

**CHAPTER 301**

**SENTENCES**

**SUBCHAPTER 1**

**GENERAL PROVISIONS**

**§1701. Effect of bail following conviction and commitment**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §54 (RPR). PL 1983, c. 333 (RP).

**§1701-A. Credit for confinement prior to sentencing**

**(REPEALED)**

SECTION HISTORY

PL 1973, c. 144 (NEW). PL 1975, c. 499, §2 (RP).

**§1701-B. Post-conviction bail**

**(REPEALED)**

SECTION HISTORY

PL 1985, c. 743 (NEW). PL 1987, c. 758, §21 (RP).

**§1702. No punishment until conviction; costs**

**1. No punishment before conviction.** A person may not be punished for an offense until convicted of that offense in a court having jurisdiction over the person and case.

[PL 2003, c. 182, §1 (NEW).]

**2. Costs included in sentence.** If a person is convicted and the court imposes a fine, the court:

A. May sentence the defendant to pay the costs of prosecution; [PL 2003, c. 182, §1 (NEW).]

B. May sentence the defendant to pay, as restitution, the costs of drug tests, other than tests under Title 29-A, administered to the defendant by a law enforcement officer or medical personnel at the request of a law enforcement officer. The court shall transfer all amounts paid by a defendant under this paragraph to the municipal, county or state agency that incurred the costs; and [PL 2003, c. 182, §1 (NEW).]

C. Shall, if the case is prosecuted in District Court, sentence the defendant to pay a fine sufficient to cover the costs as provided in Title 4, section 173. This paragraph does not apply to defendants prosecuted for violations of Title 26, chapter 7, subchapter 1-B or for violations of Title 28-A, sections 2078 and 2223. [PL 2003, c. 182, §1 (NEW).]

[PL 2003, c. 182, §1 (NEW).]

SECTION HISTORY

PL 1965, c. 356, §55 (AMD). PL 1975, c. 499, §3 (AMD). PL 1987, c. 45, §B2 (AMD). PL 1987, c. 737, §§C29,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 2003, c. 182, §1 (RPR).

**§1702-A. Fingerprints required on certain sentences**

**(REPEALED)**

## SECTION HISTORY

PL 1975, c. 398 (NEW). PL 1975, c. 668 (RP).

**§1703. State Prison sentence; imprisonment for misdemeanor****(REPEALED)**

## SECTION HISTORY

PL 1975, c. 499, §2 (RP).

**§1704. Commitment in county where convicted**

Any person sentenced by the District Court to a term of imprisonment in a jail, not exceeding 4 months, shall be committed to the jail in the county in which such person is convicted, provided such county has a suitable jail, otherwise such commitment may be to any jail in the State.

**§1705. Expenses of prisoners from other counties**

If a person commits a crime in one county of the State and is sentenced to a term of imprisonment in a jail in a different county, the county in which the crime was committed shall pay to the other county such sum as may be agreed upon by the county commissioners of the counties for the costs of care and custody, deducting the amount received for labor. If the commissioners do not agree upon the amount to be paid, representation of the facts may be made to the Superior Court or any justice of the Superior Court, and the amount shall be determined by the court or justice, either in term time or vacation. [PL 1985, c. 242 (RPR).]

## SECTION HISTORY

PL 1985, c. 242 (RPR).

**§1706. Sureties to keep peace for misdemeanor**

In addition to the punishment prescribed by law, the court may require any person convicted of an offense not punishable by imprisonment in the State Prison to recognize to the State, with sufficient sureties, in a reasonable sum, to keep the peace and be of good behavior for a term not exceeding 2 years, and to stand committed until the person so recognizes. [RR 2023, c. 2, Pt. D, §67 (COR).]

## SECTION HISTORY

RR 2023, c. 2, Pt. D, §67 (COR).

**§1707. Record to designated facility**

Whenever a person is convicted of a crime and sentenced to a term of imprisonment that is to be served in the custody of the Department of Corrections, the clerk of the court shall make and forward to the head of the correctional facility designated as the initial place of confinement by the Commissioner of Corrections pursuant to Title 17-A, section 2304, a record containing copies of the docket entries and charging instrument, together with a statement of any fact or facts that the presiding justice may determine to be important or necessary for a full comprehension of the case. This record must be delivered to the head of the designated correctional facility within 10 days of the date the prisoner is received at that facility. At the time a person, so sentenced, is delivered to the designated correctional facility, a copy of the judgment and commitment must be given to the receiving officer at that facility. [PL 2019, c. 113, Pt. C, §36 (AMD).]

## SECTION HISTORY

PL 1977, c. 114, §28 (RPR). PL 1987, c. 616 (RPR). PL 2019, c. 113, Pt. C, §36 (AMD).

**§1708. Error in sentence**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §56 (RP).

**§1709. Motion for new trial; newly discovered evidence**

**(REPEALED)**

SECTION HISTORY

PL 1965, c. 356, §56 (RP).

**§1710. Transfer of persons under sentence to county jails for rehabilitative reasons**

**(REPEALED)**

SECTION HISTORY

PL 1973, c. 538 (NEW). PL 1975, c. 191, §1 (AMD). PL 1979, c. 541, §A140 (AMD). PL 1981, c. 493, §2 (AMD). PL 1989, c. 887, §1 (RPR). PL 1995, c. 368, §R1 (RP).

**SUBCHAPTER 2**

**PENALTIES AND DURATION OF TERM**

**§1741. General penalty**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §2 (RP). PL 1975, c. 740, §2 (REEN). PL 1979, c. 663, §107 (RP).

**§1742. Punishment when previous sentence to State Prison**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §2 (RP).

**§1743. Maximum and minimum terms**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §2 (RP).

**SUBCHAPTER 3**

**WORK-JAIL SENTENCES**

**§1791. Work-jail sentences**

When the punishment provided by law may be imprisonment in the State Prison for 3 years or less, such punishment may be inflicted by the court, in its discretion, in any of the work-jails.

**§1792. Alternative sentences to work-jails; authority of inspectors over incorrigible or dangerous convicts**

When a convict is sentenced to imprisonment and labor in any of the work-jails, the court or judge may in addition sentence the convict to the other punishment provided by law for the same offense, with the condition that if the convict cannot be received at the work-jail to which the convict is sentenced, or if at any time before the expiration of the sentence, in the judgment of the inspectors of jails, the convict becomes incorrigible or unsafe, they may order that the convict suffer the alternative sentence or punishment. If the alternative sentence is to the State Prison, the sheriff of the county where the convict is imprisoned shall forthwith, upon receiving the order of the inspectors, cause the convict to be conveyed to the State Prison at the expense of the county where the convict was sentenced. [RR 2023, c. 2, Pt. D, §68 (COR).]

#### SECTION HISTORY

RR 2023, c. 2, Pt. D, §68 (COR).

#### **§1793. Sentence to any work-jail nearest county of offense; prison sentence includes labor**

The Superior Court and the District Court, in the county where a work-jail is situated or in any county where there is no work-jail, may, subject to section 1704, sentence any person convicted of an offense punishable by imprisonment to any of the work-jails nearest or most convenient to the county where the offense is committed, and all sentences of imprisonment must include labor. The keeper of the work-jail shall receive and detain the prisoner in the same manner as if committed by a court sitting in the county where the work-jail is situated. An officer of any county qualified to serve criminal precepts in the officer's county may serve any precept required by this section and section 1792, whether the service is performed in whole or in part in one or more counties, and processes must be issued and directed accordingly. [RR 2023, c. 2, Pt. D, §69 (COR).]

#### SECTION HISTORY

RR 2023, c. 2, Pt. D, §69 (COR).

### SUBCHAPTER 4

#### EXECUTION OF SENTENCE

#### **§1841. Clerk's minutes authority to execute sentence**

**(REPEALED)**

#### SECTION HISTORY

PL 1965, c. 356, §57 (RP).

#### **§1842. Sentence in default of payment of fine and costs**

**(REPEALED)**

#### SECTION HISTORY

PL 1975, c. 499, §2 (RP).

#### **§1843. Removal to State Prison; clothing**

When a convict is sentenced to confinement in the State Prison, the judgment of the court must direct the sheriff of the county in which trial was had to cause the convict, without needless delay, to be removed from the county jail to the State Prison. All sheriffs and jail keepers shall strictly obey the directions of the judgment. The clerk, as soon as may be, shall deliver a certified copy of the judgment to the sheriff of the county, and the sheriff shall forthwith deliver it and the convict to the warden. The sheriff shall provide the convict with comfortable clothing in which to be removed to the State Prison. [RR 2023, c. 2, Pt. D, §70 (COR).]

## SECTION HISTORY

PL 1965, c. 356, §58 (AMD). RR 2023, c. 2, Pt. D, §70 (COR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.