

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 957

S.P. 309

In Senate, March 9, 2021

An Act To Reform Alternative Sentencing Programs

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MAXMIN of Lincoln.

Cosponsored by Representative CUDDY of Winterport and

Senator: BAILEY of York, Representatives: EVANGELOS of Friendship, MORALES of South Portland, PLUECKER of Warren, RECKITT of South Portland, TALBOT ROSS of Portland, WARREN of Hallowell.

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

2 **Sec. 1. 17-A MRSA §1902, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2, is
3 amended to read:

4 **1. Authority of court to order deferment and impose requirements;**
5 **administrative supervision fee.** Following the acceptance of a plea of guilty for a crime
6 for which a person is eligible for a deferred disposition under section 1901, the court may
7 order sentencing deferred to a date certain or determinable and impose requirements upon
8 the person, including the requirement that the person complete an alternative sentencing
9 program, to be in effect during the period of deferment, considered by the court to be
10 reasonable and appropriate to assist the person to lead a law-abiding life. The court-
11 imposed deferment requirements must include a requirement that the person refrain from
12 criminal conduct and may include a requirement that the person pay to the appropriate
13 county an administrative supervision fee of not more than \$50 per month, as determined
14 by the court, for the term of the deferment. In determining the amount of the fee, the court
15 shall take into account the financial resources of the person and the nature of the burden its
16 payment imposes. In exchange for the deferred sentencing, the person shall abide by the
17 court-imposed deferment requirements. Unless the court orders otherwise, the
18 requirements are immediately in effect.

19 **Sec. 2. 30-A MRSA §1606, sub-§1**, as amended by PL 2011, c. 506, §1, is further
20 amended to read:

21 **1. Participation in public works projects authorized.** The sheriff in charge of a
22 county jail, or the sheriff of a county that shares a regional jail with other counties, may
23 permit certain inmates of that jail to participate in alternative sentencing programs ordered
24 pursuant to Title 17-A, section 1902, subsection 1 or other public works-related projects or
25 in the improvement of property owned by charitable organizations in that county or another
26 county. A project or improvement must be supervised by the sheriff of the county in which
27 the project or improvement is being conducted. The sheriff may request payment from
28 charitable organizations for the transportation of the prisoners and for the transportation
29 and per diem compensation for any guards who accompany the prisoners. For the purposes
30 of this section, "charitable organization" means any nonprofit organization organized or
31 incorporated in this State or having a principal place of business in this State that is exempt
32 from federal income taxation under the United States Internal Revenue Code of 1986,
33 Section 501(a), because the nonprofit organization is described in the United States Internal
34 Revenue Code of 1986, Section 501(c)(3).

35 **SUMMARY**

36 This bill allows the court to sentence to an alternative sentencing program a person
37 who is eligible for a deferred disposition. This bill also authorizes a sheriff in charge of a
38 county jail or in a county that shares a regional jail with other counties to permit an inmate
39 who has been sentenced to an alternative sentencing program to participate in that program.