

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1276

H.P. 900

House of Representatives, April 11, 1995

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**An Act to Require Minimum Mandatory Sentences for Persons  
Convicted of Assault Crimes.**

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Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.  
Cosponsored by Senator BENOIT of Franklin and  
Representatives: AIKMAN of Poland, BUCK of Yarmouth, CAMERON of Rumford, CHICK  
of Lebanon, CLARK of Millinocket, DRISCOLL of Calais, GERRY of Auburn, GIERINGER  
of Portland, GWADOSKY of Fairfield, JACQUES of Waterville, JOY of Crystal, LAYTON  
of Cherryfield, LIBBY of Kennebunk, LIBBY of Buxton, MARVIN of Cape Elizabeth,  
MAYO of Bath, NADEAU of Saco, NASS of Acton, O'NEAL of Limestone, PAUL of  
Sanford, PEAVEY of Woolwich, SIROIS of Caribou, TUTTLE of Sanford, WATERHOUSE  
of Bridgton, WHEELER of Bridgewater, Senators: BUTLAND of Cumberland, HALL of  
Piscataquis, LORD of York, O'DEA of Penobscot, PENDEXTER of Cumberland.

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

4 **Sec. 1. 17-A MRSA §207, sub-§3** is enacted to read:

6 3. Notwithstanding any other provisions of this Title, if  
8 the State pleads and proves the victim of assault was under 6  
10 years of age at the time the assault as committed, then for a  
12 person convicted of the assault, the minimum sentence of  
14 imprisonment, which may not be suspended, is one year.

16 During the minimum mandatory portion of a sentence imposed  
18 subject to this subsection, the person imprisoned is not allowed  
20 any credits or deductions for good time or meritorious good time.

22 **Sec. 2. 17-A MRSA §253, sub-§5-A** is enacted to read:

24 5-A. The minimum sentence of imprisonment, which may not be  
26 suspended, is 6 months. Nothing in this subsection may be  
28 construed to prevent the court from imposing a longer sentence in  
30 accordance with section 1252.

32 During the minimum mandatory portion of a sentence imposed  
34 subject to this subsection, the person imprisoned is not allowed  
36 any credits or deductions for good time or meritorious good time.

38 **Sec. 3. 17-A MRSA §255, sub-§4** is enacted to read:

40 4. The minimum sentence of imprisonment, which may not be  
42 suspended, is 90 days. Nothing in this subsection may be  
44 construed to prevent the court from imposing a longer sentence in  
46 accordance with section 1252.

During the minimum mandatory portion of a sentence imposed  
subject to this subsection, the person imprisoned is not allowed  
any credits or deductions for good time or meritorious good time.

### STATEMENT OF FACT

40 This bill ensures that a person convicted of assault against  
42 a child younger than 6 years of age will spend time in prison.  
44 The minimum time established is one year. The bill also  
46 establishes minimum time of imprisonment for gross sexual assault  
and unlawful sexual contact. The minimum time for gross sexual  
assault is 6 months and for unlawful sexual contact is 90 days.