

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

Chapter 397

AN ACT Revising the Laws Relating to the Maine State Prison.

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

Sec. 1. R. S., T. 34, § 552, amended. The last sentence of section 552 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

The warden shall cause a record to be kept of all punishments imposed upon inmates at the State Prison as provided in section 709 and rules and regulations of the State Prison; such record shall set forth the reasons for the imposition of such punishments.

Sec. 2. R. S., T. 34, § 631, amended. Section 631 of Title 34 of the Revised Statutes is amended to read as follows:

§ 631. Appointment and duties

The department and warden shall appoint some suitable person physician and surgeon of the State Prison, who shall visit the same ~~daily~~ as necessary, and whenever requested by the warden, to attend and prescribe for sick convicts, and to examine all convicts claiming to be ill and determine their ability to work. He shall see that proper attention is paid to the clothing, regimen and cleanliness of those in the hospital, and advise when illness of any convict requires his removal thereto. Upon such advice and in other cases when he deems it necessary, the warden shall cause any sick convict to be forthwith removed to the hospital, there to receive such care and attention and to be furnished with such medicines and diet, as his situation requires, until the prison physician determines that he may leave it without injury to his health.

Sec. 3. R. S., T. 34, § 701, repealed and replaced. Section 701 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 701. Forms of imprisonment

Punishment in the State Prison by imprisonment shall require that convicts, including inmates transferred under section 808-A, work at tasks normal to the maintenance, service, industrial, agricultural and other activities of the prison. With the authority of the warden any convict, including an inmate transferred under section 808-A, may be subject to confinement at hard labor. Such hard labor shall be imposed upon a convict only for the purpose of prison discipline and government and control of the convicts. With the authority of the warden any convict, including an inmate transferred under section 808-A, may be subject to solitary confinement. Such confinement shall be imposed upon a convict only for the purpose of prison discipline and government and control of the convicts.

Sec. 4. R. S., T. 34, § 702, amended. Section 702 of Title 34 of the Revised Statutes is amended by adding at the end the following new sentence: If the computation of a convict's sentence fixes his release or discharge date on a Saturday, Sunday or legal holiday, the warden may release or discharge the convict on the last regular business day of the State Prison preceding such Saturday, Sunday or legal holiday.

Sec. 5. R. S., T. 34, § 709, repealed and replaced. Section 709 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 709. Disciplinary action, solitary confinement

Punishment for violation of the rules of the State Prison may be imposed in accordance with the procedures set forth in the rules and regulations governing the State Prison. Punishment may consist of warnings, loss of privileges, loss of good conduct time, confinement to a cell, confinement to a cell in segregation or solitary confinement, or a combination thereof, excepting corporal punishment.

Every inmate subject to punishment by the disciplinary committee may appeal his punishment to the warden. All punishments shall be approved by the warden.

The imposition of solitary confinement shall be subject to the following conditions:

1. Diet. The inmate shall be supplied with a sufficient quantity of wholesome and nutritious food, provided that such food need not be the same as the food supplied to the inmates in the general population.

2. Sanitary and other conditions. Adequate sanitary and other conditions required for the health of the inmate shall be maintained.

3. Solitary confinement exceeding 24 hours, health of inmate. When solitary confinement exceeds 24 hours the warden shall cause the prison physician or a member of the prison medical staff to visit the inmate forthwith, and at least once in each succeeding 24-hour period in solitary confinement thereafter, to examine into the state of health of the inmate; the warden shall give full consideration to any recommendation of the physician or medical staff member, as to the inmate's dietary needs, and the conditions of his confinement, required to maintain the health of the inmate. The solitary confinement of any inmate shall be discontinued if the prison physician or the consulting psychiatrist indicates that such punishment might be harmful to the mental or physical health of the inmate.

4. Reports. In the event that any inmate shall be held in solitary confinement for a period in excess of 5 days the warden shall forward a report thereof to the Director of Corrections giving the reasons therefor. As to any inmate in solitary confinement with respect to whom the recommendations of the prison physician or consulting psychiatrist are not carried out by the warden a report thereof, with the reasons therefor, shall be forwarded by the warden to the Director of Corrections.

Sec. 6. R. S., T. 34, § 711, repealed. Section 711 of Title 34 of the Revised Statutes is repealed.

Sec. 7. R. S., T. 34, § 808-A, amended. The last sentence of section 808-A of Title 34 of the Revised Statutes, as enacted by section 7 of chapter 346 of the public laws of 1969, is repealed as follows:

~~Any inmate transferred under this section shall not be subject to confinement at hard labor as provided in section 701, but shall be entitled to treatment consistent with the purposes of the center.~~

Sec. 8. R. S., T. 34, § 1672, sub-§ 3, amended. Subsection 3 of section 1672 of Title 34 of the Revised Statutes, as amended, is further amended to read as follows:

3. **Expiration of 15-year term in life imprisonment cases.** Prior to the expiration of a 15-year term of imprisonment, less deduction for good behavior, when the prisoner has been convicted of an offense punishable only by life imprisonment ~~provided the prisoner has never been convicted of another offense punishable only by life imprisonment;~~

Effective September 23, 1971

Chapter 398

AN ACT Relating to Home Rule Procedure.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the amendment of local municipal charters have been ceded exclusively to the several municipalities of the State of Maine by the Legislature; and

Whereas, the municipal home rule legislation which enables these changes to be made requires the charter commissions to prepare the changes for submission to the voters; and

Whereas, the following legislation is vitally necessary to extend the time in which the charter commissions shall prepare the changes in order to avoid hasty legislation and provide more time for the voters to become familiar with the proposed changes; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., T. 30, § 1913, sub-§ 5, amended. The 2nd paragraph and the first sentence of the 3rd paragraph of subsection 5 of section 1913 of Title 30 of the Revised Statutes, as enacted by chapter 563 of the public laws of 1969, are amended to read as follows:

Within 9 months after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be