

MAINE STATE LEGISLATURE

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Legislative Document

No. 193

S. P. 83

In Senate, January 24, 1957.

Referred to the Committee on Judiciary. Sent down for concurrence and 1000 copies ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Silsby of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Establishing a State Probation and Parole System.

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

Sec. 1. R. S., c. 27, § 7, amended. The 2nd paragraph of section 7 of chapter 27 of the Revised Statutes is hereby amended to read as follows:

'The Commissioner ~~may~~ shall appoint a ~~chief parole officer and parole officers~~ to serve during his pleasure, subject to the approval of the governor and council, who ~~Director of Probation and Parole~~, subject to the provisions of the Personnel Law. The Director shall be qualified by professional training for probation and parole work, preferably in a graduate school of social work, and he shall have had executive or supervisory experience in a probation or parole agency or in a related correctional agency. The Director shall appoint necessary probation and parole officers and clerical personnel, subject to the provisions of the Personnel Law. The Director and the probation and parole officers shall perform such duties in connection with the employment, care and supervision of persons paroled from the state penal and correctional institutions as the Parole Board may determine. ~~Such parole officers are vested with the power and authority to arrest in any county in the State with or without a warrant any person who has violated his parole or who has escaped from any of the institutions under the supervision of the Department of Institutional Service, and to detain and return such person to the institution from which he was paroled or has escaped.~~ The ~~chief parole officer~~ Director shall be the secretary of the Board, direct the activities of the **probation and parole** officers and be duly authorized to sign documents including warrants and extradition papers, in behalf of the Board.'

Sec. 2. R. S., c. 149, §§ 24-A - 24-F, additional. Chapter 149 of the Revised Statutes is hereby amended by adding thereto 6 new sections to be numbered 24-A to 24-F, inclusive, to read as follows:

‘Sec. 24-A. Construction and purpose. Sections 24-B to 24-F, inclusive, shall be liberally construed to the end that the treatment of persons convicted of crime shall take into consideration their individual characteristics, circumstances, needs and potentialities as revealed by a case study, and that such persons shall be dealt with in the community by a uniformly organized system of constructive rehabilitation, under probation supervision instead of in correctional institutions, or under parole supervision when a period of institutional treatment has been deemed essential, whenever it appears desirable in the light of the needs of public safety and their own welfare.

Sec. 24-B. Director of Probation and Parole; duties. The Director of Probation and Parole, appointed as provided in section 7 of chapter 27, shall have direct supervision and control of the probation and parole officers, appointed under the provisions of section 7 of chapter 27, and all other employees assigned to him. He shall classify the State into districts and shall assign probation and parole officers to such districts. He shall formulate methods of investigation and supervision, the keeping of records and the making of reports. He shall conduct training courses for the staff. He shall be responsible for any investigation of any case, matter or question requested by any court.

Sec. 24-C. Advisory Committee. The Governor with the advice of the Commissioner of Institutional Service and the Director may appoint an Advisory Committee on Probation and Parole to consist of 15 members. The initial appointments shall be as follows: 3 for one year, 3 for 2 years, 3 for 3 years, 3 for 4 years and 3 for 5 years; and thereafter 3 shall be appointed each year for 5 years. They shall serve until their successors are appointed and qualified. Vacancies shall be filled in like manner for the unexpired terms.

Sec. 24-D. Probation and parole officers; duties. It shall be the duty of probation and parole officers:

- I. To investigate at the request of the Director or of any court any case, matter or question;
- II. To receive under supervision any adult person placed on probation or any person placed on parole, to furnish such person a written statement of the conditions and to instruct such person concerning such conditions;
- III. To keep informed concerning the conduct and condition of adult persons on probation and any persons placed on parole and use all suitable methods to aid and encourage them to bring about improvement in their conduct and condition;
- IV. To keep detailed records of each case and supervise the collection and disbursement of all money in accordance with orders of any court;
- V. To make such reports and perform such other duties as any court or the Director may require.

Sec. 24-E. Power to arrest. Probation and parole officers are vested with the power and authority to arrest in any county of the State, with or without a warrant, any person who has violated his parole or who has escaped from any institution under the jurisdiction of the Department of Institutional Service, and to detain and return such person to the institution from which he was paroled or has escaped.

Sec. 24-F. Investigations. No adult person convicted of a crime shall be sentenced, or otherwise disposed of, before a written report of investigation by a probation and parole officer is presented to and considered by the court, unless otherwise ordered by the court. Whenever an investigation is required, the probation and parole officer shall promptly inquire into the circumstances of the offense, the attitude of the complainant or victim, and of the victim's immediate family, where possible, in cases of homicide, and the criminal record, social history and present condition of the respondent. All local and state police agencies shall furnish to the probation and parole officer such criminal records as the probation and parole officer may request. Where in the opinion of the court or the investigating authority it is desirable, the investigation shall include a physical and mental examination of the respondent. If a respondent is committed to any institution, the investigating agency shall send a report of its investigation to the institution at the time of commitment.'

Sec. 3. R. S., c. 149, § 25, amended. Section 25 of chapter 149 of the Revised Statutes is hereby amended to read as follows :

'**Sec. 25. Authority and duties.** Each probation and parole officer shall have the authority to perform the duties prescribed in **this section and sections ~~24 26~~ to ~~38~~ 37**, inclusive, and for the purpose of performing such duties is invested with all the authority necessary therefor. Such probation and parole officers in each county or district shall attend the Superior Court during the times when adult persons convicted of crime are sentenced, and shall give to the Court upon request such information with reference to any adult individual accused or convicted of crime as shall be in his possession. Such probation and parole officer shall attend the sessions of other courts within his county or district having criminal jurisdiction as often and as continuously as the performance of his duties shall permit, and shall give to such other courts information of the kind above mentioned.'

Sec. 4. R. S., c. 149, § 26, amended. Section 26 of chapter 149 of the Revised Statutes is hereby amended to read as follows :

'**Sec. 26. Sentence continued, suspended, etc. and respondent in custody of probation and parole officer; report.** When any adult person by plea of guilty, or upon trial, is convicted of any offense other than an offense punishable by imprisonment for life before any Court having criminal jurisdiction, such Court may in its discretion continue the matter for sentence, suspend sentence or suspend the execution of any sentence, to be done under the provisions of sections ~~24 25~~ to ~~38~~ 37, inclusive; **but nothing. Nothing** herein contained shall be held to take away the right of appeal from any respondent, or any right to have his case reviewed or retried under the provisions of law as they now exist. The Court at or before the time for sentence shall inquire into the circumstances of the respondent and of his offense, and if the matter is continued for sentence, the

respondent shall be placed in the custody and under the control of the probation **and parole** officer in the county **or district** where such respondent has been convicted. Such sentence may be continued by the Court indefinitely, or to a definite time, and in every instance the Court may order the respondent to report to the probation **and parole** officer at such times and places as the Court shall designate, and shall cause a writing signed by the clerk or by the Court, to be given to the respondent, showing such continuance for sentence, the time during which the same is continued and the times and places when the respondent is to report to such probation **and parole** officer.'

Sec. 5. R. S., c. 149, § 24, repealed. Section 24 of chapter 149 of the Revised Statutes, as amended by section 4 of chapter 464 of the public laws of 1955, is hereby repealed.

Sec. 6. R. S., c. 149, §§ 31, 33, repealed. Sections 31 and 33 of chapter 149 of the Revised Statutes are hereby repealed.

Sec. 7. R. S., c. 149, § 38, repealed. Section 38 of chapter 149 of the Revised Statutes is hereby repealed.

Sec. 8. P. & S. L., 1905, c. 346, repealed. All of chapter 346 of the private and special laws of 1905, except section 6, is hereby repealed.

Sec. 9. P. & S. L., 1907, c. 336, repealed. Chapter 336 of the private and special laws of 1907 is hereby repealed.

Sec. 10. P. & S. L., 1915, c. 27, repealed. Chapter 27 of the private and special laws of 1915 is hereby repealed.

Sec. 11. P. & S. L., 1917, c. 111, repealed. Chapter 111 of the private and special laws of 1917 is hereby repealed.

Sec. 12. P. & S. L., 1919, c. 104, repealed. Chapter 104 of the private and special laws of 1919 is hereby repealed.

Sec. 13. P. & S. L., 1921, c. 153, repealed. Chapter 153 of the private and special laws of 1921 is hereby repealed.

Sec. 14. P. & S. L., 1925, c. 55, repealed. Chapter 55 of the private and special laws of 1925 is hereby repealed.

Sec. 15. P. & S. L., 1931, c. 86, repealed. Chapter 86 of the private and special laws of 1931 is hereby repealed.

Sec. 16. P. & S. L., 1939, c. 47, repealed. Chapter 47 of the private and special laws of 1939 is hereby repealed.

Sec. 17. P. & S. L., 1941, c. 33, repealed. Chapter 33 of the private and special laws of 1941 is hereby repealed.

Sec. 18. P. & S. L., 1953, c. 83, repealed. Chapter 83 of the private and special laws of 1953 is hereby repealed.

Sec. 19. Amendatory clause. Wherever in the Revised Statutes or public laws, the words "probation officer" or "parole officer" appear they shall mean 'probation and parole officer.'

Sec. 20. Office space and equipment transferred. The respective counties and probation officers shall transfer and deliver to the Director of Probation and Parole for the use of the State all office space, books, papers, records, property of every description connected with the functions, duties and powers transferred to the Director of Probation and Parole within the jurisdiction and control of said counties and probation officers. The Director is authorized to take possession of said property for the State.

Sec. 21. Tenure of present probation officer. All full-time probation officers at present in office shall be continued on a full-time basis.

Sec. 22. Appropriation. There is hereby appropriated from the general fund of the State to carry out the purposes of this act the sum of \$212,874 for the fiscal year ending June 30, 1958 and \$207,010 for the fiscal year ending June 30, 1959.