

# 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)



L.D. 1903

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44

DATE: 4-7-04

(Filing No. H-875)

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND SPECIAL SESSION**

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1409, L.D. 1903, Bill, "An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners"

Amend the amendment in Part A in section 10 by striking out all of paragraph A-1 and inserting in its place the following:

'A-1. The conviction is for a Class D or Class E crime other than:

(1) A Class D or Class E crime that was initially charged by the attorney for the State as a Class A, Class B or Class C crime;

(2) A Class D crime committed by a person who has a prior conviction for a Class A, Class B, Class C or Class D crime under this Title; a prior conviction under Title 29-A, section 2411; or a prior conviction under Title 29-A, chapter 23, subchapter 5;

(3) A Class D crime committed against a family or household member under chapter 9 or 13 or section 506-B, 554, 555 or 758;

(4) A Class D or Class E crime in chapter 11 or 12;

(5) A Class D or Class E crime under section 556, 854, excluding subsection 1, paragraph A, subparagraph (1), or 855;

**HOUSE AMENDMENT**

**REC-9**

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1409,  
L.D. 1903

- 2                   (6) A Class D crime under section 804;
- 4                   (7) A Class D crime under section 1107-A, subsection  
                    1, paragraph C;
- 6                   (8) A Class D crime under Title 17, section 1031; and
- 8                   (9) A Class D crime under Title 29-A, section 2411,  
10                   subsection 1-A, paragraph B.

12                   As used in this paragraph, "family or household member" has  
14                   the same meaning as in Title 19-A, section 4002, subsection  
                    4;

16                   Further amend the amendment in Part A in section 12 by  
18                   striking out all of paragraph A-1 and inserting in its place the  
                    following:

20                   'A-1. If the State pleads and proves that the person was  
22                   convicted of a Class A, Class B or Class C crime and has a  
24                   prior conviction for a Class A, Class B, Class C or Class D  
26                   crime under this Title, a prior conviction under Title 29-A,  
28                   section 2411 or a prior conviction under Title 29-A, chapter  
30                   23, subchapter 5; was convicted of committing against a  
                    family or household member a crime under chapter 9 or 13 or  
                    section 554; was convicted under chapter 11 or 12 or section  
                    556; was convicted under section 1103, subsection 1-A,  
                    paragraph A; was convicted under section 1105-A; or was  
                    convicted under section 1107-A, subsection 1, paragraph B,  
                    the period of probation may not exceed:

- 32                   (1) Six years for a Class A crime; or
- 34                   (2) Four years for a Class B or Class C crime.

36                   As used in this paragraph, "family or household member" has  
38                   the same meaning as in Title 19-A, section 4002, subsection  
40                   4; and'

42                   Further amend the amendment in Part A in section 18 in  
44                   subsection 9 in paragraph A in the 4th line (page 7, line 30 in  
                    amendment) by striking out the following: "4" and inserting in  
                    its place the following: '3'

46                   Further amend the amendment in Part A in section 18 in  
48                   subsection 9 in paragraph A by striking out the last 4 lines  
                    (page 8, lines 11 to 14 in amendment) and inserting in their  
                    place the following:

**REF**

2                    '1 to 10 days                    up to 1  
                      11 to 20 days                    up to 2  
4                    21 to 31 days                    up to 3'

6                    Further amend the amendment in Part A in section 18 in  
8 subsection 10 in paragraph A in the 5th line (page 8, line 42 in  
10 amendment) by striking out the following: "3" and inserting in  
12 its place the following: '2'

14                    Further amend the amendment in Part A in section 18 in  
16 subsection 10 in paragraph A by striking out the last 3 lines  
18 (page 9, lines 24 to 26 in amendment) and inserting in their  
20 place the following:

22                    '1 to 15 days                    up to 1  
24                    16 to 31 days                    up to 2'

## 20                    SUMMARY

22                    This amendment expands the list of Class D and Class E  
24 offenses for which probation may continue to be imposed to  
26 include:

28                    1. A Class D or Class E crime that was initially charged by  
30 the attorney for the State as a Class A, Class B or Class C crime;

32                    2. A Class D crime committed by a person who has a prior  
34 conviction for a Class A, Class B, Class C or Class D crime under  
36 the Maine Revised Statutes, Title 17-A; a prior conviction under  
38 the laws governing operating under the influence; or a prior  
40 conviction under the laws governing habitual offenders;

42                    3. A Class D crime for failure to control or report a  
44 dangerous fire;

46                    4. A Class D crime for possession of a schedule W drug; and

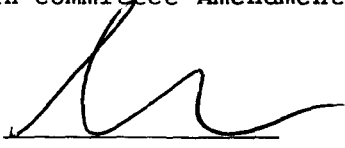
48                    5. A Class D crime for cruelty to animals.

50                    The amendment also expands the list of Class A, Class B and  
Class C offenses for which the current statutory length of  
probation may be imposed. The current statutory length of  
probation may be imposed if the State pleads and proves that a  
person was convicted of a Class A, Class B or Class C crime and  
has a prior conviction for a Class A, Class B, Class C or Class D  
crime under the Maine Revised Statutes, Title 17-A, a prior  
conviction under the laws governing operating under the influence  
or a prior conviction under the laws governing habitual

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1409,  
L.D. 1903

offenders. The current statutory length of probation may be  
imposed if the State pleads and proves that a person was  
convicted of unlawful trafficking in a schedule W drug,  
aggravated trafficking of scheduled drugs or certain offenses  
involving possession of a schedule W drug.

The amendment also provides that a person sentenced to a  
term of imprisonment may receive a reduction in that term of  
imprisonment of up to 3 days per calendar month for good behavior  
and up to 2 days per calendar month for fulfillment of  
responsibilities assigned in the person's transition plan for  
work, education or rehabilitation programs. With these changes,  
a person may earn a total of 7 days of good time per calendar  
month after sentence and commitment, as compared to 9 days per  
calendar month in Committee Amendment "A."

SPONSORED BY:   
(Representative FAIRCLOTH)

TOWN: Bangor

FISCAL NOTE REQUIRED  
(See attached)