

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

irrevocable consent, even if in the particular instance the original irrevocable consent has been in effect less than six years.

JAMES G. FROST
Assistant Attorney General

June 8, 1951

To Norman U. Greenlaw, Commissioner of Institutional Service
Re: Good Time Credits for Parole Violators

In response to your memo of May 3d, in which you inquire the method of computing the length of service owed by a parole violator to the State when he has broken his parole and been returned to the institution, we call your attention to Section 22 of Chapter 136 of the Revised Statutes of 1944, which provides that a prisoner violating his parole shall be considered as an escaped prisoner.

“ . . . The length of service owed the state in any such case shall be determined by deducting from the maximum sentence the time from date of commitment to the prison to date of violation of parole and such prisoner shall forfeit any deduction made from his sentence by reason of faithful observance of the rules and requirements of the prison prior to parole or while on parole. . . ”

For example, assume the prisoner was committed on January 20, 1942, for 2-4 years for the crime of larceny.

Assume also that he was paroled on August 27, 1943, and he would be entitled to discharge, if he had fully observed the conditions of his parole, on April 21, 1945.

Assume, however, that on January 20, 1944, the prisoner violated his parole.

Applying the formula prescribed by the statute, the time from date of commitment to the prison to date of violation of parole (2 years) should be subtracted from the maximum sentence (4 years):

4 years (maximum sentence)
2 years (time from date of commitment to date
of violation of parole)

Length of service owed 2 years.

The prisoner may in the future be granted good time allowances, or may later be reparaoled, in the discretion of the parole board.

As to good time credits the prisoner had earned up to the date of violation of parole, such deduction made from his sentence shall be forfeited.

With reference to good time credits accrued by prisoners prior to July 9, 1943, and to the inability of the State to take away those credits because of the ex post facto effect of such action, attention is drawn to a letter to your office dated February 29, 1944, from Abraham Breitbard, Deputy Attorney General, Report of the Attorney General 1943-1944, page 120.

JAMES G. FROST
Assistant Attorney General