

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

Text of Revised Statutes
Copyright © 1964
by
State of Maine

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

CHAPTER 63
STATE PRISON

Subch.	Sec.
I. Prison Officials and Personnel	551
II. Prisoners and Their Conduct	701
III. Miscellaneous Provisions	751

SUBCHAPTER I
PRISON OFFICIALS AND PERSONNEL

ARTICLE 1. WARDENS

Sec.	
551.	Warden; duties; deputy wardens.
552.	Control of prison.
553.	Service of process; command of guard; service of replevin writ; fees.
554.	Warden may convey real estate.
555.	Sale of prison articles; security.
556.	Transport of prisoners to induction centers.
557.	Warden exempt from arrest; procedure of creditor with execution.
558.	Warden to keep arms and ammunition.
559.	Warden cares for convict's property.

ARTICLE 2. OFFICIALS GENERALLY

591.	Power of officers; uniforms.
592.	Overseers.
593.	Neglect of subordinate officers.
594.	Officers suffering an escape or allowing convict to go at large.
595.	If resisted, officers shall use force.

ARTICLE 3. PHYSICIAN

631.	Appointment and duties.
------	-------------------------

ARTICLE 4. CHAPLAIN

661.	Duties.
------	---------

ARTICLE 1. WARDENS

§ 551. Warden; duties; deputy wardens

The head of the State Prison shall be called the warden. He shall have deputies, to be appointed by him subject to the Person-

nel Law, who, when the office of warden is vacant or the warden is absent from the prison or unable to perform the duties of his office, shall have the powers, perform the duties and be subject to all the obligations and liabilities of the warden. 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, under the direction and control of the department.

R.S.1954, c. 27, § 26; 1959, c. 242, § 4.

§ 552. Control of prison

The warden 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 department immediate information of any officer who refuses or neglects to enforce the discipline established, and it shall forthwith remove any officer guilty of such neglect. Said warden may punish any convict for disobedience, disorderly behavior or indolence, as directed by the department or prescribed in the rules, and shall keep a register of all such punishments and the causes for which they are inflicted.

R.S.1954, c. 27, § 27.

§ 553. Service of process; command of guard; service of replevin writ; fees

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.

R.S.1954, c. 27, § 29.

§ 554. Warden may convey real estate

The warden, under the direction of the commissioner, may sell and convey any real estate to which he acquires title in the adjustment of debts in behalf of the State.

R.S.1954, c. 27, § 34.

§ 555. Sale of prison articles; security

All sales of articles from the prison, and the letting to hire of such of the convicts as the department deems expedient, and all other contracts on account of the prison, except those made by the State Purchasing Agent, shall be made with the warden in the manner prescribed by the department. No such contract shall be accepted by the warden, unless the contractor gives satisfactory security for its performance, and no officer of the prison shall be directly or indirectly interested therein.

R.S.1954, c. 27, § 30.

§ 556. Transport of prisoners to induction centers

The warden is authorized to transport prisoners to induction centers whenever necessary to comply with rules and regulations of selective service, and in so doing shall take such measures as the department feels are necessary for the public safety.

R.S.1954, c. 27, § 23.

§ 557. Warden exempt from arrest; procedure of creditor with execution

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. 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. If the warden does not, within 40 days after such service, pay the creditor his full debt, with reasonable costs for copies and service thereof, he shall be removed. When he ceases to be warden, alias executions may be issued against his body and property as in other cases.

R.S.1954, c. 27, § 35.

§ 558. Warden to keep arms and ammunition

The warden shall constantly keep on hand a suitable and sufficient supply of arms and ammunition, and may require all officers and other citizens to aid him in suppressing an insurrection among the convicts in State 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.

R.S.1954, c. 27, § 45.

§ 559. Warden cares for convict's property

The warden shall receive and take care of any property that a convict has with him at the time of his entering the State Prison, keep an account thereof, and pay the same to him on his discharge.

R.S.1954, c. 27, § 48; 1959, c. 65.

ARTICLE 2. OFFICIALS GENERALLY**§ 591. Power of officers; uniforms**

Employees of the State Prison shall have the same power and authority as sheriffs in their respective counties, only insofar as apprehending escapees from State Prison is concerned, when so authorized by the warden. Employees of the State Prison shall be provided, at the expense of the State, with distinctive uniforms, for use when requisite to the performance of their official duties, all of which shall remain the property of the State. When on duty to enforce the orders of the warden, prison employees shall be in uniform.

1955, c. 182.

§ 592. Overseers

Persons having suitable knowledge and skill in the branches of labor and manufactures carried on in the State Prison shall, when practicable, be employed to superintend such branches as are assigned to them by the warden. All of them and the other subordinate officers shall perform the services in the management, superintending and guarding of the State Prison, as prescribed by the rules or directed by the warden.

R.S.1954, c. 27, § 24.

§ 593. Neglect of subordinate officers

If any 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 State Prison, the warden, with the approbation of the department, may deduct from his wages a sum not exceeding a month's pay.

R.S.1954, c. 27, § 36.

§ 594. Officers suffering an escape or allowing convict to go at large

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 punished by imprisonment in the State Prison for any term not greater than the whole term for which the convict was sentenced. If he negligently suffers any convict confined therein to be at large out of the precincts of the State 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 State Prison, he shall be punished by a fine of not more than \$500.

R.S.1954, c. 27, § 38.

§ 595. If resisted, officers shall use force

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.

R.S.1954, c. 27, § 44.

ARTICLE 3. PHYSICIAN**§ 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, 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 cleanli-

ness 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.

R.S.1954, c. 27, § 37.

ARTICLE 4. CHAPLAIN

§ 661. Duties

The department shall appoint suitable persons as chaplains, who shall, in accordance with the rules of the State Prison, conduct 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 department, a Sunday school may be established, and persons from without, of proper character, may be admitted to assist in it.

R.S.1954, c. 27, § 51.

SUBCHAPTER II

PRISONERS AND THEIR CONDUCT

Sec.

- 701. Forms of imprisonment.
- 702. Commencement of term.
- 703. Convicts of United States Courts received.
- 704. Prisoners to attend funerals.
- 705. Deduction of sentence; Board of Transfer.
- 706. Transportation of prisoners.
- 707. Transfer of prisoners to federal penal institution.
- 708. Convicts enroute temporarily lodged in jails.
- 709. Disorderly conduct of prisoners.
- 710. Assaulting officers; escape; prosecution.
- 711. Punishment.
- 712. Convicts; benefits on discharge.

§ 701. Forms of imprisonment

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.

R.S.1954, c. 27, § 20.

§ 702. Commencement of term

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.

R.S.1954, c. 27, § 47.

§ 703. Convicts of United States Courts received

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 State Prison by the warden thereof, when delivered by the authority of the United States, and there kept in pursuance of their sentences.

R.S.1954, c. 27, § 21.

§ 704. Prisoners to attend funerals

Convicts of the State Prison may, at the discretion of the warden, attend funerals of their legally considered mother, father, wife, son or daughter, if the funeral is held within the State of Maine. If the convict has the funds he must pay the cost of transportation and the officer's salary who takes him to the funeral.

1957, c. 148.

§ 705. Deduction of sentence; Board of Transfer

Each convict, whose record of conduct shows that he has faithfully observed all the rules and requirements of the State Prison, shall be entitled to a deduction of 7 days a month from the minimum term of his sentence, commencing on the first day of his arrival at the State Prison. An additional one day a month may be deducted from the sentence of those convicts who are assigned duties outside the prison walls or security system, or those convicts within the prison walls who are assigned to work

deemed by the warden of the State Prison to be of sufficient importance and responsibility to warrant such deduction. This section shall apply to the sentences of all convicts now or hereafter confined within the State Prison, and shall not be construed to prevent the allowance of good time from maximum sentences or definite sentences.

The warden may from time to time, as he sees fit, recommend to a Board of Transfer set up within the department, and comprising the commissioner, the Superintendent of the Reformatory for Men, the Superintendent of the Augusta State Hospital and the Chairman of the State Probation and Parole Board, the transfer of certain first offenders from the State Prison to the Reformatory for Men when in his opinion such transfer is consistent with the best interest of the prisoner and the welfare of the public. Said recommendation for transfer to become effective must have the unanimous approval of the Board of Transfer and in such event shall take place forthwith. The prisoner so transferred shall serve the sentence imposed upon him by the court within the confines of the Reformatory for Men, and shall receive during said sentence the same deductions for good time as would have been received at the State Prison, and shall be subject to the same parole and release procedures as effective at the State Prison. This paragraph shall not apply to any person convicted of an offense the only punishment for which prescribed by law is imprisonment for life, nor to any person convicted of an offense under Title 17, sections 1951, 3151, 3152 or 3153.

R.S.1954, c. 27, § 28; 1957, c. 149; c. 387, § 4; 1959, c. 242, § 5; 1961, c. 304, § 8.

§ 706. Transportation of prisoners

When any male person is convicted and sentenced to the State Prison from any county, the warden shall be notified immediately and the sheriff of said county, or a sufficient number of his appointed deputies, shall then transport the convict to the State Prison. The convict shall be delivered with a duly signed warrant of commitment and record, as provided by Title 15, section 1707, to the officer in charge of the prison before 4 p.m. on any day. The warden shall then file said warrant and record, as provided by Title 15, section 1707, with his return thereon in his office, and cause a copy of the warrant of commitment to be filed in the office of the clerk of the court from which it was issued.

R.S.1954, c. 27, § 32; 1955, c. 176, § 1.

§ 707. Transfer of prisoners to federal penal institution

Any person committed to the State Prison whose presence may be seriously detrimental to the well-being of the State Prison or who willfully and persistently refuses to obey the rules and regulations or who is considered an incorrigible inmate may, upon written certification from the warden to the commissioner, be transferred to a federal penal or correctional institution, provided the commissioner approves and the Attorney General of the United States accepts such application and transfer.

The commissioner is authorized to contract with the Attorney General of the United States or such officer as the Congress may designate under Title 18, section 5003 of the United States Code, and Acts supplementary and amendatory thereof, in each individual case for the care, custody, subsistence, education, treatment and training of any prisoner transferred under this section. The contract shall provide for the reimbursement of the United States in full for all costs or other expenses involved, said costs and expenses to be paid from the appropriation for the operation of the State Prison. The warden shall affix to said contract a copy of the mittimus or mittimuses under which the prisoner is held and the same along with the contract of transfer shall be sufficient authority for the United States to hold said prisoner on behalf of the State of Maine.

Any prisoner transferred under this section shall be subject to the terms of his original sentence or sentences as if he were serving the same within the confines of the State Prison. Nothing herein contained shall deprive such prisoner of his rights to parole or his rights to legal process in the courts of this State.

1955, c. 454.

§ 708. Convicts enroute temporarily lodged in jails

When, during the conveyance of any convict to the State Prison in pursuance of his sentence, it is necessary or convenient to lodge him for safekeeping 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, into whose custody he shall be delivered. Said jail keeper shall be allowed his reasonable charge and expenses incurred, 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. The jailer thereof shall receive such compensation from the State Treasury as he and the warden agree upon. 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.

R.S.1954, c. 27, § 33.

§ 709. Disorderly conduct of prisoners

The department shall examine into all disorderly conduct among the prisoners, and when it appears to it that a convict is disorderly, refractory or disobedient, it may order any punishment other than corporal which it deems necessary to enforce obedience, not inconsistent with humanity, and authorized by the established rules and regulations of the State Prison.

R.S.1954, c. 27, § 25.

§ 710. Assaulting officers; escape; prosecution

If a convict, sentenced to the State Prison for life or for a limited term of years, or transferred thereto from the Reformatory for Men under section 808, or committed thereto for safekeeping under Title 15, section 453, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts to do so, he may be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence, except in the case of a convict serving a life sentence, to commence at the completion of 30 years of such sentence. The warden shall certify the fact of a violation of this section to the county attorney for the County of Knox, who shall prosecute such convict therefor.

R.S.1954, c. 27, § 42; 1955, c. 309; 1959, c. 242, § 6; 1963, c. 414, § 5.

§ 711. Punishment

Solitary confinement, as a punishment for the violation of the rules of the State 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.

R.S.1954, c. 27, § 43.

§ 712. Convicts; benefits on discharge

On the discharge of any convict who has conducted himself well during his imprisonment, the warden may furnish him a sum not exceeding \$25, 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. The warden shall furnish transportation to the place where he was convicted, or to his home if within the State, or if he has secured employment within the State, to that place. If he lived out of the State or if he has secured employment out of the State, he shall receive transportation to the state border nearest his home or nearest the place where he has secured employment.

R.S.1954, c. 27, § 49; 1955, c. 442.

SUBCHAPTER III

MISCELLANEOUS PROVISIONS

Sec.

- 751. Location; farms.
- 752. Articles labeled.
- 753. Rescue or aiding escape.
- 754. Aiding escaped convicts.
- 755. Conveying or attempting to convey article to convict.
- 756. Application of provisions.

§ 751. Location; farms

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 provided by law.

Inmates of the State Prison may be transferred at the discretion of the Warden to the State Prison Farm at South Warren, which shall be considered a part of the State Prison. The warden may employ inmates on prison farms conducted on leased land in towns within the County of Knox and detain and house the prisoners in the barracks located on the Prison Farm at South Warren. Inmates so transferred or so employed shall be deemed to be serving their sentences and subject to the same rules and regulations as inmates confined within the walls of the prison at Thomaston. An inmate who escapes from the Prison Farm or from land leased by the Warden of the State Prison for

farming, wherever located, shall be guilty of an escape under this Title and shall be punished accordingly.

R.S.1954, c. 27, § 19.

§ 752. Articles labeled

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".

R.S.1954, c. 27, § 31.

§ 753. Rescue or aiding escape

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 punished by a fine of not more than \$500 or by imprisonment for not more than 20 years.

R.S.1954, c. 27, § 39.

§ 754. Aiding escaped convicts

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 a fine of not more than \$500 or by imprisonment for a term of not more than the whole time for which the convict was sentenced.

R.S.1954, c. 27, § 40.

§ 755. Conveying or attempting to convey article to convict

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 State 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 punished by a fine of not more than \$500, or by imprisonment for not more than 2 years.

R.S.1954, c. 27, § 41; 1961, c. 304, § 9.

§ 756. Application of provisions

Sections 558, 595, 710 and 711 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.

R.S.1954, c. 27, § 46.