

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 6
Titles 33 to 39



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

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TITLE 34
PUBLIC INSTITUTIONS AND
CORRECTIONS

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PART 1
GENERAL PROVISIONS

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CHAPTER 1
DEPARTMENT OF MENTAL HEALTH
AND CORRECTIONS

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1. Administration; personnel.
 2. General powers.
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 4. Industrial and vocational training.
 5. Employment on public works or service; escapes.
 6. Improper conduct of officers of institutions.
 7. Rules and regulations; training of nurses.
 8. Institutional officials may sue for State.

§ 1. Administration; personnel

The Department of Mental Health and Corrections, as heretofore established, hereinafter in this Title called the "depart-

ment," shall have general supervision, management and control of the research and planning, grounds, buildings and property, officers and employees, and patients and inmates of all of the following state institutions: The hospitals for the mentally ill, Pine-land Hospital and Training Center, the State Prison, the Reformatories for Men and Women, the juvenile institutions, the Governor Baxter State School for the Deaf, the Military and Naval Children's Home and such other charitable and correctional state institutions as may be created from time to time. All orders of commitment, medical and administrative records in the department are held to be confidential. Such records may be subpoenaed by a court of record.

The department shall be under the control and supervision of a Commissioner of Mental Health and Corrections, as heretofore appointed and hereinafter in this Title called the "commissioner," who shall be appointed by the Governor with the advice and consent of the Council; said appointment shall be for 3 years and until his successor is appointed and qualified, or during the pleasure of the Governor and Council. Any vacancy shall be filled by appointment for a like term. He shall receive such salary as shall be fixed by the Governor and Council. The commissioner shall be a person experienced in institutional administration, either as a superintendent, chief medical officer or business manager, or who has had other satisfactory experience in the direction of work of a comparable nature. Said commissioner shall have the power to appoint institutional heads as shall be necessary for the proper performance of the duties of said department, subject to the Personnel Law. He may appoint such other employees as may be necessary, subject to the Personnel Law. The heads or superintendents of the several said institutions under the department shall report directly to the said commissioner. Each institutional head shall be experienced in the management of the particular type of institution to which he is assigned.

The department shall be charged with the enforcement of all laws concerning the aforesaid institutions, except in such cases where specific duties are given elsewhere.

The commissioner shall appoint, subject to the Personnel Law, a departmental farm supervisor. The salary and the expenses incurred by the departmental farm supervisor shall be prorated among the accounts set up for the several institutional farms.

Wherever in this Title powers and duties are given to the department these may be and shall be assumed and carried out by

such of the institutional or bureau heads as the commissioner may designate from time to time, and these powers and duties so delegated may in turn be delegated by the said institutional or bureau heads with the approval of the commissioner.

In the case of a sudden death of any patient or inmate in any institution under the control of the department, under circumstances of reasonable suspicion, an examination and inquest shall be held as in other cases, and the superintendent or department shall cause a medical examiner to be immediately notified for that purpose.

The department is authorized and empowered to accept for the State any federal funds appropriated under federal law relating to mental health, mental illness or mental retardation or the juvenile offender, and to do such acts as are necessary for the purpose of carrying out such federal law; and to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out the provisions contained herein. The department is authorized to apply for and receive federal funds under the Housing Act of 1954, Public Law 560, Title 7.

R.S.1954, c. 27, § 1; 1957, c. 21, § 2; c. 313; c. 373, § 1; c. 379; 1959, c. 242, §§ 1, 8; c. 360, § 2; c. 363, § 17; 1961, c. 304, §§ 1-3; c. 417, § 73; P.&S.L.1963, c. 168, § 2; c. 183, § 9.

§ 2. General powers

The department shall have authority to perform such acts, relating to the care, custody, treatment, relief and improvement of the inmates of the institutions under its control, as are not contrary to law.

R.S.1954, c. 27, § 2; 1961, c. 354, § 1.

§ 3. Inspection of county jails; standards; transfer of prisoners

The department may make frequent inspections of all county jails and shall inspect all county jails at least twice in each year and report annually, before December 1st, to the Governor and Executive Council in respect to the conditions of said jails.

The department, in cooperation with the several county commissioners, shall establish mutually agreed upon standards for each county jail in particular and for all county jails generally. Such standards shall approximate, insofar as possible, those established by the Inspector of Jails, Federal Bureau of Prisons.

The department, upon request of the sending sheriff and approval of the county commissioners, may transfer any prisoner serving a sentence in his jail to any other county jail to serve the balance of his sentence, or any part thereof, upon the approval of the sheriff and county commissioners of the receiving county. Cost of transfer or return of such prisoner shall be paid by the sending county. The amount to be paid for the support of the prisoner in the receiving county shall be at a rate agreed upon by the county commissioners party to the transfer, and shall be paid by the sending county.

1961, c. 354, § 2.

§ 4. Industrial and vocational training

The department shall establish and maintain suitable courses for vocational trades and industrial training in the Boys Training Center at South Portland and the State Reformatory at South Windham, and to install such equipment as may be necessary, and employ such suitable and qualified instructors subject to the approval of the State Vocational Director as may be necessary to carry out the purposes of this section. The expenses of carrying out this section shall be paid from the appropriations for the above-named institutions.

R.S.1954, c. 27, § 3; 1961, c. 395, § 18.

§ 5. Employment on public works or service; escapes

The department may authorize the employment of able-bodied prisoners in the State Prison or inmates of the Reformatory for Men in the construction and improvement of highways or other public works within the State under such arrangements as may be made with the State Highway Commission or other department or commission of the State having such public works in charge, and said department may prescribe such rules and conditions as it deems expedient to insure the proper care and treatment of the prisoners or inmates while so employed and their safekeeping and return. The department may further authorize the training and use of able-bodied prisoners in the State Prison or inmates in the Reformatory for Men by the State Forestry Department or the Department of Civil Defense and Public Safety to fight fires or provide assistance during or after any civilian disaster. Any prisoner or inmate who escapes from any assignments described in this section, or any other assignment beyond the walls of the State Prison or off the grounds of the Reforma-

tory for Men shall be guilty of escape under this Title or Title 17, section 1405.

1959, c. 242, § 2.

§ 6. Improper conduct of officers of institutions

The department may inquire into any improper conduct imputed to its officers in relation to the concerns of their institutions, and for that purpose may issue subpoenas for witnesses and compel their attendance and the production of papers and writings by punishment for contempt in case of willful failure, neglect or refusal, may examine witnesses under oath administered by the commissioner and may adjudicate on such alleged improper conduct in like cases and with like effect as in cases of arbitration.

R.S.1954, c. 27, § 4.

§ 7. Rules and regulations; training of nurses

The department shall establish such rules and regulations not inconsistent with law as it may deem expedient for the care and management and the custody and preservation of the property of all state institutions and for the government and discipline of the various patients and inmates of the said institutions; and for the production and distribution of farm, dairy and industrial products of the said institutions.

It shall establish such rules and regulations for the instruction and employment of the patients and inmates of the various institutions having due regard to their age, sex, strength and disposition for the purpose of securing their improvement and future welfare.

It shall provide for the training of nurses in state hospitals.

R.S.1954, c. 27, § 5; 1959, c. 378, § 22; 1961, c. 304, §§ 4, 5; 1963, c. 19, § 1.

§ 8. Institutional officials may sue for State

Actions, founded on any contract made with the State Purchasing Agent or any official of the department under the authority granted by the said agent on behalf of any of the state institutions enumerated in section 1, may be brought by the official making the contract or his successor in office. Actions for injuries done or occasioned to the real and personal property of the State and appropriated to the use of any state institution and un-

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der the management of any officer thereof may be prosecuted in his name. No such action shall abate by the retirement, removal or death of such officer, but his successor, upon notice, shall assume its prosecution.

R.S.1954, c. 27, § 6.