

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 250

In Senate, March 22, 1919.

Tabled by Mr. Emerson pending acceptance of report of
Committee on Bills in Second Reading.

P. F. CRANE, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to Establish a State Reformatory for Men.

Be it enacted by the People of the State of Maine, as follows:

Section 1. The state shall establish and maintain a re-
2 formatory in which all males over the age of sixteen years
3 who have been convicted of or have pleaded guilty to crime
4 in the courts of this state or of the United States, and who
5 have been duly sentenced and removed thereto, shall be
6 imprisoned and detained in accordance with the sentences
7 or orders of said courts and the rules and regulations of
8 said reformatory.

Sect. 2. Immediately after the passage of this act the
2 governor shall with the advice and consent of the council,

3 appoint five persons, all of whom shall be inhabitants of
4 this state, to be trustees of such reformatory. The terms
5 of office of such trustees shall be five years, subject to
6 removal by the governor and council for cause shown, and
7 they shall be so appointed that the term of one of them
8 shall expire on the first Tuesday of February in each year.
9 Any person appointed to fill a vacancy in the board of trus-
10 tees shall hold office for the remainder of the term of the
11 person whom he succeeds.

Sect. 3. Said board of trustees shall have general super-
2 intendence, management and control of said reformatory,
3 of the grounds and buildings, officers and employees there-
4 of, of the inmates therein, and of all matters relating to
5 the government, discipline, contracts and fiscal concerns
6 thereof, and may make such rules and regulations as may
7 seem to them fitting and necessary for carrying out the
8 purposes of the institution. Such board of trustees shall
9 constitute a board of parole and shall have power to parole
10 or discharge inmates therein as hereinafter provided.

Sect. 4. The board of trustees shall appoint from among
2 its members a president and secretary, who shall hold office
3 for such duration of time as the board may determine.
4 They shall appoint a superintendent who shall hold office
5 during the pleasure of said trustees, and shall fix his com-
6 pensation as well as the compensation of all other officers
7 and employees. No member of the board of trustees shall

8 be eligible to appointment as superintendent during the term
9 for which he has been appointed a trustee.

Sect. 5. The superintendent shall, subject to the direc-
2 tion and control of the board of trustees,

First. Have the general supervision and control of the
2 grounds and buildings of said reformatory, the subordinate
3 officers and employees and inmates thereof, and all matters
4 touching their government and control.

Second. Make such rules, regulations and orders not in-
2 consistent with law, or the rules and regulations or direc-
3 tions of the trustees, as may seem to him proper and fitting
4 for the government of the reformatory and its officers and
5 employees, and for the employment, discipline and education
6 of the inmates thereof.

Third. Exercise such other powers and perform such
2 other duties as the board of trustees may prescribe.

Such superintendent shall have power to appoint and re-
2 move all subordinate officers and employees.

Sect. 6. On or before the thirtieth of September in each
2 year, the trustees shall furnish a report to the governor
3 and council, containing a history of the institution for the
4 year ending on the thirtieth of June preceding, and a com-
5 plete statement of all accounts, with all the funds, general
6 and special, appropriated or belonging to said institution
7 and a detailed statement of disbursements.

Sect. 7. When a male over the age of sixteen years is
2 convicted before any court or trial justice having juris-

3 diction of the offense, of an offense punishable by impris-
4 onment in the state prison, or in any county jail, or in
5 any house of correction, such court or trial justice may
6 order his commitment to the reformatory for men, or sen-
7 tence him to the punishment provided by law for the same
8 offense. When a male is sentenced to the reformatory for
9 men, the court or trial justice imposing the sentence shall
10 not prescribe the limit thereof, unless it be for a term of
11 more than five years, but no man committed to the reform-
12 atory upon a sentence within the prescribed limit, as afore-
13 said, shall be held for more than five years if sentenced
14 for a felony; nor for more than three years if sentenced
15 for a misdemeanor after a prior conviction of crime, other-
16 wise for not more than six months. If the sentence im-
17 posed on any man be for more than five years, he shall be
18 so held for such longer term.

If, through oversight, or otherwise any person be sen-
2 tenced to imprisonment in the said reformatory for men
3 for a definite period of time, said sentence for that reason
4 shall not be void; but the person so sentenced shall be
5 entitled to the benefit, and subject to the provisions of this
6 act, in the same manner and to the same extent as if the
7 sentence had been in the terms required by this act. In
8 such case said trustees shall deliver to such offender a copy
9 of this act.

Sect. 8. The judge or trial justice making a commitment
2 pursuant to this act, shall cause the superintendent of the

3 reformatory to be notified immediately of such commit-
4 ment and shall cause a record to be kept of the name, age,
5 birthplace, occupation, previous commitments, if any, and
6 for what offense, the last residence of such person so com-
7 mitted, and the particulars of the offense for which he is
8 committed. A copy of such record shall be transmitted
9 with the warrant of commitment to the superintendent of
10 such reformatory, who shall cause the facts stated therein
11 and such other facts as may be directed by the board of
12 trustees to be recorded in such form as the trustees may
13 direct.

Sect. 9. Such judge or trial justice shall, before commit-
2 ting any such person, inquire into and determine the age
3 of such person at the time of commitment, and his age so
4 determined, shall be stated in the mittimus. The statement
5 as to the age of said person so committed shall be conclu-
6 sive evidence as to such age in any action to recover dam-
7 ages for his detention or imprisonment under such mitti-
8 mus, and shall be presumptive evidence thereof in any other
9 inquiry, action or proceeding relating to such detention or
10 imprisonment.

Sect. 10. When it is made to appear to the trustees that
2 a person who has been committed to the reformatory has
3 reformed, they may issue to him a permit to be at liberty
4 providing that some suitable employment or situation has
5 been secured in advance for such person, and upon such
6 other conditions as the trustees shall prescribe during the

7 remainder of the term for which he might otherwise be
8 held in said reformatory, and they may revoke such permit
9 at any time before its expiration; but no such permit shall
10 be issued to any person who has been sentenced to said
11 reformatory for more than five years. If any permit so
12 issued is revoked by the trustees, or if any person so com-
13 mitted shall escape from said reformatory, the board of
14 trustees may cause him to be re-arrested and returned there-
15 to for the unexpired portion of the original term for which
16 he was sentenced, dating from the time of escape or the
17 revocation of the said permit. Any inmate ordered re-
18 turned to the reformatory may, on the order of the super-
19 intendent or other officer of the institution be arrested and
20 returned to the reformatory, or to any officer or agent there-
21 of, by any sheriff, constable, police officer, state agent for
22 the protection of children or other person, and may also be
23 arrested and returned by any agent or officer of the reform-
24 atory.

Whoever advises, induces, aids or abets any person so
2 committed to said reformatory or to the charge or guard-
3 ianship of said trustees to escape from said reformatory,
4 or from the custody of any person to whom such person
5 has been entrusted by said trustees or by their authority,
6 or knowingly harbors or secretes any person who has es-
7 caped from said reformatory, or from the custody, author-
8 ity, or control of said trustees, or from any person to whom
9 such person so committed has been entrusted by said trus-

10 tees or by their authority, shall upon conviction be fined
11 not more than five hundred dollars nor less than one hun-
12 dred dollars, or be imprisoned not exceeding one year. Any
13 person who has so escaped may be arrested and detained,
14 without a warrant, by any officer authorized to serve crim-
15 inal process, for a reasonable time to enable the superin-
16 tendent or a trustee of said reformatory, or a person au-
17 thorized in writing by such superintendent or trustee and
18 provided with a mittimus by which such person was com-
19 mitted, or a certified copy thereof, to take such person for
20 the purpose of returning him to said reformatory; but dur-
21 ing such detention he shall not be committed to any jail,
22 and the officer arresting him shall be paid by the state a
23 reasonable compensation for his arrest and keeping.

Whenever any inmate of the reformatory, not having been
2 sentenced thereto by a court of the county wherein such
3 reformatory is situated and established shall be convicted
4 in such county of any misdemeanor or felony committed
5 while an inmate of said reformatory, the cost and expense
6 of trying such convicted inmate, and of his maintenance
7 after conviction and sentence, if to the county jail of such
8 county, shall be paid by the county from which the said
9 convicted inmate was sentenced, and the costs and expenses
10 of such trial shall, in the first instance, be paid by the
11 county wherein such reformatory shall be established, whose
12 commissioners are thereupon authorized to draw their war-
13 rant upon the treasurer of the county, from which said

14 convicted inmate was sentenced to said reformatory, for
15 the amount paid as aforesaid by said county wherein said
16 reformatory is established, for said costs and expenses
17 which warrant it shall be the duty of the treasurer upon
18 whom it may be drawn to pay forthwith.

Sect. 11. Nothing herein contained shall be construed to
2 interfere with the pardoning power of the governor or
3 commutation in any case.

Sect. 12. The board of trustees shall determine the kind
2 of employment for the inmates of the reformatory and shall
3 provide for their custody and superintendence. The pro-
4 visions for the safe keeping or employment of such inmates
5 shall be made for the purpose of teaching such inmates a
6 useful trade or profession, and improving their mental and
7 moral condition.

The board of trustees may transfer temporarily to the
2 state prison any person committed to the said reformatory
3 who may be incorrigible, or whose presence in the said
4 reformatory in the judgment of said trustees may be seri-
5 ously detrimental to the well being of the institution. The
6 trustees may subsequently by written requisition, require
7 the return to said reformatory of any person who may have
8 been so transferred.

Sect. 13. The board of trustees shall, subject to the ap-
2 proval of the governor and council, select a suitable site
3 for such reformatory, consisting of suitable land for said
4 institution, a part of which land shall be arable or may be

5 made so, to the end that, so far as practicable, the food
6 for the inmates of said reformatory may be produced upon
7 said land, the said board of trustees shall with the approval
8 of the governor and council have power to purchase suit-
9 able land, with or without buildings, or to lease for a term
10 of years suitable and adequate quarters for the location and
11 establishment and for the exclusive use of the state for said
12 reformatory.

Sect. 14. The board of trustees shall proceed as soon as
2 practicable after the purchase of the site to erect thereon
3 and properly furnish and equip suitable buildings and struc-
4 tures to accomplish the objects set forth in this act, and
5 in case of a lease of suitable quarters for said reformatory
6 the same power as to buildings and structures and their
7 equipment shall apply in case of purchase as aforesaid.

Sect. 15. The trustees shall receive for their services in
2 the performance of their duties connected with the obtain-
3 ing and fitting up of said reformatory and for their term
4 of service thereafterwards subsequent to the commence-
5 ment of the operation of said reformatory and the receiv-
6 ing therein of inmates committed, the sum of five dollars
7 per day when actually employed, and their necessary ex-
8 pense incurred therein.

Sect. 16. The board of trustees shall have power to ap-
2 point a superintendent of construction for the building or
3 remodeling of said reformatory and to employ such other
4 persons as may be deemed necessary to secure the speedy

5 and economical establishment of said reformatory. The
6 plans and specifications approved and adopted by the trus-
7 tees shall provide for suitable buildings, the same to be
8 constructed in such a manner as will admit of the proper
9 classification of all inmates according to their moral con-
10 dition and the care, instruction and employment they should
11 receive. Buildings on the site selected, if any, may be built
12 over to meet the requirements of this act and additional and
13 necessary buildings may be erected from time to time as
14 occasion demands, and as the legislature shall appropriate
15 funds therefor.

Sect. 17. In the construction and remodeling of the build-
2 ings, if any there be upon the site selected, or in the im-
3 provement of the site, no expenditure of more than five
4 hundred dollars shall be made unless the same is duly ad-
5 vertised and competitive bids thereon received.

Sect. 18. All bills contracted by the board of trustees,
2 as aforesaid, in purchasing or leasing a site and improving
3 the same and erecting, altering, repairing and equipping
4 suitable buildings and operating the institutions shall be
5 audited by the state auditor and paid by the treasurer of
6 the state in the manner provided by law.

Sect. 19. Twenty thousand dollars shall be appropriated
2 under this act to be used and expended for the purposes
3 herein named during the year nineteen hundred nineteen
4 and the sum of twenty-five thousand dollars during the
5 year nineteen hundred twenty.

Sect. 20. All acts and parts of acts inconsistent with this
2 act are hereby repealed.