

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

MAINE STATE
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May 17, 1960

Allan L. Robbins, Warden
Maine State Prison
Thomaston, Maine

Dear Allan:

We have your letter of May 11, 1960 in which you ask the Attorney General if it is proper that prisoners of the Maine State Prison be used to furnish labor toward fixing up the town park of the Town of Thomaston. The following law relates directly to your question:

Chapter 27, section 3-A, as enacted by Chapter 242, section 2, Public Laws of 1959 —

“Employment of prisoners and inmates on public works; use for other purposes; escape from such employment or use. 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 Reformatory for Men shall be guilty of escape under this chapter or chapter 135, section 28.”

In reading the above law, it appears clear that the use of able-bodied prisoners of the Maine State Prison can be used only in conjunction with work carried on by a department or commission of the State of Maine having such public works in charge. Such statute would appear to not permit the use of prisoners as contemplated in your request.

Very truly yours,

JAMES GLYNN FROST
Deputy Attorney General

May 17, 1960

To: Ralph L. Langille, Chief Inspector of Elevators, Labor and Industry
Re: Sec. 117, Ch. 30, R. S. 1954, Authority of the Board of Elevator Rules and Regulations