

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

Mag. F

# STATE OF MAINE

Inter-Departmental Memorandum Date June 16, 1975

o William A. Kimball, Assistant Director

Dept. Probation and Parole

From Courtland D. Perry, Asst. Atty. General

Dept. Mental Health and Corrections

Subject George LaMothe MSP #8455

(Informal Opinion)

You have requested the opinion of this office respecting the existence of legal authority permitting a Maine parolee who is serving a life sentence for murder to leave the United States to reside in Germany. The parolee is presently under parole supervision in the State of New Jersey under the Uniform Act for Out-of-State Parolee Supervision, 34 M.R.S.A. Chapter 123. The parolee was sentenced to the Maine State Prison on May 17, 1948 and was paroled therefrom on October 30, 1969. We answer your request in the negative.

Under 34 M.R.S.A. §1678, the Legislature has mandated that a parolee serving a life sentence shall remain under parole supervision for not less than 10 years following release on parole. The State Parole Board is therefore without discretion respecting discharge from parole supervision within the 10-year period and, therefore, the State Division of Probation and Parole must supervise the life sentence parolee for at least 10 years.

By the Interstate Compact, 34 M.R.S.A. Chapter 123, extra-territorial supervision of a parolee may be undertaken to the extent that such parolee may be supervised on parole in another state party to the Uniform Act for Out-of-State Parolee Supervision. The geographic limits of parole supervision are therefore set by such uniform act.

In summary, the parolee in question is required by law to remain subject to parole supervision for at least 10 years following his release on parole, and extra-territorial supervision while on parole is limited to parole supervision which may be provided by another state party to the Uniform Act for Out-of-State Parolee Supervision. In view of these constraints, the parolee's residence in Germany cannot be lawfully permitted undertaken.

CDP/a