

# 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)



STATE LAW LIBRARY  
AUGUSTA, MAINE

# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

---

Legislative Document

No. 325

H.P. 261

House of Representatives, February 3, 2009

---

**An Act To Authorize the Resentencing of Certain Prisoners Who  
Have Served Consecutive Sentences of 20 or More Years**

---

Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TUTTLE of Sanford.  
Cosponsored by Senator ROSEN of Hancock and  
Representatives: BOLAND of Sanford, MacDONALD of Boothbay, MAGNAN of Stockton  
Springs, O'BRIEN of Lincolnville, Speaker PINGREE of North Haven, SCHATZ of Blue Hill,  
WEBSTER of Freeport, Senator: GERZOFSKY of Cumberland.

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

2 **Sec. 1. 17-A MRSA §1160** is enacted to read:

3 **§1160. Petition for resentencing after serving 20 or more consecutive years in prison**

4 1. Notwithstanding any provision of law to the contrary, a person who has been  
5 convicted of and received a definite or aggregate sentence for one or more crimes and  
6 who has been incarcerated under that sentence for a period of 20 or more consecutive  
7 years may petition the sentencing court for resentencing.

8 2. The sentencing court may resentence the person described under subsection 1 if  
9 the court finds that:

10 A. There is a release plan for the person described under subsection 1; and

11 B. The person described under subsection 1 has demonstrated rehabilitation and  
12 possesses the ability to lead a positive and productive life.

13 3. At any hearing held for the purpose of determining a petition for resentencing  
14 under this section, the sentencing court shall allow the person described under subsection  
15 1 to present testimony and witnesses concerning the petition for resentencing. The court  
16 shall provide notice of the hearing to interested parties and shall allow the participation of  
17 interested parties, including but not limited to:

18 A. The victim of a crime for which the person described under subsection 1 is  
19 incarcerated. For purposes of this paragraph, "victim" means the victim, the legal  
20 representative of the victim or a member of a deceased victim's immediate family;

21 B. The person described under subsection 1 and members of that person's family;  
22 and

23 C. Personnel from the correctional facility in which the person described under  
24 subsection 1 is incarcerated.

25 4. After hearing and review of a petition under this section, the sentencing court  
26 may:

27 A. Grant the petition and:

28 (1) Suspend any portion of the sentence not yet served;

29 (2) Sentence the person to a period of probation that may correspond to the  
30 amount of time by which the sentence is reduced;

31 (3) Sentence the person to a period of supervised release; or

32 (4) Impose any other conditions that the court determines appropriate; or

33 B. Deny the petition.

34 5. In granting or denying a petition filed pursuant to this section, the court shall issue  
35 its findings upon which its decision is based.

1        6. If the sentencing court denies a petition for resentencing filed pursuant to this  
2        section, the person described under subsection 1 may petition the court for resentencing  
3        after one year has elapsed from the date of the court's denial.

4

#### SUMMARY

5        This bill authorizes a sentencing court to grant a petition for resentencing that is filed  
6        by a person who has served a term of imprisonment of 20 consecutive years or more.