

# MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

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Legislative Document

No. 81

S. P. 39

Office of the Clerk of the House

Filed December 28, 1960 under Joint Rule 19A by Senator Stilphen of Knox.  
To be printed and delivered to the Senate of the 100th Legislature.

HARVEY R. PEASE, Clerk

Presented by Senator Stilphen of Knox.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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**AN ACT Repealing Commissioner of Mental Health and Corrections' Authority  
to Inspect County Jails.**

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., c. 27, § 2, amended.** Section 2 of chapter 27 of the Revised Statutes is amended to read as follows:

**'Sec. 2. General powers.** The department shall have authority to perform such acts, relating to the care, custody, treatment, relief and improvement of the inmates of the institutions under its control, as are not contrary to law; ~~and to inspect and investigate all jails at least once each year, classify all convicts therein having regard to age, character and offenses, and to order county commissioners to make such alterations in their several jails as may be deemed necessary to classify the persons detained therein, and to require the jailors to keep such records as will facilitate the purposes of this section.'~~

**Sec. 2. R. S., c. 27, § 15, amended.** The last sentence of section 15 of chapter 27 of the Revised Statutes is repealed as follows:

~~'The department shall make a report of the condition of all the jails to the Governor and Council by the 30th day of November annually.'~~

**Sec. 3. R. S., c. 149, § 6, amended.** Section 6 of chapter 149 of the Revised Statutes is amended to read as follows:

**'Sec. 6. Alternative sentences to work-jails; authority of sheriffs, in case of incorrigible or dangerous convicts.** When a convict is sentenced to imprisonment and labor in any of the work-jails, the court or magistrate may in addition sentence him to the other punishment provided by law for the same offense,

with the condition that if such convict cannot be received at the work-jail to which he is sentenced, or if at any time before the expiration of said sentence, in the judgment of the ~~inspectors of jails~~ **sheriff**, he becomes incorrigible or unsafe, ~~they~~ **he may, with the approval of the Superior Court**, order that he suffer such alternative sentence or punishment ~~and it~~. **If** said alternative sentence is to the State Prison, the sheriff of the county where such convict is imprisoned shall forthwith, upon receiving the ~~order of said inspectors~~ **approval of said Superior Court**, cause said convict to be conveyed to the State Prison at the expense of the county where he was sentenced.'