

MAINE STATE LEGISLATURE

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June 26, 1959

To: Perry D. Hayden, Commissioner of Institutional Services

Re: Escape -- Indictment for

Some time ago a man escaped from the custody of the State Prison who was a transferee from the Mens' Reformatory at South Windham. At the time we discussed an indictment for escape and could find no statutory authority for charging him with escape, except common law escape. I believe he should be charged with a common law crime of escape and the penalty would be that found in chapter 149, section 2. See also, State v. Smith, 145 Maine 313.

If you have any further questions, let me know.

George A. Wathen
Assistant Attorney General

GAW:CBH