

CHAPTER 81

ADMINISTRATION OF IMPOSED SENTENCES OF IMPRISONMENT

§2301. Definitions

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2019, c. 113, Pt. A, §2 (NEW).]

1. (TEXT EFFECTIVE UNTIL 1/01/23) Family or household member. "Family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4. [PL 2019, c. 113, Pt. A, §2 (NEW).]

1. (TEXT EFFECTIVE 1/01/23) Family or household member. "Family or household member" has the same meaning as in Title 19-A, section 4102, subsection 6. [PL 2021, c. 647, Pt. B, §43 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Jail. "Jail" means a county or regional jail. [PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Sentence of imprisonment. "Sentence of imprisonment" means:

A. A term of imprisonment, none of which is suspended; [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. An unsuspended portion of a split sentence of imprisonment either before or after revocation of probation or administrative release; [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. An unsuspended portion of a wholly suspended term of imprisonment with probation or with administrative release after revocation of that probation or administrative release; or [PL 2019, c. 113, Pt. A, §2 (NEW).]

D. Any court-ordered time in the custody of the Department of Corrections after revocation of a period of supervised release. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2021, c. 647, Pt. B, §43 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF).

§2302. General provisions

1. Deduction for each day in execution of sentence of imprisonment. An individual committed to the custody of the Department of Corrections or a jail whose sentence of imprisonment has commenced pursuant to section 2303 must receive a day-for-day deduction from that individual's sentence of imprisonment for each day the individual is in execution of that sentence. This day-for-day deduction may not be withdrawn. Prior to the day-for-day deduction being given, the sentence must first be reduced by any deduction for time detained to which the individual is entitled pursuant to section 2305.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Start of consecutive sentence. A consecutive sentence may not begin until the sentence involving imprisonment that the consecutive sentence immediately follows in time has been fully served.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Application of deduction for concurrent sentences. While an individual is in execution of concurrent sentences pursuant to subsection 1, a day-for-day deduction must be accorded on all the sentences simultaneously.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Application of deduction for consecutive sentences. While an individual is in execution of a consecutive sentence pursuant to subsection 1, a day-for-day deduction may be accorded on only one sentence at a time.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§2303. Commencement of sentence of imprisonment

1. Commitment to Department of Corrections. The sentence of imprisonment of an individual committed to the custody of the Department of Corrections to serve that sentence commences on the date on which that individual is received into the correctional facility designated as the initial place of confinement by the Commissioner of Corrections or the commissioner's designee pursuant to section 2304. That day is counted as the first full day of the sentence.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Commitment to specified jail. The sentence of imprisonment of an individual committed to the custody of a jail to serve that sentence commences on the date on which that individual is received into the jail specified in the sentence. That day is counted as the first full day of the sentence if the term of imprisonment, or the unsuspended portion of the term of imprisonment, is over 30 days; otherwise, a deduction is accorded only for the portion of that day for which the individual is actually in execution of the sentence.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Commitment with concurrent sentence of imprisonment from another jurisdiction. When an individual is sentenced to a concurrent sentence of imprisonment as authorized by section 1608, subsection 6, the provisions of this chapter apply and must be administered by the chief administrative officer of this State's correctional facility when the individual is committed to the custody of the Department of Corrections or by the jail administrator of a jail in this State when the individual is committed to the custody of the jail. If the individual is released from imprisonment under the sentence of the other jurisdiction prior to the termination of this State's sentence, the individual shall serve the remainder of this State's sentence at the appropriate correctional facility or jail in this State.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§2304. Notification of commitment to Department of Corrections

At the time of sentencing, the sheriff or the sheriff's designee shall notify the Commissioner of Corrections or the commissioner's designee that an individual has been committed to the Department of Corrections and shall inquire as to the correctional facility to which the individual must be delivered by the sheriff or the sheriff's designee. The commissioner or the commissioner's designee has complete discretion to determine the initial place of confinement. In making this determination, the commissioner or the commissioner's designee shall review all relevant information, including any available mental health information. The commissioner or the commissioner's designee shall immediately inform the sheriff or the sheriff's designee of the location of the correctional facility to which the individual must be transported. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§2305. Deductions from sentence of imprisonment for time detained

1. Deductions for detention permitted. An individual sentenced to imprisonment who has been detained for the conduct for which that sentence is imposed while awaiting trial, during trial, post-trial while awaiting sentencing or post-sentencing prior to the date on which the sentence commenced either to await transportation to the place of imprisonment specified or pursuant to court order, and not in execution of any other sentence of confinement, must receive a day-for-day deduction from the total term of imprisonment required under that sentence if that individual is detained in:

A. This State in a correctional facility, mental health institute or jail or in any local lockup; or [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. Another jurisdiction in a federal, state or county institution, local lockup or similar facility, including any detention resulting from being a fugitive from justice, as defined by Title 15, section 201, subsection 4, unless the individual has simultaneously been detained for non-Maine conduct. [PL 2019, c. 113, Pt. A, §2 (NEW).]

For the purpose of calculating the day-for-day deduction specified by this subsection, "day" means 24 hours, except that for an individual who commits a crime on or after October 15, 2011, who has been detained for the conduct for which the individual is sentenced to a term of imprisonment of 96 hours or less, any portion of a day detained short of 24 hours must also be deducted from the total term of imprisonment required under that sentence.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Deductions for detention not permitted. An individual who, in addition to being detained pursuant to subsection 1, has been simultaneously detained for conduct for which the individual is sentenced to a consecutive sentence may not receive a day-for-day deduction from the consecutive sentence for the period of simultaneous detention except for any period of detention that is longer than the total term of imprisonment required under the sentence to be served prior to the consecutive sentence.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Timing of application of deductions. The total term required under a sentence of imprisonment is reduced by the total deduction under this section prior to applying any of the other deductions specified in this chapter or in Title 30-A, section 1606.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Additional deduction when warranted for crime committed on or after August 1, 2004 and before October 1, 2021. An individual may receive a deduction of up to 2 days per calendar month in addition to the day-for-day deduction provided pursuant to subsection 1 if:

A. The individual commits a crime on or after August 1, 2004 and before October 1, 2021 and is sentenced to a term of imprisonment for that crime; and [PL 2021, c. 330, §7 (AMD).]

B. The individual is entitled to a day-for-day deduction pursuant to subsection 1 and the individual's conduct during that period of detention is such that the additional deduction is determined to be warranted in the discretion of the chief administrative officer of the facility in which the individual has been detained. [PL 2019, c. 113, Pt. A, §2 (NEW).]

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

Days of partial month	Maximum deduction available
1 to 15 days	up to 1
16 to 31 days	up to 2

[PL 2021, c. 330, §7 (AMD).]

4-A. Additional deduction when warranted for crime committed on or after October 1, 2021.

An individual may receive a deduction of up to 4 days per calendar month in addition to the day-for-day deduction provided pursuant to subsection 1 if:

- A. The individual commits a crime on or after October 1, 2021 and is sentenced to a term of imprisonment for that crime; and [PL 2021, c. 330, §8 (NEW).]
- B. The individual is entitled to a day-for-day deduction pursuant to subsection 1 and the individual's conduct during that period of detention is such that the additional deduction is determined to be warranted in the discretion of the chief administrative officer of the facility in which the individual has been detained. [PL 2021, c. 330, §8 (NEW).]

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

Days of partial month	Maximum deduction available
1 to 7 days	up to 1
8 to 15 days	up to 2
16 to 23 days	up to 3
24 to 31 days	up to 4

[PL 2021, c. 330, §8 (NEW).]

5. Deduction for detention may not be withdrawn. A deduction for detention to which the individual is entitled may not be withdrawn.
[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Transporter's duty to provide statement of time detained. The sheriff or the sheriff's designee shall furnish to the administrator of the facility to which the individual is being delivered and the attorney for the State, within 30 days of delivery, a statement showing the length of that detention. The administrator shall use the statement furnished to determine the day-for-day deduction to which the individual is entitled pursuant to subsections 1, 4 and 4-A, if any, unless, within 15 days of its receipt, the attorney for the State furnishes a revised statement to the administrator.
[PL 2021, c. 330, §9 (AMD).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2021, c. 330, §§7-9 (AMD).

§2306. Deductions for time detained; special circumstances

1. Time detained for failure to appear for a default hearing. An individual arrested and detained for failing to appear for a hearing to explain nonpayment of a fine, a county jail reimbursement fee or restitution or to explain nonperformance of community service work who subsequently is committed by the court conducting the default hearing to the custody of a jail for an unexcused default must receive a day-for-day deduction from the length of the confinement specified in the court's order for each day detained as a result of the arrest pursuant to section 1711, subsection 4; section 2015, subsection 3; or section 2033, subsection 6.
[PL 2021, c. 591, §3 (AMD).]

2. Arrest and detention pending probation or administrative release revocation proceeding. If an individual is detained in a correctional facility, mental health institute or jail pending a probation or administrative release revocation proceeding and is not in execution of any other sentence of confinement, that period of detention must be deducted from the time the individual is required to serve under that portion of the sentence for which the suspension of execution was vacated as a result of the probation or administrative release revocation. An individual who is simultaneously detained for conduct for which the individual receives a consecutive term of imprisonment is not entitled to receive a day-for-day deduction from the consecutive term of imprisonment for the period of simultaneous

detention except for any period of detention that is longer than the term of imprisonment to be served prior to the consecutive sentence.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2021, c. 591, §3 (AMD).

§2307. Discretionary deductions for individual who commits crime on or after August 1, 2004, except for certain listed crimes

1. Application. The provisions of this section apply only to an individual who, on or after August 1, 2004, commits a crime and is sentenced to imprisonment for that crime, except for the following:

- A. Murder; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- B. A crime listed under chapter 11; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- C. A crime listed under section 556; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- D. A crime listed under section 854, excluding subsection 1, paragraph A, subparagraph (1); [PL 2019, c. 113, Pt. A, §2 (NEW).]
- E. A crime listed under chapter 12; or [PL 2019, c. 113, Pt. A, §2 (NEW).]
- F. A crime against a family or household member listed under chapter 9 or 13 or section 506-B, 554, 555 or 758. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Discretionary 4 days per month deduction based on conduct. For an individual who commits a crime and is subsequently in the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment for that crime, up to 4 days per calendar month may be deducted from that sentence, calculated from the date of its commencement, if that individual's conduct during that calendar month is such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the correctional facility or the jail administrator.

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

Days of partial month	Maximum deduction available
1 to 7 days	up to 1
8 to 15 days	up to 2
16 to 23 days	up to 3
24 to 31 days	up to 4

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Discretionary 3 days per month deduction based on fulfillment of assigned responsibilities for individual in custody of Department of Corrections or jail. For an individual who commits a crime and is subsequently in the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment for that crime, in addition to the days of deduction provided for in subsection 2, up to 3 days per calendar month may be deducted from that sentence, calculated from the date of its commencement, if that individual's fulfillment of responsibilities assigned in the individual's transition plan for work, education or rehabilitation programs during that calendar month is such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the correctional facility or the jail administrator.

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

Days of partial month	Maximum deduction available
1 to 10 days	up to 1
11 to 20 days	up to 2
21 to 31 days	up to 3

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Discretionary 2 days per month deduction based on fulfillment of assigned responsibilities only for individual in custody of Department of Corrections. For an individual who commits a crime and is subsequently in the custody of the Department of Corrections in execution of a sentence of imprisonment for that crime, in addition to the days of deduction provided for in subsections 2 and 3, up to 2 days per calendar month also may be deducted from that sentence, calculated from the date of its commencement, if that individual's fulfillment of responsibilities assigned in the individual's transition plan for community work, education or rehabilitation programs during that calendar month is such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the correctional facility.

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

Days of partial month	Maximum deduction available
1 to 15 days	up to 1
16 to 31 days	up to 2

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Withdrawal of discretionary deductions. Any portion of the time deducted from the sentence of an individual pursuant to subsection 2, 3 or 4 may be withdrawn by the chief administrative officer of the correctional 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 jail administrator in accordance with jail disciplinary procedures. Deductions may be withdrawn for months already served or yet to be served by the individual up to and including the maximum authorized for that sentence.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Restoration of discretionary deductions. The chief administrative officer of the correctional facility or the jail administrator may restore any portion of deductions that have been withdrawn under subsection 5 if the individual's later conduct and fulfillment of responsibilities assigned in the individual's transition plan for work, education or rehabilitation programs are such that the restoration is determined to be warranted in the discretion of the chief administrative officer or the jail administrator.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

7. Calculation of deduction for work in excess of 8 hours. The Commissioner of Corrections or the sheriff may establish policy and guidelines for crediting hours of participation in work in excess of 8 hours in a day toward another day for the purpose of calculating deductions from a sentence under subsections 3 and 4.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

8. Calculation of deductions following imposition of new or revised sentence of imprisonment for same offense. 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 individual for the same offense, the day-for-day deduction must be accorded on the new sentence both for each day the individual served in execution of the initial sentence pursuant to section 2302, subsection 1 and for all previously earned deductions specified in this section and Title 30-A, section 1606. Prior to the day-for-day deduction being given on the new sentence, the new sentence must be reduced by any deductions specified in section 2305 previously or subsequently received. The deductions applied to the new sentence must be calculated in accordance with this section.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§2308. Discretionary deductions based on conduct and fulfillment of responsibilities for individuals who commit certain crimes on or after August 1, 2004

1. Application. The provisions of this section apply only to an individual who commits on or after August 1, 2004 one or more of the following crimes and is sentenced to imprisonment for that crime:

- A. Murder; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- B. A crime listed under chapter 11; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- C. A crime listed under section 556; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- D. A crime listed under section 854, excluding subsection 1, paragraph A, subparagraph (1); [PL 2019, c. 113, Pt. A, §2 (NEW).]
- E. A crime listed under chapter 12; or [PL 2019, c. 113, Pt. A, §2 (NEW).]
- F. A crime against a family or household member listed under chapter 9 or 13 or section 506-B, 554, 555 or 758. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Commitment to Department of Corrections or specified jail; discretionary 5 days per month deduction. For an individual who commits a crime and is in the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment for that crime, up to 5 days per calendar month may be deducted from that sentence, calculated from the date of its commencement, if that individual's conduct, participation in programs and fulfillment of assigned responsibilities during that calendar month are such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the correctional facility or the jail administrator.

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

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

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Withdrawal of discretionary deductions. Any portion of the time deducted from the sentence of an individual pursuant to subsection 2 may be withdrawn by the chief administrative officer of the correctional 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 jail administrator in accordance with jail disciplinary procedures. Deductions may be withdrawn for months already served or yet to be served by the individual up to and including the maximum authorized for that sentence.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Restoration of discretionary deductions. The chief administrative officer of the correctional facility or the jail administrator may restore any portion of deductions that have been withdrawn under subsection 3 if the individual'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 jail administrator.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Calculation of deduction for work in excess of 8 hours. The Commissioner of Corrections or the sheriff may establish policy and guidelines for crediting hours of participation in work in excess of 8 hours in a day toward another day for the purpose of calculating deductions from a sentence under subsection 2.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Calculation of deductions following imposition of new or revised sentence of imprisonment for same offense. 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 individual for the same offense, the day-for-day deduction must be accorded on the new sentence both for each day the individual served in execution of the initial sentence pursuant to section 2302, subsection 1 and for all previously earned deductions specified in this section and Title 30-A, section 1606. Prior to the day-for-day deduction being given on the new sentence, the new sentence must be reduced by any deductions specified in section 2305 previously or subsequently received. The deductions applied to the new sentence must be calculated in accordance with this section.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§2309. Discretionary deductions based on conduct and participation for individual who committed crime on or after October 1, 1995 but before August 1, 2004

1. Application. This section applies only to an individual who committed a crime on or after October 1, 1995 but before August 1, 2004 and was sentenced to imprisonment for that crime.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Commitment to Department of Corrections or jail; discretionary 5 days per month deduction. For an individual who committed a crime on or after October 1, 1995, but before August 1, 2004, and is in the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment for that crime, up to 5 days per calendar month may be deducted from that sentence, calculated from the date of its commencement, if that individual's conduct, participation in programs and fulfillment of assigned responsibilities during that calendar month are such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the correctional facility or the jail administrator.

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

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

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Withdrawal of discretionary deductions. Any portion of the time deducted from the sentence of an individual pursuant to subsection 2 may be withdrawn by the chief administrative officer of the correctional 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 jail administrator in accordance with jail disciplinary procedures. Deductions may be withdrawn for months already served or yet to be served by the individual up to and including the maximum authorized for that sentence.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Restoration of discretionary deductions. The chief administrative officer of the correctional facility or the jail administrator may restore any portion of deductions that have been withdrawn under subsection 3 if the individual'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 jail administrator.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Calculation of deduction for work in excess of 8 hours. The Commissioner of Corrections or the sheriff may establish policy and guidelines for crediting hours of participation in work in excess of 8 hours in a day toward another day for the purpose of calculating deductions from a sentence under subsection 2.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Calculation of deductions following imposition of new or revised sentence of imprisonment for same offense. 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 individual for the same offense, the day-for-day deduction must be accorded on the new sentence both for each day the individual served in execution of the initial sentence pursuant to section 2302, subsection 1 and for all previously earned deductions specified in subsection 2 and Title 30-A, section 1606. Prior to the day-for-day deduction being given on the new sentence, the new sentence must be reduced by any deductions specified in section 2305 previously or subsequently received. The deductions applied to the new sentence must be calculated in accordance with this section.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§2310. Deductions for individual who committed crime before October 1, 1995 and was sentenced on or after October 1, 1983

1. Application. This section applies only to an individual who committed a crime on or after May 1, 1976 but before October 1, 1995 and who was sentenced on or after October 1, 1983 to imprisonment for that crime.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Deduction for individual sentenced to imprisonment for more than 6 months. Beginning October 1, 1983, an individual sentenced to imprisonment for more than 6 months must receive a deduction of 10 days per month for observing all rules of the Department of Corrections and the correctional facility where that individual is confined or the jail where that individual is confined. The period from which the deduction is made must be calculated from the first day the individual is received into the custody of the department or the jail and includes the full length of any imprisonment ordered to be served. This deduction does not apply to any suspended portion of the individual's sentence. For the purpose of calculating the deduction under this subsection, a month is 30 days and a year is 12 months.

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

Days of partial month	Maximum deduction available
0 to 2 days	0
3 to 5 days	1
6 to 8 days	2
9 to 11 days	3
12 to 14 days	4
15 to 17 days	5
18 to 20 days	6
21 to 23 days	7
24 to 26 days	8
27 to 29 days	9
30 days	10

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Deduction for individual sentenced to imprisonment for 6 months or less. Beginning October 1, 1983, an individual sentenced to imprisonment for 6 months or less must receive a deduction of 3 days per month for observing all the rules of the Department of Corrections and the correctional facility where that individual is confined or the jail where that individual is confined. The period from which the deduction is made must be calculated from the first day the individual is received into the custody of the department or the jail and includes the full length of any imprisonment order to be served. This deduction does not apply to any suspended imprisonment portion of an individual's sentence. For the purpose of calculating the deduction under this subsection, a month is 30 days.

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

Days of partial month	Maximum deduction available
0 to 7 days	0
8 to 15 days	1
16 to 23 days	2
24 to 30 days	3

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Withdrawal of deductions. Any portion of the time deducted from the sentence of an individual pursuant to subsection 2 or 3 may be withdrawn by the chief administrative officer of the correctional facility or the jail administrator for the infraction of any rule of the correctional facility or jail, for any misconduct or for the violation of any law of the State. The withdrawal of a deduction may be made at the discretion of the chief administrative officer or jail administrator, in accordance with policies and guidelines established by the Department of Corrections or by the jail administrator in accordance with jail disciplinary procedures.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Restoration of deductions. The chief administrative officer of the correctional facility or the jail administrator may restore any portion of the deductions that have been withdrawn pursuant to subsection 4 if the individual's later conduct and outstanding effort are determined in the discretion of the chief administrative officer or jail administrator to warrant that restoration.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Commitment to Department of Corrections or jail; additional 3 days per month deduction not subject to withdrawal. An individual in the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment for a crime committed before October 1, 1995 may earn and have deducted up to 3 days per month in addition to the deduction provided pursuant to subsections 2 and 3 if the individual is assigned to or participates in work, education or other responsibilities within the correctional facility or jail or a program that are determined to be of sufficient importance to warrant those deductions in the discretion of the chief administrative officer of the correctional facility or the jail administrator in accordance with policy and guidelines established by the Department of Corrections or sheriff. A deduction awarded under this subsection may not be withdrawn by the chief administrative officer or the jail administrator. For the purpose of calculating a deduction under this subsection, "month" means a calendar month.

Deductions made under this subsection must be calculated as follows for partial months:

Days of partial month	Maximum deduction available
1 to 10 days	up to 1
11 to 20 days	up to 2
21 to 31 days	up to 3

[PL 2019, c. 113, Pt. A, §2 (NEW).]

7. Commitment to Department of Corrections for crime committed before October 1, 1995; additional 2 days per month deduction not subject to withdrawal. An individual in the custody of the Department of Corrections in execution of a sentence of imprisonment for a crime committed before

October 1, 1995 may earn and have deducted up to 2 days per month in addition to the days of deductions provided for in subsections 2, 3 and 6 if the individual is assigned to and participates in minimum security or community programs administered by the department. These deductions may also apply if the individual is assigned to or participates in minimum security or community programs through agencies providing services to the department. These deductions may be authorized for work and responsibilities, to include public restitution, that are considered to be of sufficient importance to warrant those deductions in the discretion of the chief administrative officer of the correctional facility in accordance with department policy and guidelines. A deduction awarded under this subsection may not be withdrawn by the chief administrative officer. For the purpose of calculating a deduction under this subsection, "month" means a calendar month.

Deductions made under this subsection must be calculated as follows for partial months:

Days of partial month	Maximum deduction available
1 to 15 days	up to 1
16 to 31 days	up to 2

[PL 2019, c. 113, Pt. A, §2 (NEW).]

8. Calculation of deduction for work in excess of 8 hours. The Commissioner of Corrections or the sheriff may establish policy and guidelines for crediting hours of participation in work in excess of 8 hours in a day toward another day for the purpose of calculating deductions from a sentence of imprisonment under subsections 6 and 7.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

9. Calculation of deductions following imposition of new or revised sentence of imprisonment for same offense. 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 individual for the same offense, the day-for-day deduction must be accorded on the new sentence both for each day the individual served in execution of the initial sentence pursuant to section 2302, subsection 1 and for all previously earned deductions specified in subsections 2, 3, 6 and 7 and Title 30-A, section 1606. Prior to the day-for-day deduction being given on the new sentence, the new sentence must be reduced by any deductions specified in section 2305 previously or subsequently received. The deductions applied to the new sentence must be calculated in accordance with this section.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§2311. Deductions for individual who committed crime before October 1, 1995 and was sentenced prior to October 1, 1983

1. Application. This section applies only to an individual who committed a crime on or after May 1, 1976 but before October 1, 1995 and who was sentenced prior to October 1, 1983 to imprisonment for that crime.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Deductions based on law in effect at time of offense. Unless otherwise specifically provided by law, deductions based on conduct and participation from a sentence that was imposed prior to October 1, 1983 must be calculated in accordance with the laws in effect on the date the offense was committed. 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 for the same offense, calculation of deductions based on conduct and participation must be in accordance with the laws in effect on the date that offense was committed.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§2312. Deductions applicable to concurrent sentences resulting from new criminal conduct while on probation or administrative release

1. Revocation of probation or administrative release by court before conviction and sentence for new criminal conduct. An individual whose probation or administrative release is revoked by a court for new criminal conduct must receive a deduction for the time the individual serves as a result of the revocation from the sentence that is the result of a conviction for the new criminal conduct if:

- A. The new criminal conduct is committed during the probation or administrative release; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- B. The revocation of probation or administrative release occurs before the conviction for the new criminal conduct; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- C. The individual is subsequently convicted of a crime arising out of the new criminal conduct; and [PL 2019, c. 113, Pt. A, §2 (NEW).]
- D. Concurrent sentences are imposed by the court that do not commence on the same date. [PL 2019, c. 113, Pt. A, §2 (NEW).]
[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Revocation of probation or administrative release by court after conviction and sentence for new criminal conduct. An individual whose probation or administrative release is revoked by a court following a conviction for new criminal conduct must receive a deduction for the time the individual serves as a result of the conviction for the new criminal conduct from the time the individual is required to serve as a result of the revocation if:

- A. The new criminal conduct is committed during the probation or administrative release; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- B. The revocation of probation or administrative release occurs after the conviction for the new criminal conduct; [PL 2019, c. 113, Pt. A, §2 (NEW).]
- C. The individual is subsequently convicted of a crime arising out of the new criminal conduct; and [PL 2019, c. 113, Pt. A, §2 (NEW).]
- D. Concurrent sentences are imposed by the court that do not commence on the same date. [PL 2019, c. 113, Pt. A, §2 (NEW).]
[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§2313. Deductions relative to parole eligibility for individual sentenced prior to effective date of Maine Criminal Code

An individual convicted of an offense committed prior to May 1, 1976 and sentenced under the law then in effect may elect to have that individual's parole eligibility calculated using the deductions based on conduct and participation available to individuals sentenced under this Code. The election must result in the application of deductions pursuant to section 2310. The parole eligibility and deductions based on conduct and participation of an individual who does not so elect must be calculated in accordance with the laws in effect on the date the offense was committed. This section may not be construed to compel or permit discharge of any individual sooner than the discharge would have occurred under the law in effect on the date the offense was committed. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§2314. Release from imprisonment

1. Unconditional release and discharge. An individual committed to the custody of the Department of Corrections or a jail in execution of a sentence of imprisonment must be unconditionally released and discharged upon the expiration of that individual's sentence, as determined after the deductions afforded that individual under this chapter, except that release is subject to the following provisions.

A. If the applicable calculations for an individual committed to the custody of the Department of Corrections fix the release and discharge date on a Saturday, Sunday or legal holiday, that individual may be released and discharged on the last regular business day of the correctional facility preceding that Saturday, Sunday or legal holiday. [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. If the length of the term of imprisonment to be served by an individual committed to the custody of a jail is 8 days or more, that individual may be released at any time on the final day of imprisonment, in accordance with jail release procedures; otherwise, that individual may not be released until the sentence expires. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Release of individual sentenced prior to effective date of Maine Criminal Code. An individual in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect prior to May 1, 1976 must be released and discharged according to the law as it was in force prior to May 1, 1976 and such law continues in force for this purpose as if this Code were not enacted.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

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