

# 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 electronic originals  
(may include minor formatting differences from printed original)



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

---

Legislative Document

No. 1565

H.P. 1150

House of Representatives, May 11, 2011

### **An Act To Give Judges Greater Flexibility When Sentencing Defendants Convicted of Murder**

(AFTER DEADLINE)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CELLI of Brewer.  
Cosponsored by Senator BRANNIGAN of Cumberland and  
Representatives: COTTA of China, CROCKETT of Bethel, FOSSEL of Alna, HASKELL of  
Portland, HINCK of Portland, KESCHL of Belgrade, LOVEJOY of Portland, ROSEN of  
Bucksport.

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

2 **Sec. 1. 17-A MRS §1251**, as amended by PL 2005, c. 88, Pt. B, §1, is further  
3 amended by adding at the end a new paragraph to read:

4 The court may sentence a person convicted of the crime of murder to life in prison  
5 based on the aggravating circumstance of that person's extreme mistreatment of the body  
6 of the victim after the death of the victim.

7 **SUMMARY**

8 The Maine Revised Statutes, Title 17-A, section 1251 provides that a person  
9 convicted of the crime of murder must be sentenced to imprisonment for life or for any  
10 term of years that is not less than 25 years. The Supreme Judicial Court in the case of  
11 State v. Shortsleeves, 580 A.2d 145 (Me. 1990) held that a life sentence may not be  
12 imposed unless there are aggravating circumstances and set forth a list of aggravating  
13 circumstances that would justify a life sentence.

14 This bill adds an aggravating circumstance to those set forth in the Shortsleeves  
15 decision that would justify a life sentence. The bill provides that the court may sentence  
16 a person convicted of the crime of murder to life in prison based on the aggravating  
17 circumstance of that person's extreme mistreatment of the body of the victim after the  
18 death of the victim.

19 This bill is in response to the sentencing in Cumberland County Superior Court of  
20 Chad Gurney for the murder of Zoe Sarnacki in the case of State v. Gurney, docket  
21 number CUMCD - CR - 2009 - 4017.