20

## 21 22 23 **STATEMENT OF FACT**

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25  
26 This bill, in critical part, reduces the amount of good time  
27 and meritorious good time currently available under the Maine  
28 Criminal Code. The changes apply only to persons committing  
29 crimes on or after October 1, 1995 to avoid creating an ex post  
30 facto law.

31  
32 As to good time, the bill makes 2 changes. First, it  
33 requires that good time be calculated on an as-earned basis  
34 rather than on an up-front basis. Second, it reduces the maximum  
35 number of days available to be earned each month to 2 days.

36 As to meritorious good time, the bill makes 2 changes.  
37 First, it reduces the maximum number of days available to be  
38 earned each month by a person imprisoned and in the custody of  
39 the Department of Corrections to 2 days. Second, it eliminates  
40 the availability of meritorious good time entirely for persons  
41 imprisoned and in the custody of a sheriff. As to the latter  
42 category of prisoners, however, the authorized deduction under  
43 the Maine Revised Statutes, Title 30-A, section 1606 remains  
44 available.

45 This bill repeals and replaces Title 17-A, section 1252-B to  
46 make clear that the currently authorized statutory deductions for  
47 good time and meritorious good time cause significant harm to the  
48 Maine Criminal Code's sentencing scheme respecting terms of  
49 imprisonment. When, as under current law, the actual length of  
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2 sentences served by inmates is grossly less than what the court  
imposes at sentencing, about 50% less in many cases, such  
4 disparity is both impolitic as a matter of public policy and  
seriously inimical to the terms of imprisonment established for  
6 murder under Title 17-A, section 1251 and for all classes of  
crimes under Title 17-A, section 1252, subsection 2 because these  
8 statutorily authorized amounts contemplate a close approximation  
between the amount of imprisonment imposed and the amount  
actually served.

10  
12 Separate from the need to significantly reduce these  
deductions so as to reinstate "truth in sentencing" and so as to  
eliminate any impetus for legislatively increasing the current  
14 ceiling limits for Class A, B, C, D and E crimes as well as the  
mandatory minimum for murder, is the accompanying need for  
16 sentencing courts who have been imposing longer terms of  
imprisonment to compensate for the administrative deductions, as  
18 required by Title 17-A, section 1252-B, to now, in view of the  
substantial reductions in these statutory deductions, necessarily  
20 adjust terms of imprisonment to be imposed downward. This  
aspect, as the changes to section 1252-B seek to make clear, is  
22 absolutely critical to carry out the considered legislative  
judgment because failure of courts to do so will significantly  
24 lengthen the actual periods of incarceration to be served,  
placing an additional unwanted and unneeded strain on Maine's  
26 scarce state and county available bed space.