

# MAINE STATE LEGISLATURE

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July 19, 1963

Lt. Col. Henry Jordan, Supervisor, State Bureau  
of Identification

Donald D. Perry, Asst. Atty. General

Maine State Police

Mental Health and Corrections

Responsibility for Furnishing of Fingerprints and Photographs, State Reformatories  
and Training Centers.

Revised Statutes of Maine, 1954, Chapter 15, Section 15, Fingerprinting.

"The state police, the person in charge of all state penal institutions, the warden or keeper of jails and prisons, the several sheriffs, and the chiefs of police in each of the cities and towns of the state and other law enforcement officers shall have the authority to take or cause to be taken, and shall take or cause to be taken, the fingerprints or photographs or both the fingerprints and photographs of any person in custody charged with the commission of a crime, or of any person who they have reason to believe is a fugitive from justice, or of any suspicious person, or of any habitual criminal, and of all unidentified dead persons, and they shall furnish daily to the supervisor of the state bureau of identification copies of the fingerprints and photographs so taken, together with a report of the way the crime was committed, the method of operation of the person arrested, and any psychiatric report or other pertinent information which may be necessary to keep the records and statistics of the state bureau of identification, such fingerprints to be taken and additional reports made on forms furnished or approved by the state bureau of identification. The supervisor of the state bureau of identification shall immediately upon receipt of such records, compare them with other records already on file, and shall furnish to the proper official such information as he may have relative to the criminal record of such persons."

You have asked of this office whether the requirements of the above cited section are applicable to the Superintendents of the Reformatories for Men and Women, and to the Superintendents of the Boys Training Center and the Stevens Training Center, specifically, whether such Superintendents must furnish the State Bureau of Identification, the fingerprints or photographs or both, of each person sentenced or committed to the respective institutions.

In resolving the query, taking particular note of the purpose of the above section, the nature and status of the inmates of the institutions must be said to be determinative of the question, rather than the labels attached

to the institutions. Legislative authority may be cited which would indicate that there is but one penal institution in this State and that the Reformatories for Men and Women are termed correctional institutions, e.g., in the laws relating to Probation and Parole.

Revised Statutes of Maine, 1954, Chapter 27-A, section 1 as created by the Public Law of 1957, c. 307, sec. 1, as amended by the Public Law of 1959, c. 313, sec. 1, c. 342, sec. 3; c. 373, sec. 17 provides in part:

**DEFINITIONS:**

I. "Correctional institution" means the following state institutions: The state reformatory for men and the state reformatory for women.

VI. "Penal institution" means the state prison.

The Legislature can not be said to have intended the absurd result that reformatories for men and women, to which are committed persons charged with the commission of, and convicted of crimes, should be exempt from the requirements of the above section, merely, by reason of a label attached to the institution.

It is the opinion of this office that the Superintendents of the Reformatories for Men and Women must furnish the State Bureau of Identification, with the fingerprints or photographs or both of all inmates of said institutions, except; the fingerprints and photographs of juvenile offenders committed to said institutions or transferred thereto as incorrigibles from the training centers.

Chapter 133-A, Section 2 of the Revised Statutes as amended by the Public Law of 1959, c. 342, sec. 1, provides that: The adjudication of the commission of a juvenile offense shall not be deemed to be a conviction of crime.

It is the further opinion of this office that since Superintendents of the Boys Training Center and Stevens Training Center have in custody only children committed thereto, after being adjudicated juvenile offenders, none of whom have been charged with the commission of crime, by necessary implication said institutions are exempt from the above section.

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Courland D. Ferry  
Assistant Attorney General

CD/s

cc: Attorney General's Dept.

Walter F. Usher, Commissioner  
Dept. Reformatory for Women  
Dept. Reformatory for Men