

§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).

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