

MAINE STATE LEGISLATURE

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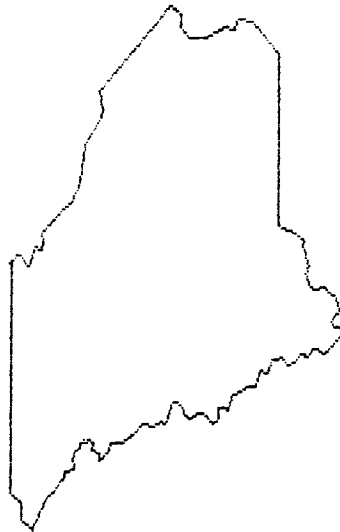


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STATE OF MAINE
ONE HUNDRED AND ELEVENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
Judiciary

BILL SUMMARY



JULY, 1983

Prepared by:

John R. Selser, Legislative Counsel
and
Martha E. Freeman, Legislative Counsel
Judiciary Committee

Office of Legislative Assistants
State House, Station 13 Augusta, Maine 04333
(207) 289-2486

1328 AN ACT TO PROVIDE FOR CONSIDERA- Joyce PL 1983, c. 152
TION OF THE AGE OF THE VICTIM IN (new draft of
SENTENCING CRIMINAL OFFENDERS ID 273)

SUMMARY: The original bill sought to create mandatory sentences for repeat offenders who committed certain crimes against elderly victims. The new draft states instead that a judge may consider the age of the victim in sentencing an offender to a punishment that does not diminish the gravity of the offense.

1344 AN ACT CONCERNING COMPENSATION Swazey PL 1983, c. 538
FOR WITNESSES

SUMMARY: Increases the mileage allowance for witnesses from 10 cents a mile to 22 cents a mile.

1360 AN ACT TO AMEND VARIOUS PROVISIONS Soule PL 1983, c. 450
OF THE MAINE CRIMINAL CODE

SUMMARY: Makes technical corrections in various parts of the Criminal Code including: adding a definition of "conduct which manifests a depraved indifference to the value of human life" to the section on murder; rewording a section concerning the revocation of probation to make it clear that a new sentence is not imposed at that time but, rather, that the court may choose to vacate the suspension of execution of a sentence imposed after conviction when probation is revoked; and adding a provision making it clear that time spent in a county jail or other facility by a person sentenced to imprisonment awaiting transfer to the place of imprisonment is to be deducted from the time he is to be imprisoned under his sentence.

1368 AN ACT TO MAKE EXTREME ANGER OR Pearson PL 1983, c. 372
EXTREME FEAR BROUGHT ABOUT BY ADE-
QUATE PROVOCATION AN AFFIRMATIVE
DEFENSE WHICH REDUCES MURDER TO
MANSLAUGHTER, AND TO CREATE THE
CRIME OF INTENTIONAL OR KNOWING
MANSLAUGHTER

SUMMARY: Currently, a defendant's extreme anger or extreme fear brought about by adequate provocation may be used to reduce his punishment from that imposed for murder to that imposed for manslaughter. This amends the murder and manslaughter provisions to make extreme anger or extreme fear brought about by adequate provocation an affirmative defense to murder, and to allow the prosecution to charge voluntary manslaughter rather than murder when it concedes the existence of the mitigating circumstances of extreme anger or extreme fear brought about by adequate provocation.