

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

B. A person against whom enforcement action has been taken is not guilty of a subsequent violation of subsection 2 until 24 hours have elapsed from the date and time of the first violation indicated on the Violation Summons and Complaint.

C. A violation of ~~this section~~ subsection 2 is a traffic infraction. The court shall waive the fine for a first violation of subsection 2 by a parent or legal guardian if the parent or legal guardian provides the court with satisfactory evidence that the parent or legal guardian has acquired a child safety seat for continuous use by the child within 30 days of the violation.

D. A violation of subsection 3-A is a traffic infraction. The fine for a violation of subsection 3-A may not be less than \$25 nor more than \$50.

E. Subsection 3-A may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another law. An operator is not subject to the penalty established in paragraph D unless the operator is required to pay a fine for the primary violation.

Sec. 4. Referendum for ratification; submission at statewide election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor requiring all persons to use safety belts in motor vehicles?"

The legal voters of each city, town and plantation shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim that fact without delay, and the Act takes effect 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 433

S.P. 201 - L.D. 544

An Act to Reduce the Amount of Good Time and Meritorious Good Time Available to Persons Sentenced to Terms of Imprisonment

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

Sec. 1. 17-A MRSA §1252-B, as enacted by PL 1987, c. 808, §2, is repealed and the following enacted in its place:

§1252-B. Imposition of sentence; consideration of good time and meritorious good time at the time of sentencing

1. If a court imposes a sentencing alternative pursuant to section 1152 that includes a term of imprisonment, in setting the appropriate length of that term, as well as an unsuspended portion of that term, if any, the court shall consider the potential impact of deductions under section 1253, subsections 3, 3-B, 4 and 5.

2. For persons who commit crimes on or after October 1, 1995, section 1253, subsection 8 substantially reduces the statutory deductions available under subsections 3 and 3-B for good time and under subsections 4 and 5 for meritorious good time. The change is intended to ensure that the term of imprisonment imposed closely approximates what will in fact be served and to abandon administrative awards that have seriously imperiled the State's statutory scheme relative to authorized terms of imprisonment for murder under section 1251 and for crimes other than murder under section 1252, subsection 2. At the same time that it reduces these statutory deductions, however, the Legislature intends that the parties in requesting or recommending dispositions and the sentencing courts, who ultimately impose sentences, to the extent that they have imposed longer terms of imprisonment in an effort to compensate for the impact of substantial good time and meritorious good time deductions, must make, pursuant to this subsection, the necessary adjustments in their sentencing decisions in view of the substantially reduced deductions. Application of section 1253, subsection 8 to the sentencing process must be reflected in the imposition of shorter terms of imprisonment by courts.

Sec. 2. 17-A MRSA §1253, sub-§6-A, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

6-A. When a judgment of conviction involving a term of imprisonment is vacated or a sentence involving a term of imprisonment is revised or reviewed and a new sentence involving a term of imprisonment is thereafter imposed upon the person for the same offense, day-for-day credit ~~shall~~ **must** be accorded on the new sentence both for each day the person served in execution of the initial sentence and for all previously earned deductions specified in subsections 4 ~~and~~ 5 ~~and~~ 8 and Title 30-A, section 1606. Prior to the day-for-day credit being given on the new sentence, the new sentence ~~shall~~ **must**, after first having been reduced by any deductions specified in subsection 2 previously or subsequently received, have applied to it the controlling deduction specified in either subsection 3 or 3-B, if applicable.

Sec. 3. 17-A MRSA §1253, sub-§7, as enacted by PL 1983, c. 456, §8, is repealed and the following enacted in its place:

7. Notwithstanding the fact that subsections 3, 3-B and 4 directly address only persons who are committed to the custody of the Department of Corrections, they apply also to persons who are committed to the custody of a sheriff. Subsection 5 does not apply to persons who are committed to the custody of a sheriff.

Sec. 4. 17-A MRSA §1253, sub-§8 is enacted to read:

8. For any person who commits a crime on or after October 1, 1995 and is subsequently sentenced to a term of imprisonment for that crime, up to 5 days per calendar month may be deducted from that term, calculated from the date of commencement of that term as specified under subsection 1, whose conduct, participation in programs and fulfillment of assigned responsibilities during that month are such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the state facility or the sheriff of the county jail.

A. Deductions under this subsection must be calculated as follows for partial calendar months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>1 to 6 days</u>	<u>up to 1</u>
<u>7 to 12 days</u>	<u>up to 2</u>
<u>13 to 18 days</u>	<u>up to 3</u>
<u>19 to 24 days</u>	<u>up to 4</u>
<u>25 to 31 days</u>	<u>up to 5</u>

B. Any portion of the time deducted from the sentence of any person pursuant to this subsection may be withdrawn by the chief administrative officer of the state facility for a disciplinary offense or for the violation of any law of the State in accordance with Title 34-A, section 3032 and the rules adopted under that section, or by the sheriff of the county jail in accordance with jail disciplinary procedures. Deductions may be withdrawn for months already served or yet to be served by the person up to and including the maximum authorized for that sentence.

C. The chief administrative officer of the state facility or the sheriff of the county jail may restore any portion of deductions that have been withdrawn if the person's later conduct, participation in programs and fulfillment of assigned responsibilities are such that the restoration is determined to be warranted in the discretion of the chief administrative officer or sheriff.

D. This subsection supersedes subsections 3, 3-B, 4, 5 and 6 for persons who commit offenses on or after October 1, 1995.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1995-96

**CORRECTIONS,
DEPARTMENT OF**

Administration - Corrections

All Other \$20,000

Provides funds for the Department of Corrections to rewrite the computer program used to project prisoner release dates.

See title page for effective date.

CHAPTER 434

S.P. 204 - L.D. 547

An Act to Broaden the Crime of Criminal Mischief and to Repeal the Crime of Animal Enterprise Terrorism

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