

# MAINE STATE LEGISLATURE

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February 25, 1964

Dean Fisher, M.D., Commissioner

Health and Welfare

George C. West, Deputy

Attorney General

**Commitment to County Jail as Affecting Pauper Settlement**

A question arose several years ago concerning the effect upon pauper settlement of commitment to a county jail. R.S. 1954, ch. 94, § 3, in the last sentence thereof states:

72 4453  
"The settlement status of a person in the military or naval service of the United States or of a person who is an inmate of any asylum, penitentiary, jail, reformatory or other state institution shall not change during such period of service, confinement or imprisonment, but his settlement shall remain as it was at the beginning of such service, confinement or imprisonment."

On November 20, 1957, a group met in Portland to discuss the problem. It was finally agreed that the proper interpretation of this sentence would be that commitment to a county jail would freeze settlement as did commitment to the Maine State Prison.

On November 22, 1957, Paul D. McClay sent a memo to his field representatives advising them and stating that in the future this would be the Department's interpretation. I never did write an opinion on the matter.

This memo is to serve in lieu of a formal opinion as of November 20, 1957.

The settlement status of a person committed to a county jail shall be frozen while an inmate.

George C. West  
Deputy Attorney General

GCW:H

*write opinion*

November 22, 1957

To All Field Representatives

Paul D. McGlay, Director, Division of General Relief

Section 3 Chapter 94 Welfare Laws

On Wednesday, November 20 Mr. West, Assistant Attorney General, Mr. Barnett Shur, Corporation Counsel of the City of Portland, Mr. Barron, Director of the Portland Public Welfare Department and Mr. Greaney, Supervisor of Settlements in the City of Portland and myself met and discussed Section 3 which as you know has been the subject of much controversy in the past particularly as regards the freezing of settlement of an individual incarcerated in the County Jail. After considerable discussion it was the consensus of opinion that the intent of the Legislature when this law was passed was that an individual incarcerated in a County Jail would be in the same position as an individual in States Prison and therefore in the future when establishing settlement we must take into consideration the period of incarceration in a County Jail as well as the other institutions indicated in Section 3.

McG/no  
11/22/57