

Title 17-A: MAINE CRIMINAL CODE
Chapter 47: GENERAL SENTENCING PROVISIONS

Table of Contents

Part 3. 3

Section 1151. PURPOSES..... 3

Section 1152. AUTHORIZED SENTENCES..... 4

Section 1153. SANCTIONS FOR ORGANIZATIONS..... 6

Section 1154. SENTENCES IN EXCESS OF ONE YEAR DEEMED TENTATIVE
(REPEALED)..... 7

Section 1155. MULTIPLE SENTENCES OF IMPRISONMENT (REPEALED)..... 7

Section 1155-A. MULTIPLE FINES (REPEALED)..... 7

Section 1156. SENTENCE FOR BURGLARY (REPEALED)..... 7

Section 1157. CRIMINAL HISTORY REPORTS (REPEALED)..... 7

Section 1158. FORFEITURE OF FIREARMS (REPEALED)..... 7

Section 1158-A. FORFEITURE OF FIREARMS..... 7

Section 1159. RECALCITRANT WITNESS IN EXECUTION OF SENTENCE INVOLVING
IMPRISONMENT..... 9

Maine Revised Statutes
Title 17-A: MAINE CRIMINAL CODE
Chapter 47: GENERAL SENTENCING PROVISIONS

§1151. PURPOSES

The general purposes of the provisions of this part are: [1975 , c . 499 , §1 (NEW) .]

1. To prevent crime through the deterrent effect of sentences, the rehabilitation of convicted persons, and the restraint of convicted persons when required in the interest of public safety;

[1975 , c . 499 , §1 (NEW) .]

2. To encourage restitution in all cases in which the victim can be compensated and other purposes of sentencing can be appropriately served.

[1975 , c . 499 , §1 (NEW) .]

3. To minimize correctional experiences which serve to promote further criminality;

[1975 , c . 499 , §1 (NEW) .]

4. To give fair warning of the nature of the sentences that may be imposed on the conviction of a crime;

[1975 , c . 499 , §1 (NEW) .]

5. To eliminate inequalities in sentences that are unrelated to legitimate criminological goals;

[1975 , c . 499 , §1 (NEW) .]

6. To encourage differentiation among offenders with a view to a just individualization of sentences;

[1975 , c . 499 , §1 (NEW) .]

7. To promote the development of correctional programs that elicit the cooperation of convicted persons;

[2017 , c . 105 , §1 (AMD) .]

8. To permit sentences that do not diminish the gravity of offenses, with reference to the factors, among others, of:

A. The age of the victim, particularly of a victim of an advanced age or of a young age who has a reduced ability to self-protect or who suffers more significant harm due to age; and [2015 , c . 306 , §3 (AMD) .]

B. The selection by the defendant of the person against whom the crime was committed or of the property that was damaged or otherwise affected by the crime because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness of that person or of the owner or occupant of that property; and [2017 , c . 105 , §2 (AMD) .]

[2017 , c . 105 , §2 (AMD) .]

9. To recognize domestic violence as a serious crime against the individual and society and to recognize batterers' intervention programs certified pursuant to Title 19-A, section 4014 as the most appropriate and effective community intervention in cases involving domestic violence.

[2017, c. 105, §3 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1983, c. 152, (AMD). 1983, c. 480, §B24 (AMD). 1995, c. 149, §1 (AMD). 2005, c. 551, §1 (AMD). 2015, c. 306, §3 (AMD). 2017, c. 105, §§1-3 (AMD).

§1152. AUTHORIZED SENTENCES

1. Every natural person and organization convicted of a crime shall be sentenced in accordance with the provisions of this Part.

[1977, c. 510, §67-A (AMD) .]

2. Every natural person convicted of a crime must be sentenced to at least one of the following sentencing alternatives:

- A. Unconditional discharge as authorized by chapter 54-D; [1999, c. 24, §1 (AMD).]
- B. A split sentence of imprisonment with probation as authorized by chapter 49; [1985, c. 821, §3 (RPR).]
- C. A fine, suspended in whole or in part, with, at the court's discretion, probation as authorized by chapter 49; [1991, c. 288, (AMD).]
- D. A suspended term of imprisonment with probation as authorized by chapter 49; [1985, c. 821, §3 (RPR).]
- E. [2013, c. 133, §8 (RP).]
- F. A term of imprisonment as authorized by chapter 51; [1989, c. 502, Pt. D, §11 (AMD).]
- G. A fine as authorized by chapter 53. Such a fine may be imposed in addition to the sentencing alternatives in paragraphs B, D, F, H, I, L, M and N; [2013, c. 133, §9 (AMD).]
- H. A county jail reimbursement fee as authorized by chapter 54-B; [2003, c. 711, Pt. A, §7 (AMD).]
- I. A specified number of hours of community service work as authorized by chapter 54-C; [2003, c. 711, Pt. A, §8 (AMD).]
- J. [2005, c. 527, §12 (RP).]
- K. A fine, suspended in whole or in part, with, at the court's discretion, administrative release as authorized by chapter 54-G; [2005, c. 265, §2 (AMD).]
- L. A suspended term of imprisonment with administrative release as authorized by chapter 54-G; [2005, c. 527, §12 (AMD).]
- M. A split sentence of imprisonment with administrative release as authorized by chapter 54-G; or [2005, c. 527, §12 (AMD).]
- N. A term of imprisonment followed by a period of supervised release as authorized by chapter 50. [2005, c. 527, §12 (NEW).]

[2013, c. 133, §§8, 9 (AMD) .]

2-A. Every natural person convicted of a crime may be required to make restitution as authorized by chapter 54. Subject to the limitations of chapter 54, restitution may be imposed as a condition of probation or may be imposed in addition to any other sentencing alternative included within subsection 2 with the exception of the alternative in subsection 2, paragraph A.

[1991, c. 824, Pt. A, §25 (AMD) .]

2-B. Except when specifically precluded, in choosing the appropriate punishment for every natural person convicted of a crime, the court shall consider the desirability of imposing a sentencing alternative involving a fine either in conjunction with or in lieu of imposing a sentencing alternative involving imprisonment.

[1993, c. 103, §2 (NEW) .]

2-C.

[2009, c. 365, Pt. A, §3 (RP) .]

2-D. In choosing the appropriate punishment for every natural person convicted of a Class D drug offense, the court shall consider imposing a sentencing alternative that includes medical and mental health treatment for addiction, when appropriate.

[2015, c. 308, §3 (NEW) .]

3. Every organization convicted of a crime must be sentenced to at least one of the following sentencing alternatives:

A. Unconditional discharge as authorized by chapter 49; [1987, c. 157, §1 (RPR).]

B. A fine, suspended in whole or in part, with probation as authorized by chapter 49; [1989, c. 502, Pt. D, §13 (AMD).]

C. A fine as authorized by chapter 53. Such a fine may be imposed in addition to the sentencing alternative in paragraph D; [2005, c. 527, §13 (AMD).]

D. A sanction authorized by section 1153. This sanction may be imposed in addition to the sentencing alternatives in paragraphs B, C and E; or [2005, c. 527, §13 (AMD).]

E. A fine, suspended in whole or in part, with administrative release as authorized by chapter 54-G. [2005, c. 527, §13 (NEW).]

[2005, c. 527, §13 (AMD) .]

3-A. Every organization convicted of a crime may be required to make restitution as authorized by chapter 54. Subject to the limitations of chapter 54, restitution may be imposed as a condition of probation or may be imposed in addition to any other sentencing alternative included within subsection 3, with the exception of an unconditional discharge.

[1987, c. 157, §2 (NEW) .]

4. The provisions of this chapter do not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty. An appropriate order exercising such authority may be included as part of the judgment of conviction. This chapter does not deprive the Department of Corrections of any authority to grant furloughs and work releases or to transfer persons from one facility to another.

[2009, c. 142, §5 (AMD) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1975, c. 740, §§107,108 (AMD). 1977, c. 53, §§1,2 (AMD). 1977, c. 455, §1 (AMD). 1977, c. 510, §§67-A (AMD). 1981, c. 493, §2 (AMD). 1985, c. 821, §§3,4 (AMD). 1987, c. 157, §§1,2 (AMD). 1987, c. 769, §B3 (AMD). 1989, c. 502, §§D10-13 (AMD). 1991, c. 288, (AMD). 1991, c. 824, §A25 (AMD). 1993, c. 103, §§1-3 (AMD). 1995, c. 136, §§1-3 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1995, c. 680, §4 (AMD). 1999, c. 24, §1 (AMD). 2001, c. 354, §3 (AMD). 2001, c. 439, §0002 (AMD). 2003, c. 689, §B6 (REV). 2003, c. 711, §§A7-9,B13 (AMD). 2005, c. 265, §§1-3 (AMD). 2005, c. 527, §§12,13 (AMD). 2009, c. 142, §5 (AMD). 2009, c. 365, Pt. A, §3 (AMD). 2013, c. 133, §§8, 9 (AMD). 2015, c. 308, §3 (AMD).

§1153. SANCTIONS FOR ORGANIZATIONS

1. If an organization is convicted of a crime, the court may, in addition to or in lieu of imposing other authorized penalties, sentence it to give appropriate publicity to the conviction by notice to the class or classes of persons or sector of the public interested in or affected by the conviction, by advertising in designated areas or by designated media, or otherwise as the court may direct. Failure to do so may be punishable as contempt of court.

[1975, c. 499, §1 (NEW) .]

2. If a director, trustee or managerial agent of an organization is convicted of a Class A or Class B crime committed in its behalf, the court may include in the sentence an order disqualifying him from holding office in the same or other organizations for a period not exceeding 5 years, if it finds the scope or nature of his illegal actions makes it dangerous or inadvisable for such office to be entrusted to him.

[1975, c. 499, §1 (NEW) .]

3. Prior to the imposition of sentence, the court may direct the Attorney General, a district attorney, or any other attorney specially designated by the court, to institute supplementary proceedings in the case in which the organization was convicted of the crime to determine, collect and distribute damages to persons in the class which the statute was designed to protect who suffered injuries by reason of the crime, if the court finds that the multiplicity of small claims or other circumstances make restitution by individual suit impractical. Such supplementary proceedings shall be pursuant to rules adopted by the Supreme Judicial Court for this purpose. The court in which proceedings authorized by this subsection are commenced may order the State to make available to the attorney appointed to institute such proceedings all documents and investigative reports as are in its possession or control and grand jury minutes as are relevant to the proceedings.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW).

§1154. SENTENCES IN EXCESS OF ONE YEAR DEEMED TENTATIVE
(REPEALED)

SECTION HISTORY

1975, c. 499, §1 (NEW). 1981, c. 324, §28 (RP).

§1155. MULTIPLE SENTENCES OF IMPRISONMENT
(REPEALED)

SECTION HISTORY

1975, c. 499, §1 (NEW). 1979, c. 512, §35 (RPR). 1981, c. 324, §29 (RP).

§1155-A. MULTIPLE FINES
(REPEALED)

SECTION HISTORY

1979, c. 512, §36 (NEW). 1981, c. 324, §30 (RP).

§1156. SENTENCE FOR BURGLARY
(REPEALED)

SECTION HISTORY

1975, c. 740, §§108-A (NEW). 1979, c. 512, §37 (AMD). 1981, c. 324, §31 (RP).

§1157. CRIMINAL HISTORY REPORTS
(REPEALED)

SECTION HISTORY

1977, c. 384, §5 (NEW). 1977, c. 696, §171 (AMD). 1981, c. 324, §32 (RP).

§1158. FORFEITURE OF FIREARMS
(REPEALED)

SECTION HISTORY

1989, c. 382, (NEW). 1989, c. 815, (AMD). 1995, c. 252, §1 (AMD). RR 2001, c. 2, §A27 (AFF). RR 2001, c. 2, §A26 (COR). 2001, c. 348, §3 (AMD). 2001, c. 383, §156 (AFF). 2001, c. 383, §149 (RPR). 2001, c. 667, §A38 (AFF). 2001, c. 667, §A37 (RPR). 2003, c. 143, §7 (AMD). 2003, c. 657, §6 (RP).

§1158-A. FORFEITURE OF FIREARMS

1. As part of every sentence imposed, except as provided in subsection 2, a court shall order that a firearm must be forfeited to the State if:

A. That firearm constitutes the basis for conviction under:

- (1) Title 15, section 393;
- (2) Section 1105-A, subsection 1, paragraph C-1;

- (3) Section 1105-B, subsection 1, paragraph C;
- (4) Section 1105-C, subsection 1, paragraph C-1;
- (5) Section 1105-D, subsection 1, paragraph B-1; or
- (6) Section 1118-A, subsection 1, paragraph B; [2015, c. 485, §4 (AMD) .]

B. The State pleads and proves that the firearm is used by the defendant or an accomplice during the commission of any murder or Class A, Class B or Class C crime or any Class D crime defined in chapter 9, 11 or 13; or [2009, c. 336, §13 (AMD) .]

C. The defendant, with the approval of the State, consents to the forfeiture of the firearm. [2009, c. 336, §13 (NEW) .]

[2015, c. 485, §4 (AMD) .]

2. Except as provided in subsection 3, a court may not order the forfeiture of a firearm otherwise qualifying for forfeiture under subsection 1 if another person can satisfy the court by a preponderance of the evidence and prior to the imposition of the defendant's sentence that:

A. Other than in the context of either subsection 1, paragraph A, subparagraph (1) or subsection 1, paragraph B relative to murder or any other unlawful homicide crime, the other person, at the time of the commission of the crime, had a right to possess the firearm to the exclusion of the defendant; [2013, c. 328, §3 (AMD) .]

B. In the context of subsection 1, paragraph A, subparagraph (1), the other person, at the time of the commission of the crime, had a right to possess the firearm to the exclusion of the defendant; or [2003, c. 657, §7 (NEW) .]

C. In the context of subsection 1, paragraph B relating to murder or any other unlawful homicide crime, the other person, at the time of the commission of the crime, was the rightful owner from whom the firearm had been stolen and the other person was not a principal or accomplice in the commission of the crime. [2013, c. 328, §3 (AMD) .]

[2013, c. 328, §3 (AMD) .]

3. If another person satisfies subsection 2, paragraph B, a court shall nonetheless order the forfeiture of a firearm otherwise qualifying for forfeiture under subsection 1, paragraph A, subparagraph (1) if the State can satisfy the court by a preponderance of the evidence both that the other person knew or should have known that the defendant was a prohibited person under Title 15, section 393 and that the other person intentionally, knowingly or recklessly allowed the defendant to possess or have under the defendant's control the firearm.

[2003, c. 657, §7 (NEW) .]

4. The Attorney General shall adopt rules governing the disposition to state, county and municipal agencies of firearms forfeited under this section. A firearm not excepted under subsection 2, paragraph C must be destroyed by the State.

[2013, c. 328, §4 (AMD) .]

5.

[2013, c. 328, §5 (RP) .]

SECTION HISTORY

2003, c. 657, §7 (NEW). 2009, c. 336, §13 (AMD). 2013, c. 328, §§3-5 (AMD). 2015, c. 485, §4 (AMD).

§1159. RECALCITRANT WITNESS IN EXECUTION OF SENTENCE INVOLVING IMPRISONMENT

In the event a witness in a grand jury or criminal proceeding has been ordered confined by a court of record in the State as a remedial sanction for refusing to comply with an order of the court to testify or provide evidence, and that witness is already in execution of an undischarged term of imprisonment on a sentence in the State, that court may order that the undischarged term of imprisonment be tolled for the duration of the coercive imprisonment. [2003, c. 143, §8 (NEW).]

SECTION HISTORY

2003, c. 143, §8 (NEW).

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