

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)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 645

S. P. 264

In Senate, February 8, 1967

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Lund of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Authorizing Work-Release from County Jails.

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

R. S., T. 34, § 1007, additional. Title 34 of the Revised Statutes is amended by adding a new section 1007, to read as follows :

§ 1007. Employment of county jail prisoners

1. **Order of release; purpose.** Any person sentenced to a county jail for crime, nonpayment of a fine or forfeiture, or contempt of court, may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

- A. Employment;
- B. Conducting his own business or occupation including, in the case of a woman, housekeeping and attending the needs of her family;
- C. Attendance at an education institution; or
- D. Medical treatment.

2. **Petition; withdrawal.** Unless such privilege is expressly granted by the court the prisoner is sentenced to ordinary confinement. The court may grant such privilege at the time of sentence or thereafter. The court may withdraw the privilege at any time by order entered with or without notice or hearing.

3. **Wages, self-employment income; collection.** If a prisoner is employed for wages or salary the sheriff shall collect the same or require the prisoner to turn over his wages or salary in full when received, and if the prisoner is self-

employed, his self-employment income shall be turned over to the sheriff as may be ordered by the court, and the sheriff shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages or salary are not subject to trustee process in the hands of either the employer or the sheriff, and such self-employment income is not subject to trustee process in the hands of the sheriff during the prisoner's term and shall be disbursed only as provided in this section; but for tax purposes they are income of the prisoner.

4. Board; transportation. Every prisoner gainfully employed is liable for the cost of his board in the jail as fixed by the county commissioners. If necessarily absent from jail at a mealtime he shall at his request be furnished with an adequate nourishing lunch to carry to work. The sheriff shall charge his account, if he has one, for such board.

If the prisoner is gainfully self-employed he shall pay the sheriff for such board, in default of which his privilege under this section is automatically forfeited. If the jail food is furnished directly by the county, the sheriff shall account for and pay over such board payments to the county treasurer. The county commissioners may provide that the county furnish or pay for the transportation of prisoners employed under this section to and from the place of employment.

5. Disbursements. By order of the court the wages or salaries of employed prisoners and employment income of self-employed prisoners shall be disbursed by the sheriff for the following purposes, in the order stated:

- A. The board of the prisoner;
- B. Necessary travel expense to and from work and other incidental expenses of the prisoner;
- C. Support of the prisoner's dependents, if any;
- D. Payment, either in full or ratably, of restitution, and of the prisoner's obligations, acknowledged by him in writing or which have been reduced to judgment;
- E. The balance, if any, to the prisoner upon his release.

6. Employment in other county. The court may by order authorize the sheriff, to whom the prisoner is committed, to arrange with another sheriff for the employment of the prisoner in the other's county, and while so employed to be in the other's custody, but in other respects to be and continue subject to the commitment.

7. Dependents evaluation of need. The welfare director or the overseers of the poor of the municipality in which the prisoner's dependents reside, or the State Department of Health and Welfare, shall at the request of the court investigate and report to the court, the amount necessary for the support of the prisoner's dependents.

8. Denial of privilege. The sheriff may refuse to permit the prisoner to exercise his privilege to leave the jail as provided in subsection 1 for any breach of discipline or other violation of jail regulations. Any prisoner so disciplined

may petition the court for a review of such disciplinary action. The court, after review, shall make such order as it deems appropriate.

9. Violations. Any prisoner who violates the terms of his release shall be punished as for escape under Title 17, section 1405.

10. Rules of procedure. Proceedings under this section shall be subject to rules of procedure adopted under Title 4, section 9.