

MAINE STATE LEGISLATURE

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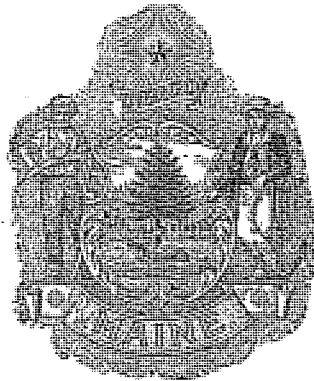
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- CHAP. 142. The State Prison. The State Reformatory for Women.
143. Workhouses. Houses of Correction.
144. State Juvenile Institutions.
145. Institutions for the Insane and Feeble-Minded.
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CHAPTER 142.

The State Prison.

Sec. 1. Location. R. S. c. 141, § 1. The state prison at Thomaston, in the county of Knox, shall continue to be maintained as the prison and penitentiary of the state, in which convicts, lawfully committed thereto, shall be confined, employed and governed as hereinafter provided.

Sec. 2. Solitary imprisonment, as discipline. R. S. c. 141, § 2. Punishment in the state prison by imprisonment shall be by confinement to hard labor, and not by solitary imprisonment, except as a prison discipline for the government of the convicts, as hereinafter mentioned.

See §§ 10, 42; 71 Me. 241; 74 Me. 161.

Sec. 3. Convicts of United States courts shall be received. R. S. c. 141, § 3. Convicts, sentenced to hard labor in the state prison, for life or for any term not less than one year, by any court of the United States held within the state, shall be received into the prison by the warden thereof, when delivered by the authority of the United States, and there kept in pursuance of their sentences.

Sec. 4. Supervision and officers. R. S. c. 141, § 4. 1905, c. 109. The supervision of the state prison is vested in the governor and council, but its government and direction are in a board of three prison and jail inspectors, one warden, one deputy warden, one clerk, a commissary, and such number of guards, night watchmen, overseers and aids as the inspectors determine to be necessary.

Sec. 5. Board of inspectors and warden, appointment; warden's bond. R. S. c. 141, § 5. The inspectors and warden shall be appointed by the governor with the advice and consent of the council, and be commissioned to hold their offices during the pleasure of the executive, but not longer than four years under one appointment; one of the inspectors shall in his commission be designated as chairman. The warden shall give bond to the state in the sum of ten thousand dollars, with sufficient sureties, or with a

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surety company authorized to do business in the state, as surety, approved by the governor and council, conditioned that he will account for all moneys that come to his hands as treasurer of the state prison; that he will not be concerned in trade or commerce during his continuance in office; and that he will faithfully perform all the duties incumbent on him as warden of said prison; which bond shall be filed in the office of the secretary of state.

See c. 117, § 55.

Sec. 6. Subordinate officers; their appointment; removal; bonds. R. S. c. 141, § 6. The other officers before mentioned, shall be subordinate to the warden, and shall be appointed by warrant under his hand and seal, subject to the approval of the inspectors at their next meeting, to whom the warden shall make report thereof; they shall hold their offices during the pleasure of the inspectors and warden; but the inspectors, without the concurrence of the warden, may remove any such officer for negligence or unfaithfulness in the discharge of his duties, and appoint another in his place; and if the warden thinks that a subordinate officer ought to be removed, and if the inspectors will not consent thereto, he may appeal to the governor and council, who, after reasonable notice to the inspectors, may make such removal and appoint some suitable person. The deputy warden and clerk shall give bond to the state with sufficient sureties, the former in the sum of five hundred dollars and the latter in the sum of one thousand dollars, to be approved by the inspectors, and conditioned for the faithful performance of their duties; which bonds shall be filed in the office of the secretary of state.

Sec. 7. Duty of the inspectors, in reference to the state prison. R. S. c. 141, § 7. The inspectors shall meet at stated times at the prison, once at least in every three months and oftener if necessary, to inspect its concerns, the manner of keeping the books and accounts, and the register of punishments kept by the warden; and shall from time to time carefully examine the same, and keep a record of their doings; one of them at least shall visit the prison once in each month to examine into all its concerns, and see that its laws and regulations are observed, and the duties of the several officers faithfully performed, and to advise with the warden, when thereto requested; and each of them shall at all times have free access to all parts of the prison, and be allowed to inspect and examine all the books, accounts and writings, pertaining to the prison, or its business, management and government. And the inspectors, as soon as may be after each stated meeting, or oftener if necessary, shall transmit to the governor and council a transcript of the record of their doings, and such other information relative to the concerns of the prison, as they deem proper.

Sec. 8. Annual report of inspectors as to state prison. R. S. c. 141, § 8. The inspectors, on the first day of each December, shall make a report to the governor and council of the affairs of the prison for the year ending on the preceding day, to be laid before the legislature; which report shall exhibit an account of the stock of different kinds on hand at the beginning and at the close of the year; the several sums expended for materials, provisions, fuel, clothing, bedding, lights, tools and other articles; the amount of manufactures of each kind, and of all other articles sold from the prison; the profit or loss upon each branch of business; and all other

particulars necessary to give the legislature a full understanding of the fiscal and other concerns thereof; and shall, at the same time, furnish an estimate of the probable income and expense of the prison for the ensuing year.

Sec. 9. Inquiry into alleged improper conduct of warden, or subordinates. R. S. c. 141, § 9. They shall inquire into any improper conduct, imputed to the warden or any subordinate officer in relation to the concerns of the prison; and, for that purpose, may issue subpoenas for witnesses, and compel their attendance and the production of papers and writings; may examine witnesses under oath, administered by the chairman; and may adjudicate on such alleged improper conduct, in like manner and with like effect as in cases of arbitration.

71 Me. 259.

Sec. 10. Disorderly prisoners, punishment. R. S. c. 141, § 10. They shall examine into all disorderly conduct among the prisoners, and when it appears to them that a convict is disorderly, refractory or disobedient, they may order any punishment other than corporal which they deem necessary to enforce obedience, not inconsistent with humanity, and authorized by the established rules and regulations of the prison.

71 Me. 254, 260.

Sec. 11. Duty to establish regulations, and fix compensations not fixed by law. R. S. c. 141, § 11. They shall, from time to time, establish such rules and regulations, consistent with law, as they deem necessary and expedient for the direction of the officers, agents and servants of the prison, in the discharge of their duties, and fix and regulate their compensation when not established by law; shall establish rules for the government, instruction and discipline of the convicts, and for their clothing and subsistence; and for the custody, preservation and management of the public property; and as soon as may be after the establishment of the same by the inspectors, they shall cause a copy thereof to be laid before the governor and council, who may approve, annul or modify them, and establish such other rules, consistent with law, as they see fit; the governor shall communicate all rules, thus approved, to the next legislature; and the inspectors shall cause a copy thereof to be certified by the clerk and delivered to the warden.

See c. 117, § 28; c. 147, § 1; 71 Me. 253, 259.

Sec. 12. Powers and duties of inspectors in reference to jails; may remove prisoners from one jail to another; annual report. R. S. c. 141, § 12. The inspectors shall visit all the jails at least once in every three months, and inquire into the management of the same, give such advice in relation thereto as they deem useful and proper; classify all convicts in said jails, having regard to age, character and offenses; and for that purpose may order the county commissioners of either of the counties to make such alteration in their several jails as the inspectors deem necessary, in order to classify the convicts therein, and persons charged with crime; and if said commissioners, after such order, neglect or refuse to make such alteration, or to provide for the classification of convicts and persons charged with crime, the inspectors may cause said convicts and persons charged with crime to be removed to any jail where such alteration or provision

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for classification has been made, and the expense of the removal and keeping of such convicts or persons shall be paid by the county from which such convict or person is removed, and they may require the keeper of said jail to keep a calendar, with such statistics in relation to his jail as they may deem useful for future reference. Said inspectors may remove prisoners from jails where no arrangements have been made for the labor of convicts, to some work-jail, and when any jail has a larger number of convicts, either in custody or at labor than can be well accommodated, they may remove a portion of them to any other jail where better accommodations can be afforded. Any jail where arrangements have been made or shall be hereafter made for the labor of convicts committed for any special crime, or class of crimes, at any special kind of labor, shall be deemed a work-jail. For the removal of convicts as aforesaid, the inspectors may issue precepts to any officer qualified to serve precepts in criminal cases in his county, to cause such removal, whether such service is performed in whole or in part in one or more counties, and the expense of removal shall be paid by the county in which such convicts were sentenced. The inspectors shall make a report of the condition of all the prisons to the governor and council by the thirtieth day of November annually.

Sec. 13. Warden shall not be concerned in trade or commerce; his duties. R. S. c. 141, § 13. The warden shall not carry on or be concerned in trade or commerce during his continuance in office; he shall reside constantly within the precincts of the prison, and have the care, custody and charge thereof, and of the convicts therein, in conformity to their sentences, and of the lands, buildings, machines, tools, stock, provisions and every other kind of property belonging to or within its precincts. He shall be the treasurer of the prison, receive, pay out and be accountable for all moneys granted for its maintenance, or derived from the manufactures or other concerns thereof; make in the books of the prison regular entries of all its pecuniary and other concerns, and, on the first days of March, June, September and December of each year, he shall render to the inspectors a fair account of all the expenses and disbursements, receipts and profits of the prison, with sufficient vouchers therefor, and a statement of its general affairs, for the quarter past, including the number of convicts received and discharged during the quarter, and the number remaining; and he shall also, on the same days, render, under oath, a similar account and statement, examined and approved by the inspectors, to the governor and council, with whom he shall settle all his accounts, whenever required.

Sec. 14. His government in the prison. R. S. c. 141, § 14. He shall inspect and oversee the conduct of the convicts, and cause all the rules of the prison to be strictly and promptly enforced; he shall give the inspectors immediate information of any officer who refuses or neglects to enforce the discipline established, and they shall forthwith remove any officer guilty of such neglect. He may punish any convict for disobedience, disorderly behavior or indolence, as directed by the inspectors or prescribed in the rules, and shall keep a register of all such punishments, and the causes for which they are inflicted.

Sec. 15. Warden shall keep a record of each convict's conduct, and recommend a deduction of sentence. R. S. c. 141, § 15. He shall keep a record of the conduct of each convict, and for every month, during which it thereby appears that such convict has faithfully observed all the rules and requirements of the prison, the warden may recommend to the executive, a deduction of seven days from the term of said convict's sentence, except those sentenced to imprisonment for life. Provided, however, that this section shall not lessen the deduction, to which any convict under sentence on the thirteenth day of April in the year eighteen hundred and eighty-nine, would be entitled under the provisions of law then existing.

Sec. 16. Record submitted quarterly. R. S. c. 141, § 16. The record, with the recommendation of deduction provided in the preceding section, shall be submitted by the warden to the governor and council once in three months.

71 Me. 254.

Sec. 17. Service of precepts within the prison walls; command of the guard, officers and employees; service of a writ of replevin. R. S. c. 141, § 17. The warden or his deputy shall serve, execute and return, all processes within the exterior walls of the prison yard, and they shall be directed to him or his deputy accordingly; and for the doings of his deputy, both the warden and the deputy shall be answerable. The warden shall have command of all the force for guarding the prison, and of all officers and persons employed under him in overseeing, guarding and governing it. For serving executions and returning processes, like fees shall be taxed as for sheriffs. The warden, on demand of an officer having a writ commanding him to replevy from the warden's possession, any goods or chattels of a private individual, not a prisoner, shall expose them outside of the prison yard, so that they may be replevied. The officer shall pay the warden a reasonable charge for removal, and tax the same in his fees on the writ.

50 Me. 291; 74 Me. 239.

Sec. 18. Accounts of bills of supplies, and services. R. S. c. 141, § 18. The warden shall take bills of the quantity and price of supplies furnished for the prison, at the time of delivery, and exhibit them to the clerk, who shall compare them with the articles delivered; and if they are found correct, he shall enter them, with the date, in a book kept for that purpose; in like manner bills shall be taken and entered of all services rendered for the prison; and if any such bill is found incorrect, the clerk shall omit to enter it and immediately give notice to the warden, that the error may be corrected. Vouchers for all expenditures shall be taken in duplicate, and one copy of each shall be filed at the prison and the other with the state auditor.

Sec. 19. Warden shall contract for sale of articles from the prison; security. R. S. c. 141, § 19. All sales of articles from the prison, and the letting to hire of such of the convicts as the inspectors deem expedient, and all other contracts on account of the prison, shall be made with the warden, in the manner prescribed by the inspectors. No such contract shall be accepted by the warden, unless the contractor gives satisfactory security

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for its performance; and no officer of the prison shall be directly or indirectly interested therein.

Sec. 20. Service of the warrant for the removal of convicts. R. S. c. 141, § 20. When the warden receives from any sheriff a warrant requiring him to remove a convict to the prison, he shall, by himself or such other person as he appoints or contracts with for that purpose, forthwith cause such warrant to be executed in the least expensive manner consistent with security of the convict; and he shall file said warrant, with his return thereon, in his office, and cause a copy of it to be filed in the office of the clerk of the court from which it issued.

See c. 137, § 48.

Sec. 21. Convicts en route may be temporarily lodged in jails, at the state's expense. R. S. c. 141, § 21. When, during the conveyance of any such convict to the state prison in pursuance of his sentence, it is necessary or convenient to lodge him for safe-keeping in any jail until the residue of such conveyance can be conveniently performed, the keeper of such jail shall receive and safely keep and provide for him, until called for by the person employed to convey him as aforesaid, into whose custody he shall be delivered; and said jail keeper shall be allowed his reasonable charge and expenses incurred thereby, to be paid from the state treasury. When the warden believes that there are more convicts in the state prison than can be confined there securely, he shall certify the fact to the governor and council, who may authorize him to transfer them, so far as is necessary, to some jail; and the jailer thereof shall receive such compensation from the state treasury as he and the warden agree upon; but when the accommodations of the prison shall be so increased that they can be safely confined therein, the warden shall remove them from such jail to the state prison. The time during which they were so confined in jail shall be deducted from their sentences.

Sec. 22. Actions by or against the warden, officially; may sue for injuries to state property. R. S. c. 141, § 22. Actions, founded on any contract made with the warden in his official capacity, may be brought by or against the warden for the time being; and actions for injuries done or occasioned to the real or personal property of the state, and appropriated to the use of the state prison, or under the management of the warden thereof, may be prosecuted in his name; and no such action shall abate by the retirement, removal or death of the warden, but his successor, upon notice, shall assume its prosecution or defense. Neither the warden's person nor property shall be taken or attached in such suit, nor shall any execution issue against him on any judgment therein, but it shall stand as an ascertained claim against the state. And when a new warden is appointed, all the books, accounts and papers belonging to the prison, shall be delivered to him, and he shall be vested with all the powers of his predecessor and be subject to all his obligations with regard to all contracts, and debts due to or from the prison.

Sec. 23. Warden may convey certain real estate. R. S. c. 141, § 23. The warden, under direction of the governor and council, may sell and convey any real estate, to which he acquires title in behalf of the state, in the adjustment of debts due to the prison.

Sec. 24. Warden may refer controversies. R. S. c. 141, § 24. When a controversy arises respecting any contract or claim on account of the state prison, or a suit is pending thereon, the warden may submit the same to the determination of arbitrators or referees approved by the inspectors.

Sec. 25. Warden is exempt from arrest; procedure of creditor with an execution against him. R. S. c. 141, § 25. The warden shall not be arrested on any civil process or execution while in office; but execution upon any judgment against him personally, and not in his official capacity, may be issued against his goods and estate only; and if it is returned unsatisfied, the creditor may file with the governor and council a copy of such execution and return, and serve on the warden a copy of such copy attested by the secretary of state, with a notice under his hand of the day on which such copy was filed; and if the warden does not, within forty days after such service, pay the creditor his full debt, with reasonable costs for copies and service thereof, he shall be removed; and when he ceases to be warden, alias executions may be issued against his body and property as in other cases.

Sec. 26. Powers, duties and liabilities of deputy warden. R. S. c. 141, § 26. When the office of warden is vacant, or the warden is absent from the prison, or unable to perform the duties of his office, the deputy warden shall have the powers, perform the duties and be subject to all the obligations and liabilities of the warden.

Sec. 27. If the office of warden is vacant, the deputy shall give bond and act as warden and treasurer and receive warden's pay. R. S. c. 141, § 27. If the office of warden becomes vacant when the governor and council are not in session, the inspectors may require the deputy warden to give bond to the state, in the sum of five thousand dollars, with sufficient sureties to be by them approved, conditioned for the faithful discharge of his duties as deputy warden and treasurer; and, from the time that the bond is approved, the deputy shall receive the salary and emoluments of the warden instead of his former pay, while he performs the duties of the office; if he does not give such bond when required, the inspectors may remove him, and appoint a warden pro tempore, who shall give bond similar to that required of the deputy warden, have the power and authority, perform the duties, and receive the salary and emoluments of the warden, until a warden is appointed and enters on the discharge of his duties; and in such case, until the warden pro tempore is so appointed and gives bond, the inspectors, or either of them, shall be vested with all the powers and duties of warden.

Sec. 28. Duties of the clerk. R. S. c. 141, § 28. The clerk shall keep an account of all supplies purchased for the use of the prison, and of all articles sold and delivered therefrom; assist in effecting sales and purchases under direction of the warden; attend meetings of the inspectors, when they request it; keep a record of their proceedings; and perform any other services directed by the inspectors or warden, pertaining to his employment and the superintending of the prison.

Sec. 29. Overseers. R. S. c. 141, § 29. Persons having suitable knowledge and skill in the branches of labor and manufactures carried on in the prison, shall, when practicable, be employed to superintend such branches

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as are assigned to them by the warden; and all of them and the other subordinate officers shall perform the services in the management, superintending and guarding of the prison, as prescribed by the rules, or directed by the warden.

Sec. 30. Neglect of subordinate officers, how punished. R. S. c. 141, § 30. If any such subordinate officer is guilty of negligence or unfaithfulness in the discharge of his duties, or of a violation of any of the laws or rules for the government of the prison, the warden, with the approbation of the inspectors, may deduct from his wages a sum not exceeding a month's pay.

Sec. 31. Officers of state prison may be retired and pensioned. 1909, c. 68, § 1. The warden may, with the approval of the governor and council, retire from active prison service and place upon a pension roll, any officer of the prison, who has been employed in the prison service in the state, with a good record, for the term of thirty years or who, after twenty years of continuous service in said prison, has attained the age of sixty years.

See c. 148, § 9.

Sec. 32. Terms "prison service" and "good record," how construed. 1909, c. 68, § 2. The words "prison service" as used in the preceding section shall be construed to mean service in the state prison, and an officer of the state prison, shall, for the purpose of said section, be credited with all the time which he has served as an officer, with a good record. The words "good record" shall be construed to mean that the officer has not been discharged for misconduct from the state prison, or that, if so discharged, it was afterwards found that he was not at fault; and the restoration to duty or reappointment in the prison from which he was discharged shall be sufficient evidence for the exoneration of any officer.

Sec. 33. Amount of pension; conditions for retirement and pension. 1909, c. 68, §§ 3, 4. An officer who is retired, as provided in section thirty-one, shall be allowed a pension which shall be paid from the state treasury, equal to one-half the salary he was receiving at the time of his retirement. Prison officers shall only be retired and pensioned, as provided in section thirty-one upon the recommendation of the warden, approved by the board of inspectors of prisons and jails, and by the governor and council.

Sec. 34. Employment of convicts. R. S. c. 141, § 31. No more than twenty per cent of all the male convicts in the prison, shall be employed at any time, in any one industry, or in the manufacture of any one kind of goods and so far as practicable, the industries upon which said convicts shall be employed, shall be the manufacture of articles not elsewhere manufactured in this state. The manufacture and repair of all kinds of wagons, carriages and sleighs except the manufacture of infants' carriages, shall be considered one industry within the meaning of this section. This section shall not apply to the manufacture by said convicts, of any kind of goods which were not on the first day of January in the year one thousand eight hundred and eighty-eight, elsewhere manufactured in the state.

Sec. 35. Articles shall be labeled. R. S. c. 141, § 32. All articles and goods manufactured at the prison for sale shall be distinctly labeled or branded with these words "Manufactured at the Maine State Prison."

Sec. 36. Appointment and duties of prison physician. R. S. c. 141, § 33.

The inspectors and warden shall appoint some suitable person physician and surgeon of the prison, who shall visit the same daily, 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; and 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. 37. Pestilence or contagious sickness. R. S. c. 141, § 34. If a pestilence or contagious sickness breaks out among the convicts in the prison, the inspectors and warden may cause any of them to be removed to some suitable place of security, where they shall receive all necessary care and medical assistance; and to be returned as soon as may be to the prison, to be confined according to their sentences, if unexpired.

Sec. 38. Punishment of officers for suffering an escape, or for allowing convict to go at large. R. S. c. 141, § 35. If any officer, or other person employed in the state prison or its precincts, voluntarily suffers, aids or connives at the escape of a convict therefrom, he shall be imprisoned in the state prison for any term not greater than the whole term for which the convict was sentenced; and if he negligently suffers any convict confined therein to be at large out of the precincts of the prison, or the cell or apartment assigned to him, or to be conversed with, relieved or comforted, contrary to law or the rules of the prison, he shall be fined not exceeding five hundred dollars.

Sec. 39. Rescue, or aiding prisoners to escape. R. S. c. 141, § 36. Whoever forcibly rescues or attempts to rescue any convict sentenced to the state prison, from the legal custody of any officer or other person, or from the state prison, jail or other place where he is legally confined, or causes to be conveyed to such convict, into such jail, state prison or other place, any tool, instrument, weapon or other aid, with intent to enable him to escape, shall, whether an escape is effected or not, be imprisoned in the state prison not more than twenty years, or fined not exceeding five hundred dollars.

Sec. 40. Conveying, or attempting secretly to convey, any article to a convict. R. S. c. 141, § 37. If any officer, contractor, teamster or other person delivers or has in his possession, with intent to deliver to any convict confined in the state prison, or deposits or conceals, in any place in or about the prison or its precincts, or in any wagon or other vehicle going thereto, any article, with intent that any convict therein shall obtain it, without consent or knowledge of the warden or deputy warden, he shall be imprisoned in the state prison not more than two years, or be fined not exceeding five hundred dollars and imprisoned not more than six months.

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Sec. 41. Penalty for convict assaulting an officer, and for escape; prosecution. R. S. c. 141, § 38. If a convict, sentenced to the state prison for a limited term of years, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts so to do, he may, at the discretion of the court, be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence. The warden shall certify the fact of a violation of the foregoing provisions to the county attorney for the county of Knox, who shall prosecute such convict therefor.

74 Me. 162.

Sec. 42. Punishment. R. S. c. 141, § 39. Solitary confinement, as a punishment for the violation of the rules of the prison, shall be inflicted upon the convict in a cell and he shall be fed on bread and water only, unless the physician certifies to the warden that the health of such convict requires other diet.

71 Me. 254.

Sec. 43. If resisted, officers shall use force. R. S. c. 141, § 40. If a convict sentenced to the state prison resists the authority of any officer, or refuses to obey his lawful commands, the officer shall immediately enforce obedience by the use of weapons or other effectual means; and if, in so doing, a convict thus resisting is wounded or killed by the officer and his assistants, they shall be justified.

71 Me. 260.

Sec. 44. Warden to keep arms and ammunition, etc. R. S. c. 141, § 41. The warden shall constantly keep on hand a suitable and sufficient supply of arms and ammunition, at the expense of the state, and may require all officers and other citizens to aid him in suppressing an insurrection among the convicts in prison, and in preventing their escape or rescue therefrom, or from any other legal custody or confinement; and if, in so doing, or in arresting any convict who has escaped, they wound or kill such convict or those aiding him, they shall be justified.

71 Me. 260.

Sec. 45. Application of §§ 41-44. R. S. c. 141, § 42. 1911, c. 54. The four preceding sections apply to convicts and officers in the county jails having workshops attached thereto, and in any county farm that may be established for the reformation of inebriates.

Note. County farm in Cumberland county authorized, P. & S. L., 1911, c. 181; 1913, c. 135; 1915, c. 178; in Penobscot county, P. & S. L., 1913, c. 191.

Sec. 46. Measures to retake convicts, escaping; aiding convicts to escape, how to be punished. R. S. c. 141, § 43. When a convict escapes from the state prison, the warden shall take all proper measures for his apprehension; and may in behalf of the state offer a reward not exceeding fifty dollars for his apprehension and delivery. Whoever, not standing in the relation of husband or wife, parent or child, to the principal offender, conceals, harbors or in any way aids any convict escaping from the state prison, knowing him to be such; or furnishes such convict with food, clothing, weapon, matches or other article, or information that would aid him to escape recapture, shall be punished by imprisonment in the state prison for a term not exceeding the whole time for which the convict was sentenced, or by fine not exceeding five hundred dollars.

Sec. 47. When term commences. R. S. c. 141, § 44. No convict shall be discharged from the state prison, until he has served the full term for which he was sentenced, including the day on which he was received into it, unless he is pardoned, or otherwise released by legal authority.

71 Me. 246, 253, 259.

Sec. 48. Convict's property shall be taken care of by warden. R. S. c. 141, § 45. The warden shall receive and take care of any property that a convict has with him at the time of his entering the prison; when it is convenient, place the same at interest for his benefit; keep an account thereof, and pay the same to him on his discharge, or, in case of his death, to his representatives, unless otherwise legally disposed of.

Sec. 49. Provision for convicts, on discharge. R. S. c. 141, § 46. On the discharge of any convict who has conducted himself well during his imprisonment, the warden may give him from the funds of the prison a sum not exceeding ten dollars, and, if he requests it, a certificate of such good conduct; and shall take care that every convict on his discharge is provided with decent clothing.

Sec. 50. Fees from visitors. R. S. c. 141, § 47. The warden may demand and receive of each person visiting the prison for the purpose of viewing the interior or precincts, a sum not exceeding twenty-five cents, under such regulations as the inspectors prescribe, which sum shall be expended, under direction of the teacher, in the purchase of schoolbooks for use of the prisoners.

Sec. 51. Alterations may be made by warden, under the inspectors. R. S. c. 141, § 48. The warden, on recommendation of the inspectors and with the approbation of the governor and council, may make such additional buildings or alterations within the prison or its precincts, as they deem necessary and proper.

Sec. 52. Governor shall appoint one of the council to examine prison. R. S. c. 141, § 49. The governor shall annually appoint one of the council a committee, who shall, as often as the governor and council direct, visit the prison, make a thorough and careful examination into the condition of the prison and inmates, and its affairs and management, and report to them.

Sec. 53. Chaplain for the prison may be appointed. R. S. c. 141, § 50. The governor, on recommendation of the warden and inspectors, and with the approval of the council, may appoint and commission, to hold office during the pleasure of the executive, but not longer than two years under one appointment, a suitable person chaplain of the state prison; who shall, in accordance with the rules of the prison, perform religious services in the chapel every Sunday, visit the sick, labor diligently and faithfully for the mental, moral and religious improvement of the convicts, and aid them when practicable in obtaining employment after their discharge. With the assent of the inspectors, a Sunday-school may be established, and persons from without, of proper character, may be admitted to assist in it.

Sec. 54. Appropriations for school, books and medicines. R. S. c. 141, § 51. Besides the salaries and pay of the officers of the prison, there shall be appropriated, and annually paid out of the state treasury, fifty dollars for maintaining a school in the prison; fifty dollars for purchase of books

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for the use of convicts; the two sums last named to be expended by the warden under direction of the inspectors; and a sum not exceeding one hundred and fifty dollars for medicines.

Sec. 55. Appropriations, paid to the warden. R. S. c. 141, § 52. The governor, with the advice and consent of the council, may draw warrants on the state treasury in favor of the warden for all such sums as they, from time to time, deem proper, from appropriations for the support of the state prison.

Reformatory for Women.

Sec. 56. Establishment and maintenance of reformatory for women. 1915, c. 206, § 1. The state shall establish and maintain a reformatory in which all women over the age of sixteen years who have been convicted of or have pleaded guilty to crime in the courts of the state or of the United States, and who have been duly sentenced and removed thereto, shall be imprisoned and detained in accordance with the sentences or orders of said courts and the rules and regulations of said reformatory.

Sec. 57. Appointment of trustees; their powers and duties; tenure and removal; vacancies. 1915, c. 206, §§ 2, 3. The general superintendence, management and control of said reformatory, of the grounds and buildings, officers and employees thereof, of the inmates therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof shall be vested in a board of five trustees, inhabitants of the state, of whom at least two shall be women. The board shall be known as "Trustees of the Reformatory for Women." They shall be appointed by the governor, with the advice and consent of the council, for terms of five years each, and shall be so appointed that the term of one member of the board shall expire on the first day of each February. Any vacancy occurring during a term shall be filled by the appointment of a person to hold office for the remainder of the term of the person whose place he or she fills; any trustee may be removed from office by the governor and council, for cause.

Sec. 58. Organization of the board; appointment of superintendent; authority to make rules and regulations and to parole or discharge inmates. 1915, c. 206, §§ 3, 4. The board shall appoint from their number a president and a secretary, who shall hold office for such terms as shall be fixed by the board. They shall appoint a woman superintendent who shall hold office during their pleasure, and shall fix the compensation of such superintendent and of all other officers and employees. They may make such rules and regulations as may seem to them necessary, for carrying out the purposes of the institution. The board of trustees shall constitute a board of parole, and may parole or discharge inmates as hereinafter provided.

See c. 147, § 1.

Sec. 59. Authority and duties of superintendent. 1915, c. 206, § 5. The superintendent may appoint and remove all subordinate officers and employees. Subject to the direction and control of the board of trustees, she shall have the general supervision and control of the grounds and buildings of the institution, the subordinate officers and employees and inmates thereof, and all matters relating to their government and discipline; may

make such rules, regulations and orders, not inconsistent with law, or the rules, regulations or directions of the board of trustees, as may seem to her proper or necessary for the government of such institution and its officers and employees, and for the employment, discipline and education of the inmates thereof; shall exercise such other powers and perform such other duties as the board of trustees may prescribe.

Sec. 60. Trustees shall report to the governor. 1915, c. 206, § 6. On or before the first day of October in each year, the trustees shall furnish a report to the governor and council containing the history of the institution for the year, and a complete statement of all accounts; and all the funds, general and special, appropriated or belonging to said institution, with a detailed statement of disbursements. The accounts of said board shall be audited by the state auditor.

Sec. 61. Commitment; length of sentence. 1915, c. 206, § 7. When a woman over the age of sixteen years is convicted before any court or trial justice having jurisdiction of the offense, of an offense punishable by imprisonment in the state prison, or in the county jail, or in any house of correction, such court or justice may order her commitment to the reformatory for women, or sentence her to the punishment provided by law for the same offense. When a woman is sentenced to the reformatory for women, the court or trial justice imposing the sentence shall not prescribe the limit thereof, unless it be for a term of more than five years; but no woman committed to the reformatory upon a sentence within the prescribed limit, as aforesaid, shall be held therein for more than five years if sentenced for a felony, nor for more than three years if sentenced for a misdemeanor. If the sentence imposed upon any woman be for more than five years, she shall be so held for such longer term.

Sec. 62. Sentence not void because for a definite period. 1915, c. 206, § 7. If, through oversight, or otherwise, any person be sentenced to imprisonment in the said reformatory for women for a definite period of time, said sentence shall not for that reason be void; but the person so sentenced shall be entitled to the benefit, and subject to the liabilities of the last sixteen sections of this chapter, in the same manner and to the same extent as if the sentence had been in the terms required by said sections. In such case said trustees shall deliver to such offender a copy of the last sixteen sections of this chapter.

Sec. 63. Record of commitments shall be kept by superintendent. 1915, c. 206, § 8. The judge or magistrate committing a woman to the reformatory, shall cause the superintendent to be immediately notified of such commitment, and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offense, the last place of residence of such woman, and the particulars of the offense for which she is committed. A copy of such record shall be transmitted with the warrant of commitment to the superintendent of such institution, who shall cause the facts stated therein and such other facts as may be directed by the board of trustees to be recorded in such form as the board of trustees shall determine.

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Sec. 64. Age of woman committed shall be determined and stated in mittimus; effect. 1915, c. 206, § 9. Such judge or magistrate shall, before committing any such woman, inquire into and determine the age of such woman at the time of her commitment, and her age as so determined, shall be stated in the mittimus. The statement of the age of such woman in such mittimus shall be conclusive evidence as to such age in any action to recover damages for her detention or imprisonment under such mittimus, and shall be presumptive evidence thereof in any other inquiry, action, or proceeding relating to such detention or imprisonment.

Sec. 65. Care of children of women committed. 1915, c. 206, § 10. If any woman committed to said reformatory is, at the time of her commitment, the mother of a nursing child in her care and under one year of age, or is pregnant with child which shall be born after such commitment, such woman may retain such child in said reformatory until it shall be two years of age, when it must be removed therefrom. The board of trustees may cause such child to be placed in any asylum for children in this state and pay for the care and maintenance of such child therein at a rate not to exceed two and one-half dollars a week, until the mother of such child shall have been discharged, or may commit such child to the care and custody of some relative or proper person willing to assume such care. If such woman, at the time of such commitment, shall be the mother of and have under her exclusive care, a child more than one year of age, which might be otherwise left without proper care or guardianship, the magistrate committing such woman shall cause such child to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care. Any commitment of a child under the provisions of this section to the custody of any asylum for children or to any relative or other person, shall be subject to the provisions of section fifty-six of chapter sixty-four.

Sec. 66. Trustees may issue liberty permit in certain cases; revocation; return for unexpired term. 1915, c. 206, § 11. When it appears to the trustees that a woman who has been sentenced to the reformatory for women has reformed, they may issue to her a permit to be at liberty, provided that some suitable employment or situation has been secured in advance for such woman, upon such other conditions as they shall prescribe, during the remainder of the term for which she might otherwise be held in said reformatory, and they may revoke said permit at any time before its expiration; but no such permit shall be issued to any woman who has been sentenced for more than five years. If a permit so issued be revoked, or if a woman escapes from the reformatory, the board of trustees may cause her to be rearrested and returned thereto for the unexpired portion of her term, dating from the time of her escape or the revocation of her permit. Any inmate ordered returned to the reformatory may, on the order of the superintendent or other officer of the institution, be arrested and returned to the reformatory or to any officer or agent thereof, by any sheriff, constable, police officer, state agent for the protection of children or other person, and may also be arrested and returned by any officer or agent of the reformatory.

Sec. 67. Penalty for aiding or abetting the escape of an inmate. 1915, c. 206, § 11. Whoever advises, induces, aids or abets any woman committed to said reformatory or to the charge or guardianship of said trustees to escape from the reformatory, or from the custody of any person to whom such woman has been entrusted by said trustees or by their authority, or knowingly harbors or secretes any woman who has escaped from said reformatory, or from the custody, authority or control of said trustees, or from any person to whom such woman has been entrusted by said trustees or by their authority, or elopes with any such woman, or without the consent of said trustees marries any such woman during the term of her commitment, shall be fined not more than five hundred, nor less than one hundred dollars, or be imprisoned not exceeding one year; and any woman who has so escaped may be arrested and detained, without warrant, by any officer authorized to serve criminal precepts, for a reasonable time to enable the superintendent or a trustee of said reformatory, or a person authorized in writing by such superintendent or trustee and provided with the mittimus by which such woman was committed, or a certified copy thereof, to take such woman for the purpose of returning her to said reformatory; but during such detention she shall not be committed to jail, and the officer arresting her shall be paid by the state a reasonable compensation for her arrest and keeping.

Sec. 68. Expense of trial for crime committed while an inmate. 1915, c. 206, § 11. Whenever any inmate of the reformatory for women, not having been sentenced thereto by the court of the county wherein such reformatory for women shall be established, shall be convicted in such county of any misdemeanor or felony committed while an inmate of the said reformatory, the cost and expenses of trying such convicted inmate, and of her maintenance after conviction and sentence, if to the county jail of such county, shall be paid by the county from which the said convicted inmate was sentenced; the costs and expenses of the trial of such convicted inmate shall, in the first instance, be paid by the county wherein such reformatory for women shall be established, and the commissioners thereof may thereupon draw their warrant upon the treasurer of the county, from which said convicted inmate was sentenced to the reformatory, for the amount so paid by the said county wherein such reformatory shall be established, for said costs and expenses, and the treasurer upon whom said warrant may be drawn shall pay it forthwith.

Sec. 69. Governor may grant pardon. 1915, c. 206, § 12. Nothing herein contained shall be construed to interfere with the power of the governor to grant a pardon or commutation in any case.

Sec. 70. Employment of women committed. 1915, c. 206, § 13. The board of trustees shall determine the kind of employment for women committed to the reformatory and shall provide for their necessary custody and superintendence. The provisions for the safe-keeping or employment of such women shall be made for the purpose of teaching such women a useful trade or profession, and improving their mental and moral condition.

Sec. 71. Inmates may be transferred to state prison, and afterwards returned to reformatory. 1915, c. 206, § 13. The board of trustees may transfer temporarily to the state prison any female committed to the re-

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reformatory for women who may be incorrigible, or whose presence therein may be seriously detrimental to the well-being of the institution. The trustees may subsequently by written requisition, require the return to the reformatory for women of any female who may have been so transferred.

Note. Sections fourteen to twenty, both inclusive, of chapter two hundred and six, of the public laws of 1915, relate to the acquisition of a site and to the erection of suitable buildings for the reformatory. They have not been included in this chapter, because they will probably become executed during the year nineteen hundred and sixteen; but they have not been included in the repealing act.

CHAPTER 143.

Workhouses. Houses of Correction.

Workhouses.

Sec. 1. Workhouse provided by any town; persons liable to commitment.

R. S. c. 142, § 1. Any town may erect or provide a workhouse for the employment and support of persons of the following description; all poor and indigent persons, maintained by or receiving alms from the town; all able-bodied persons not having estate or means otherwise to maintain themselves, who refuse or neglect to work; all who live a dissolute and vagrant life and exercise no ordinary calling or lawful business sufficient to gain an honest livelihood; and all such persons, as spend their time and property in public houses, to the neglect of their proper business, or by otherwise misspending what they earn, to the impoverishment of themselves and their families, are likely to become paupers. Any workhouse may, by vote of the town, be discontinued, or applied to other uses. Until such workhouse is thus provided the almshouse or any part thereof may be used for that purpose.

See c. 29, § 23; 11 Me. 210; 65 Me. 121.

Sec. 2. Overseers of poor shall have charge; may appoint a master.

R. S. c. 142, § 2. Such workhouse shall be in charge of the overseers of the poor of the town maintaining the same, who shall have the inspection and government thereof, with power to appoint a master and needful assistants for the more immediate care and superintendence of the persons received or employed therein.

Sec. 3. Overseers may make regulations. R. S. c. 142, § 3. The overseers, as occasion requires, shall hold meetings on the business of their office; and make needful orders and regulations for such house, to be binding until the next town meeting, when they shall be submitted to the consideration of the inhabitants; and such as are approved at said meeting shall remain in force until revoked by the town.

See c. 147, § 1.

Sec. 4. Persons not having legal settlement may be committed. R. S. c. 142, § 4. When any person, not having a legal settlement in any town in the state, becomes idle or indigent, he may be committed to the workhouse provided for the town in which he resides, to be employed, if able to labor, in the same manner, and to be subject to the same rules as the other persons thereto committed.

See c. 29, § 42.