

§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 or a dating partner listed under chapter 9 or 13 or section 506-B, 554, 555 or 758. [PL 2023, c. 465, §20 (AMD).]

[PL 2023, c. 465, §20 (AMD).]

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). PL 2023, c. 465, §20 (AMD).

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