

# MAINE STATE LEGISLATURE

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## CHAPTER 69

## COUNTY JAILS AND JAILERS

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## SUBCHAPTER I

## OFFICIALS AND PERSONNEL

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**§ 901. Custody of jail and prisoners; jailer**

The sheriff has the custody and charge of the jail in his county and of all prisoners therein and shall keep it himself, or by his deputy as jailer, master or keeper for whom he is responsible. The jailer, master or keeper shall appoint all subordinate assistants and employees for whom he is responsible, and the pay of whom, including the jailer, shall be fixed by the county commissioners and paid by their several counties, except when otherwise provided by law.

Title 30, section 801, shall apply to sick leave and vacation of the full-time employees of the sheriff's department of each county.

R.S.1954, c. 89, § 174; 1963, c. 66.

**§ 902. Jailer's duties when office of sheriff vacant**

When a vacancy occurs in the office of sheriff, the jailer lawfully acting continues in office and shall retain charge of the jail and of all prisoners therein or committed thereto, and his official neglects and misdoings are a breach of his principal's official bond until a new sheriff is qualified, or the Governor and Council remove such jailer and appoint another, which they may do. The jailer so appointed shall give bond in the manner required of a sheriff for the faithful discharge of his duties.

R.S.1954, c. 89, § 175.

**§ 903. Offices of jailer and sheriff vacant; appointment by county commissioners**

If the office of jailer becomes vacant while the office of sheriff is vacant, the county commissioners may appoint a jailer, who shall give bond as a sheriff is required to do and continue in office, if his appointment is confirmed at their next meeting, during the vacancy in the office of sheriff or until he is removed and a new jailer appointed.

R.S.1954, c. 89, § 176.

**§ 904. Jailer to live in jail**

Except for Cumberland County, every keeper of a jail shall reside constantly with his family, if he has any, in the house provided for him, if in the opinion of the county commissioners it is good and sufficient. If he neglects to do so, he forfeits not more than \$300 to be recovered for the county by indictment.

R.S.1954, c. 89, § 178; 1959, c. 63.

**§ 905. Jailer to return list of prisoners at each criminal session of court**

Every jailer, at the opening of every criminal term of the Superior Court for his county, shall return a list of prisoners in his custody and afterwards a list of all committed during the session, certifying the cause for which and the person by whom committed, and shall have the calendar of prisoners in court for its inspection. For neglecting to do so, the court may impose a reasonable fine.

R.S.1954, c. 89, § 186.

**§ 906. Official papers filed and kept with calendar and delivered to successor**

All warrants, mittimuses, processes and other official papers by which any prisoner is committed or liberated, or attested copies thereof, shall be regularly filed in order of time and with the calendar safely kept and when he vacates his office, they shall be, by the sheriff or his personal representative, delivered to his successor on penalty of forfeiting \$200 to the county.

R.S.1954, c. 89, § 187.

**§ 907. Sheriff answerable for delivery of prisoners to successors**

Every sheriff is answerable for the delivery to his successor of all prisoners in his custody at the time of his removal, and for that purpose shall retain the keeping of the jail in his county and the prisoners therein until his successor enters on the duties of his office.

R.S.1954, c. 89, § 188.

**§ 908. Liability of sheriff for escape**

When a prisoner escapes through the insufficiency of the jail or the negligence of the sheriff or jailer, the sheriff is chargeable to the creditor or other person at whose suit he was committed or to whose use any forfeiture was adjudged against such prisoner.

R.S.1954, c. 89, § 190.

**§ 909. Escape through insufficiency of jail; sum paid; reimbursed**

When such escape happens through the insufficiency of the jail, the county commissioners may order the county treasurer to pay to the sheriff the amount paid by him to such party. If they do not make such order within 6 months after the demand is laid before them, the sheriff may bring his action against the inhabitants of such county, to be tried therein or in an adjoining county, and service shall be made as in other actions.

R.S.1954, c. 89, § 191; 1959, c. 317, § 50.

**§ 910. Appointment of agent to defend county; execution**

The commissioners may appoint an agent to appear and defend the action. If they have no meeting between the time of

service and the time within which the answer is required to be served, it shall be continued for such time as the court directs, saving all advantages to the defendants. If judgment is rendered against the county, the execution may be levied on the estate of any inhabitant, who has his remedy against the county to recover the amount so levied.

R.S.1954, c. 89, § 192; 1959, c. 317, § 51.

### **§ 911. Liability of keeper and sheriff for escape**

If any jail keeper, through negligence, suffers a prisoner charged with an offense to escape, he shall be fined according to the nature of the offense charged against the escaped prisoner, but if a person committed for debt escapes from jail and the sheriff or jail keeper, within 3 months thereafter, returns him thereto, the sheriff is liable only for the costs of any action commenced against him therefor.

R.S.1954, c. 89, § 195.

## SUBCHAPTER II

### **PRISONERS AND THEIR CONDUCT**

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- 951. Pay for labor of prisoners before sentence.
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- 956. Prisoners to attend funerals.
- 957. Disposal of body of person dying in jail.
- 958. Record of persons committed.
- 959. Assistance to discharged prisoners.

### **§ 951. Pay for labor of prisoners before sentence**

Any person charged with crime or awaiting sentence who, while confined in any jail where provision for labor has been made, chooses to labor as provided for persons under sentence, shall receive therefor such sum as, in the judgment of the commissioners of said county, he has earned.

R.S.1954, c. 89, § 180.

### **§ 952. Deductions from sentence**

Each convict, who, in the opinion of the sheriff, has faithfully observed all the rules and requirements of the jail, shall be

entitled to a deduction of 2 days a month from the term of his sentence, commencing on the first day of his arrival at the jail. An additional one day a month may be deducted from the sentence of those convicts who are assigned duties outside the jail, or those convicts within the jail who are assigned to work deemed by the sheriff 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 jail.

R.S.1954, c. 89, § 183; 1961, § 97.

**§ 953. Treatment of prisoners for debt and minors**

Every jail keeper shall keep prisoners committed for debt separate from prisoners charged with felony or infamous crimes, and shall keep all minors so committed and all prisoners upon a first charge, before or after conviction, separate from notorious offenders and those convicted more than once of felony or infamous crimes, so far as the construction or state of the jail admits.

R.S.1954, c. 89, § 193.

**§ 954. Violations or furnishing liquor to prisoners**

If any jail keeper violates section 953 or voluntarily or negligently suffers any prisoner in his custody, charged with or convicted of any offense, to have any intoxicating liquor, unless the physician authorized to attend the sick in such jail in writing certifies that such prisoner's health requires it and prescribes the quantity, he forfeits in each case, for the first offense \$25, and for the second \$50, to be recovered for the county by indictment, or by any person suing therefor, to his own use; and shall be removed from office and shall be incapable of holding the office of sheriff, deputy sheriff or jailer for 5 years.

R.S.1954, c. 89, § 194.

**§ 955. Federal prisoners**

The keepers of the several jails shall receive and safely keep all prisoners committed under authority of the United States until discharged, under the penalties provided for the safekeeping of prisoners under the laws of the State.

R.S.1954, c. 89, § 196.

**§ 956. Prisoners to attend funerals**

Prisoners at the several county jails may, at the discretion of the sheriff, attend funerals of their legally considered mother, father, husband, wife, son or daughter, if the funeral is held within the State of Maine. Prisoners shall pay the cost of transportation and the fee and expenses of the officer who takes them to the funeral.

1959, c. 1.

**§ 957. Disposal of body of person dying in jail**

When a person dies in jail, the jailer or sheriff shall deliver the body to his friends, if requested. Otherwise, he shall dispose of it for anatomical purposes as provided in Title 22, chapter 709, unless the deceased at any time requested to be buried, in which case he shall bury the body in the common burying ground and the expenses thereof shall be paid by the town in which he had a settlement, if he had any in the State, and if not, by the State.

R.S.1954, c. 89, § 197.

**§ 958. Record of persons committed**

Every sheriff shall keep in a suitable bound book a true and exact calendar containing, distinctly and fairly registered, the names of all prisoners committed to the jail under his charge, their places of abode, additions, time of their commitment, for what cause and by what authority, and a particular description of the persons of those committed for offenses. He shall register in said book the name and description, the time when and the authority by which any prisoner was discharged, and the time and manner of any prisoner's escape.

R.S.1954, c. 89, § 185.

**§ 959. Assistance to discharged prisoners**

The sheriff or his deputy keeping the jail may, at the expense of the county, give a prisoner about to be discharged from jail a sum of money not exceeding \$2 and wearing apparel to the value of not exceeding \$10 and may furnish to such discharged prisoner a railroad ticket, nontransferable, to any place to which the fare does not exceed \$8. All sums so expended by the sheriff or jailer shall be repaid to him from the county treasury after

the account thereof has been audited and the amount found correct by the county commissioners.

R.S.1954, c. 89, § 184.

### SUBCHAPTER III

#### PRISON LABOR

Sec.

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- 1002. Stonebreaking.
- 1003. Highway maintenance and repair.
- 1004. Application for labor.
- 1005. Voters' request for labor.
- 1006. Contracts subject to cancellation or suspension.

#### § 1001. Employment of prisoners generally

The county commissioners may authorize the employment, for the benefit of the county or of dependent families of prisoners committed for crime, in some suitable manner not inconsistent with their security and the discipline of the prison, and may pay the proceeds of such labor, less a reasonable sum to be deducted therefrom for the cost of maintenance of said prisoners, to the families of such person or persons as may be dependent upon them for support.

This section does not apply to sections 1003 to 1006.

R.S.1954, c. 89, § 28.

#### § 1002. Stonebreaking

The county commissioners may, at the expense of their several counties in addition to county workshops that may therein be established, provide some suitable place, materials and implements for the breaking of stone into suitable condition for the building and repair of highways, and may cause all persons sentenced under Title 17, section 3751, to labor at breaking stone. They may, at the expense of their several counties, provide suitable materials and implements sufficient to keep at work all persons committed to either of such jails; and may from time to time establish needful rules for employing, reforming and governing the persons so committed, for preserving such materials and implements, and for keeping and settling all accounts of the cost of procuring the same, and of all labor performed by each of

the persons so committed; and may make all necessary contracts in behalf of their several counties.

R.S.1954, c. 89, § 22; 1963, c. 427.

**§ 1003. Highway maintenance and repair**

County commissioners may authorize the keepers of jails to put able-bodied male prisoners to work on the building or repairing of highways within their county. They shall make rules and regulations and appoint overseers and keepers needful for the direction and safekeeping of prisoners so employed, and such overseers and keepers shall have all authority conferred by law on masters of houses of correction and shall be responsible for the safekeeping and return to jail of all prisoners in their custody, and shall be subject to section 911. No prisoner shall be so employed who has been exempted therefrom by the judge imposing sentence or if in the judgment of a physician expressed by a certificate he is unfit for such labor. The county commissioners shall supply all prisoners with all necessary and suitable clothing of such description as will not materially distinguish them from other workmen. They shall furnish said prisoners with the required tools and implements and may employ such other labor and purchase such other material and equipment as may be necessary to properly carry out the objects of this section, and shall keep account of all expenses incident to such employment.

R.S.1954, c. 89, § 23.

**§ 1004. Application for labor**

The State Highway Commission and municipal officers of towns may make application for the services of prisoners as aforesaid and may enter into an agreement as to the cost and compensation to be paid to the county for such services, and the sum agreed on may be paid out of moneys appropriated for highway purposes. All such labor shall be under the general direction of the board or persons charged with the work.

R.S.1954, c. 89, § 24.

**§ 1005. Voters' request for labor**

When a written petition signed by at least 3% of the voters in any county, as determined by the number of votes cast therein for Governor at the last preceding election, is presented to the county commissioners of said county requesting the employment of prisoners, said commissioners shall act thereon and shall desig-

nate the prisoners available for work under the conditions provided in section 1003.

R.S.1954, c. 89, § 25.

**§ 1006. Contracts subject to cancellation or suspension**

Any contract for the employment of prisoners not provided for in sections 1003 to 1005, which may be made by the county commissioners of any county with any person, firm or corporation, shall be made subject to the right of the said county commissioners to withdraw, cancel or suspend said contract in whole or in part.

R.S.1954, c. 89, § 26.

SUBCHAPTER IV

MISCELLANEOUS PROVISIONS

Sec.

- 1041. Examination of jails.
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- 1043. Bible, books and instruction for prisoners.
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- 1046. Transfer of prisoners when jail unfit or insecure.
- 1047. Fines applied to building and repair of jail.
- 1048. Additional accommodations.

**§ 1041. Examination of jails**

At the commencement of each session required by law, the county commissioners shall examine the prison, take necessary precaution for the security of prisoners, for the prevention of infection and sickness and for their accommodation.

R.S.1954, c. 89, § 28.

**§ 1042. Jails to be clean and healthful**

The sheriff shall see that the jail in his county is kept as clean and healthful as may be, cause the walls to be whitewashed in April or May annually and as often as the county commissioners order, at the expense of the county, and pay strict attention to the personal cleanliness of the prisoners.

R.S.1954, c. 89, § 177.

**§ 1043. Bible, books and instruction for prisoners**

The jailer, at the expense of the county, shall furnish to each prisoner who is able to read a copy of the Bible, and to all, on Sundays, such religious instruction as he may be able to obtain without expense, and to such as may be benefited thereby, instruction in reading, writing and arithmetic one hour every evening except on Sunday. It shall be his duty to receive for their use from whatever source, by loan or contribution, any books or literature of a moral or religious tone and to exclude those of opposite tendencies.

R.S.1954, c. 89, § 179.

**§ 1044. Supplies for jails; accounts audited**

The county commissioners of the several counties shall, without extra charge or commission to themselves or to any other person, procure all necessary supplies, including necessary food, fuel, bedding and clothing for the jails and the prisoners therein, to be furnished and purchased under their direction and at the expense of the counties. No county commissioner shall be interested directly or indirectly in the purchase of any such supplies or in any contract therefor made by the board of which and while he is a member thereof, and all contracts made in violation hereof are void. A suitable person shall be employed to prepare the foods of the prisoner in each county at the expense of the county, and the service of the food to the prisoners shall be under the general direction of the jailer, master or keeper. The person employed to prepare the food of the prisoners shall be appointed by the sheriff in each county, subject to the approval of the county commissioners. The county commissioners may at any time direct specific rations or articles of food, clothing, soap, fuel or other necessities to be furnished and served to the prisoners. The bills and accounts for supplies furnished and the items of expense incurred in preparing and serving the same shall be audited by the State Department of Audit, as provided by Title 5, section 243, subsection 2.

R.S.1954, c. 89, § 181.

**§ 1045. Cumberland commissioners annually advertise for supplies**

The county commissioners of the County of Cumberland may each year, as soon after the first day of January as may be, make an estimate of the amount of food, fuel, clothing and supplies as

far as practicable which will be required by the county jail and for the support of the prisoners therein for the current year, and advertise for sealed proposals for furnishing the same according to specifications furnished by them, in the daily papers of the City of Portland, 3 days successively, at least 14 days before the time limited for the reception of such proposals, at which time they shall examine all such proposals and award the contract to the lowest responsible bidder. The county commissioners shall procure such other necessary supplies and articles for the foregoing purposes as may not be furnished by contract and account for the same in the manner provided for in section 1044.

R.S.1954, c. 89, § 182.

### **§ 1046. Transfer of prisoners when jail unfit or insecure**

Whenever complaint on oath is made to a Justice of the Superior Court that any jail is unfit for occupation or is insufficient for the secure keeping of any person charged with crime and committed to await trial or under sentence, he shall cause not less than 3 days' notice of such complaint to be given to the jailer or sheriff of the county to appear at the time and place fixed in such notice. If on examination the matter complained of is found true, he may issue his warrant for the transfer of such prisoner at the expense of said county to any jail where he may be more securely kept. If by fire or other casualty any jail is destroyed or rendered unfit for use, any Justice of the Superior Court may, upon being notified by the county attorney of the county where such jail was or is located, issue his order to the sheriff and his deputies and constables of said county to cause all prisoners who might be liable to imprisonment in said county to be imprisoned in the jail of some adjoining county, said order to be printed in the newspapers of said county.

R.S.1954, c. 89, § 189.

### **§ 1047. Fines applied to building and repair of jail**

All fines imposed by this chapter, Title 14, chapter 203, subchapter IV, Title 14, section 555 and Title 30, chapter 1, subchapter VI, not otherwise appropriated, shall be applied to building and repairing the jails in the county where the offense is committed.

R.S.1954, c. 89, § 198.

**§ 1048. Additional accommodations**

The county commissioners may make such additions in workshops, fences and other suitable accommodations in, adjoining or appurtenant to the jails in the several counties as may be found necessary for the safekeeping, governing and employing of offenders committed thereto by authority of the State or the United States. For the better employing of such offenders, they may lease or purchase necessary lands or buildings anywhere within their respective counties and may authorize the employment on such lands for the benefit of the county or of dependent families of prisoners committed for crime, as provided in section 1001. Whenever the county commissioners shall determine that the use of such land and buildings is unnecessary for such use, they may sell and dispose of the same in the manner required by law. The county commissioners may raise by loan of their several counties, or otherwise, a total sum not exceeding \$5,000 to make such purchases, alterations and improvements, and may expend so much thereof as is necessary.

R.S.1954, c. 89, § 21.