

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.

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

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
1983

CHAPTER 52

S.P. 532 - L.D. 1555

AN ACT Concerning State Assistance to
Areas Affected by Non-English Speaking
Immigrants and Refugees.

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

Sec. 1. Educational programs available to non-English speaking immigrants and refugees; study. The Department of Educational and Cultural Services shall study the educational programs available to non-English speaking immigrants and refugees within the State and methods of providing assistance.

Sec. 2. Report. The department shall complete the study and report its findings and recommendations and any necessary implementing legislation on or before January 4, 1984, to the Second Regular Session of the 111th Legislature. This report shall address the matters set out in this Act and shall include proposed legislation in proper draft form to effectuate such course of action as the department may recommend in that report.

Effective September 23, 1983.

CHAPTER 53

H.P. 1270 - L.D. 1684

AN ACT to Create a Maine Sentencing
Guidelines Commission.

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

Sec. 1. Purpose and findings. The Legislature finds that appropriate sentencing of persons convicted of crimes, including the imposition of alternative sentences and probation, is of substantial importance to the people of this State in that appropriate sentencing reflects the proper balancing of punishment, deterrence, public protection and rehabilitation, the cornerstones of our penal system. The Legislature further finds that disparate sentences for similar crimes by similarly situated defendants

continue to occur and undermine the principles of the penal system. It is the Legislature's purpose to create a commission to study and recommend sentencing guidelines to better enable the Maine judiciary to properly fulfill their responsibilities at the sentencing stage of the criminal justice system.

Sec. 2. Establishment of commission. There is created the Maine Sentencing Guidelines Commission which shall be comprised of 9 members, including the State Court Administrator or his designee, the Commissioner of Corrections or his designee, a representative of the Corrections Advisory Committee, 2 members of the joint standing committee of the Legislature having jurisdiction over judiciary to be appointed by the President of the Senate and the Speaker of the House of Representatives, a criminal defense attorney, a district attorney and 2 members of the public to be appointed by the Governor.

Members are to serve for the duration of the 111th Legislature. Vacancies shall be filled for the unexpired portion of the term of the member being replaced.

Sec. 3. Study of sentencing practices; recommendation of sentencing guidelines.

1. Scope of investigation. The Maine Sentencing Guidelines Commission shall investigate sentencing practices in this State and shall make recommendations of sentencing guidelines in accordance with the following criteria:

A. The guidelines shall be for Class A, Class B and Class C crimes;

B. The circumstances under which imprisonment of an offender is proper;

C. Appropriate presumptive fixed sentences for offenders for whom imprisonment is proper, based on each appropriate combination of reasonable offense and offender characteristics. The guidelines may provide for an increase or decrease of up to 15% in the presumptive fixed sentence;

D. The commission shall address appropriate sanctions for offenders for whom imprisonment is not proper, including, but not limited to, the following noninstitutional sanctions: Payment of fines; day fines; restitution; community work orders; work-release programs in local facilities; community-based residential and nonresidential programs; incarceration in a local correctional facility; and probation and the conditions thereof;

E. The commission shall address the appropriateness of statutory or constitutional changes to facilitate expanded judicial authority for post-conviction resentencing or modification of sentence;

F. The commission shall address the appropriateness of expanded judicial discretion to sentence to intermediate correctional facilities; and

G. Such other matters and considerations as the Maine Sentencing Guidelines Commission shall deem appropriate in providing to the Legislature a full and accurate picture of the subject matter of sentencing and sentencing alternatives.

In establishing the sentencing guidelines, the commission shall take into substantial consideration current sentencing and release practices and correctional resources, including, but not limited to, the capacities of local and state correctional facilities.

The commission may solicit reports, data and other assistance from the Criminal Law Revision Commission. The commission may also seek the assistance of any other persons or organizations.

The commission shall meet as often as necessary to fulfill its mandate and shall provide for publicized public hearings to garner maximum public participation in its decision making.

Sec. 4. Compensation. Each member of the commission not an employee of the State shall be allowed the sum of \$40 a day plus his necessary traveling expenses for actual attendance at commission meetings or proceedings.

Sec. 5. Staff and facilities. The commission may employ a research director who shall perform the duties which the commission directs, including the hiring of any clerical help and other employees the commission may require. The research director and other staff shall be in the unclassified service of the State and their salaries shall be established by the commission.

The Department of Attorney General shall provide adequate office space and administrative services for the commission for which the department shall be reimbursed. The commission may also utilize services, equipment, personnel, information and resources of other state agencies, with their consent; and may accept voluntary and uncompensated services, contracts with individuals, public and private agencies, and request information, reports and data from any agency in the State or any of its political subdivisions, to the extent authorized by law.

Sec. 6. Additional funds. When any person, corporation, the Federal Government or any other entity offers funds to the Maine Sentencing Guidelines Commission to carry out its purposes and duties, the commission may accept the offer by majority vote and, upon acceptance, the chairman shall receive the funds subject to the terms of the offer, but no money may be accepted or received as a loan nor may any indebtedness be incurred, except in the manner and under the limitations otherwise provided by law.

Sec. 7. Report on findings and recommendations. The Maine Sentencing Guidelines Commission shall make an interim report of its findings and recommendations with respect to the criteria indicated in section 3 on or before January 5, 1984, to the Second Regular Session of the 111th Legislature. A final report shall be submitted to that Legislature prior to December 1, 1984. The report shall also include, in proper draft form, any suggested implementing legislation or amendment to the Constitution of Maine proposed to implement the commission recommendations.

Sec. 8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1983-84</u>
<u>MAINE SENTENCING</u>	
<u>GUIDELINES COMMISSION</u>	
Personal Services	\$ 7,000
All Other	3,000

Total	\$10,000

Effective September 23, 1983.

CHAPTER 54

H.P. 1282 - L.D. 1699

AN ACT Relating to Ethanol Production
in the State.

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

Sec. 1. Evaluation of excise tax exemption on