

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 453-End

AND AT THE

**FIRST SPECIAL SESSION**  
September 6, 1983 to September 7, 1983  
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 16, 1983.

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## CHAPTER 456

H.P. 1295 - L.D. 1716

### AN ACT Concerning the Calculation of Periods of Imprisonment.

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

Sec. 1. 17-A MRSA §1253, sub-§1, as amended by PL 1977, c. 671, §30, is further amended to read:

1. The sentence of any person committed to the custody of the Department of Mental Health and Corrections shall commence to run on the date on which such person is received into the custody of the department pursuant to that sentence. The sentence of any person committed to the custody of a sheriff shall commence to run on the date on which that person is received into the custody of the sheriff pursuant to that sentence.

Sec. 2. 17-A MRSA §1253, sub-§1-A, as amended by PL 1981, c. 470, Pt. B, §7, is further amended to read:

1-A. When a person who has been previously sentenced in another jurisdiction has not commenced or completed that sentence, the court, subject to section 1256, subsection 1, may, with consideration of the factors stated in section 1256, subsection 2, sentence the person to a term of imprisonment which shall be treated as a concurrent sentence from the date of sentencing although the person is incarcerated in an institution of the other jurisdiction. No concurrent sentence pursuant to this subsection may be imposed unless the person being sentenced consents or unless the person being sentenced executes, at the time of sentencing, a written waiver of extradition for his return to this State upon completion of the sentence of the other jurisdiction, if any portion of this state's sentence remains unserved. In the absence of an order pursuant to this subsection requir-

ing concurrent sentences, any sentence of imprisonment in this State shall commence as provided in subsection 1 and shall run consecutively to the sentence of the other jurisdiction. Subsections 3-A 3, 3-B and 4 and 5 shall apply and shall be administered by the supervising officer of this state's institution to which the person is sentenced. If the person is released from imprisonment under the sentence of the other jurisdiction prior to the termination of this state's sentence, the remainder of this state's sentence shall be served in the institution in this State to which the person was sentenced.

Sec. 3. 17-A MRSA §1253, sub-§3, as amended by PL 1977, c. 510, §80, is further amended to read:

3. Each Beginning October 1, 1983, each person sentenced, before January 1, 1978, to imprisonment for more than 6 months whose record of conduct shows that he has observed all the rules and requirements of the institution in which he has been imprisoned shall be entitled to a deduction of 10 days a month from his sentence, commencing, in the case of all such convicted persons, on the first day of his delivery into the custody of the department shall be entitled to receive a deduction of 10 days per month calculated from the first day of his delivery into the custody of the department, to include the full length of the unsuspended portion of his sentence, for observing all the rules of the department and institution, except this provision shall not apply to the suspended portion of a person's sentence pursuant to split sentences under section 1203. All persons committed to the custody of the Department of Corrections prior to the effective date of this subsection shall have these provisions applied prospectively to the portion of their sentences remaining to be served.

Sec. 4. 17-A MRSA §1253, sub-§3-A, as amended by PL 1977, c. 510, §81, is repealed.

Sec. 5. 17-A MRSA §1253, sub-§3-B, as enacted by PL 1977, c. 671, §32, is amended to read:

3-B. Each Beginning October 1, 1983, each person sentenced, on or after the effective date of this subsection, to imprisonment for 6 months or less shall earn a deduction of 3 days from his sentence for each month during which he has faithfully observed all the rules and requirements of the institution in which he has been imprisoned be entitled to receive a deduction of 3 days per month calculated from the first day of his delivery into the custody of the department, to include the full length of the unsuspended portion of his sentence, for observing all the rules of the department and institution,

except this provision shall not apply to the suspended portion of a persons sentence pursuant to split sentences under section 1203. The procedure described in subsection 3-A shall apply to the deductions authorized under this subsection. All persons committed to the custody of the Department of Corrections prior to the effective date of this subsection shall have these provisions applied prospectively to the portion of their sentences remaining to be served.

Sec. 6. 17-A MRSA §1253, sub-§4, as enacted by PL 1975, c. 499, §1, is repealed and the following enacted in its place:

4. Up to an additional 3 days per month may be deducted in the case of those inmates committed to the Maine State Prison, the Maine Correctional Center or assigned elsewhere by the Department of Corrections, who are assigned work and responsibilities within the institution or program which are deemed to be of sufficient importance to warrant those deductions by the institution head in accordance with policy and guidelines established by the Department of Corrections.

Sec. 7. 17-A MRSA §1253, sub-§5, as enacted by PL 1977, c. 671, §33, is repealed and the following enacted in its place:

5. In addition to the provisions contained in subsection 4, up to 2 days per month may also be deducted in the case of those inmates assigned to and participating in minimum security community programs administered by the Department of Corrections outside the Maine State Prison or the Maine Correctional Center. These deductions may also apply in the case of those inmates assigned to or participating in minimum security community programs through agencies providing services to the Department of Corrections. These deductions may be authorized for work and responsibilities to include public restitution which are deemed to be of sufficient importance to warrant those deductions by the institution head in accordance with the Department of Corrections policy and guidelines.

Sec. 8. 17-A MRSA §1253, sub-§§6 and 7 are enacted to read:

6. Any portion of the time deducted from the sentence of any person pursuant to subsection 3 or 3-B may be withdrawn by the supervising officer of the institution for the infraction of any rule of the institution, for any misconduct or for the violation of any law of the State. The withdrawal of deductions may be made at the discretion of the institu-

tion head, in accordance with policies and guidelines established by the Department of Corrections, who may restore any portion thereof if the person's later conduct and outstanding effort warrant that restoration.

7. The provisions of this section, except those contained in subsection 5, also shall apply to persons who are sentenced to imprisonment in a county jail.

Effective September 23, 1983.

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## CHAPTER 457

H.P. 810 - L.D. 1050

AN ACT Making Adjusted Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1983, June 30, 1984, and June 30, 1985, and Placing Limitations on the Use of the Unallocated Highway Fund Surplus.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate before the end of the current fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the department will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Allocations from Highway Fund. In order to provide for necessary expenditures for the fiscal years ending June 30, 1983, June 30, 1984, and June 30, 1985, the following sums, as designated in the following tabulation, are allocated out of any moneys in the Highway Fund not otherwise allocated.