

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT SELECT COMMITTEE
ON
CORRECTIONS

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

3. An additional 3 days per month may be earned by inmates who are assigned or participating in work, education or other responsibilities within the institution or a program that is determined to be of sufficient importance to warrant these deductions according to Department policy and guidelines.
4. An additional 2 days a month are available to inmates assigned to minimum security community programs administered by the Department.

The purpose of this bill is to clarify the method of calculating inmate good time and to provide an opportunity for minimum security prisoners at all facilities to be eligible to earn the 2 days per month of meritorious good time in order to comply with federal nondiscrimination requirements.

COMMITTEE AMENDMENT "A" (S-413) makes necessary technical and stylistic changes to the bill.

**LD 1677 An Act Requiring the Courts to Report to Corrections
Facilities Concerning Balances Owed to the Victims'
Compensation Fund**

PUBLIC 570

SPONSOR(S)
PLOWMAN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-802

SUMMARY

Currently, as part of the sentence, a court is required to impose assessments of \$10 to \$25 which are to go to the Victims' Compensation Fund.

The bill requires that this assessment be collected from the earned income of incarcerated persons if it has not previously been collected.

COMMITTEE AMENDMENT "A" (H-802) requires that the court notify the agency with whom a person is to be incarcerated of any uncollected assessments due the Victims' Compensation Fund.

**LD 1706 An Act to Revise the Execution of Certain Mandatory
Consecutive Sentences**

PUBLIC 522

SPONSOR(S)
HANLEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-412

SUMMARY

This bill addresses the problem that arises when prisoners are convicted of escape or of another crime that requires a consecutive sentence. While a consecutive sentence is usually interpreted as being served after the sentence to which it is consecutive, when the "undischarged sentence" is a split sentence, a conflict occurs between the requirement that sentences for offenses be consecutive and not suspended and the prohibition on a term of imprisonment following a split sentence.

This bill allows the court to toll the running of the prisoner's undischarged sentences so that the prisoner will serve the new sentence immediately and separately. When the prisoner completes the sentence for the new crime, the prisoner goes back into execution of the undischarged sentences. Any period of probation on the undischarged sentences must still be served and any counseling attended, restitution paid and contact with the victim avoided.

Under this bill, the court has the option to order immediate service of the new, "consecutive" sentence, and is required to do so when the prisoner is already subject to wholly or partially suspended periods of incarceration with probation.

Finally, the bill corrects the characterization of the sentences imposed under these circumstances from "consecutive" to "nonconcurrent." The purpose of the "consecutive" requirement is that such sentences must be served in addition to the prisoners other sentences, but need not be served last, Lizotte v. State, 279 A2d 524 (Me. 1971), and, thus, the term "nonconcurrent" is more appropriate.

COMMITTEE AMENDMENT "A" (S-412) makes a technical correction to the bill.

LD 1854 An Act to Provide Funding to the Maine Criminal Justice Commission

PUBLIC 736
EMERGENCY

SPONSOR(S)
JOHNSON

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-609 PEARSON

SUMMARY

This bill provides \$25,000 to enable the Maine Criminal Justice Commission to fulfill its duties.

COMMITTEE AMENDMENT "A" (H-770) adds a fiscal note to the bill.

SENATE AMENDMENT "A" (S-609) removes for fiscal year 1993-94 and reduces to \$20,000 for fiscal year 1994-95 the appropriation to the Maine Criminal Justice Commission.