

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 646

S. P. 265

In Senate, February 8, 1967

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

JERROLD B. SPEERS, Secretary

Presented by Mr. Lund of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Authorizing One to Two-Year Sentences to Certain County Jails.

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

Sec. 1. R. S., T. 15, § 1703, amended. Section 1703 of Title 15 of the Revised Statutes is amended to read as follows:

§ 1703. State Prison sentence; county jail; sentence for 1-2 years

~~Unless otherwise specially provided~~ Except as provided in this section with respect to 1-2 year terms in county jails and as otherwise specially provided, all imprisonments for one year or more shall be in the State Prison; and all for a less term, in the county jail ~~or house of correction~~. ~~When it is provided that imprisonment shall be in jail, the sentence may be for imprisonment there or in a house of correction.~~ It may be conditional that the convict shall pay a fine and costs, but that if it is not paid in 10 days, then he shall be imprisoned for not more than 6 months.

In the case of any defendant convicted of a crime, the penalty for which may be imprisonment in the State Prison for a term of 1-2 years, such defendant may be sentenced by the Superior Court to a term of imprisonment of not less than one year nor more than 2 years in the county jail and committed thereto. Such sentence may be served in the county jails of the following counties: Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot, York and in no other. The court in sentencing a defendant to imprisonment in the county jail for a term of not less than one nor more than 2 years shall designate the jail in which such sentence shall be served on the basis of availability of space and proximity to the sentencing court.

Sec. 2. R. S., T. 34, § 952, amended. Section 952 of Title 34 of the Revised Statutes is amended by adding at the end, a new sentence, to read as follows:

In the case of prisoners sentenced under Title 15, section 1703, to a 1-2 year term of imprisonment in the county jail, deductions shall be from the minimum sentence. Such prisoners subject to the requirement of this section shall be entitled to a deduction of 7 days a month and to an additional one day a month as provided in this section.

Sec. 3. R. S., T. 34, § 1501, sub-§§ 6, 7, amended. Subsections 6 and 7 of section 1501 of Title 34 of the Revised Statutes are amended to read as follows:

6. Penal institution. "Penal institution" means the State Prison and in the case of a person sentenced to a 1-2 year term of imprisonment in a county jail under Title 15, section 1703, means a "county jail."

7. Prisoner. "Prisoner" means a person in execution of a sentence to the State Prison and a person in execution of a 1-2 year sentence to a county jail imposed under Title 15, section 1703.

Sec. 4. R. S., T. 34, § 1672-A, additional. Title 34 of the Revised Statutes is amended by adding a new section 1672-A, to read as follows:

§ 1672-A. Eligibility for hearing; county jails

A prisoner at a county jail sentenced and committed thereto under Title 15, section 1703, for a term of 1-2 years becomes eligible for a hearing immediately prior to the expiration of one year, less the deduction for good behavior, which hearing may be conducted by one member of the State Probation and Parole Board and the findings and decisions of said member shall be subject to concurrence by one other member of the board before action is taken by the board.

Sec. 5. R. S., T. 34, § 1675, amended. The last sentence of the first paragraph of section 1675 of Title 34 of the Revised Statutes is amended to read as follows:

If the board, after hearing, finds that the parolee has violated his parole or the law, it shall revoke his parole, set the length of time he shall serve of the unexpired portion of his sentence before he can again be eligible for hearing by the board, and remand him to the institution from which he was released; except, that when a parolee from the Reformatory for Men violates the law and is sentenced by the court to the Maine State Prison, or when a parolee from a county jail serving a 1-2 year sentence under Title 15, section 1703, violates the law and is sentenced to the Maine State Prison or otherwise violates his parole, any length of time set by the board to be served of the unexpired portion of his the reformatory or county jail sentence may be served at the Maine State Prison. Parole violation hearings with respect to county jail prisoners may be conducted by one member of the board and his findings and decisions shall be subject to concurrence by one other board member before action is taken by the board.

Sec. 6. Appropriation. There is appropriated from the General Fund to the State Probation and Parole Board the sum of \$6,000 for the fiscal year ending June 30, 1968 and \$6,200 for the fiscal year ending June 30, 1969 for the purpose of this Act according to the following schedule:

	1967-1968	1968-69
STATE PROBATION AND PAROLE BOARD		
Personal Services		
Per Diem Salary for		
Board Members	\$4,000	\$4,000
All Other	2,000	2,200
Capital Expenditures	—	—
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	\$6,000	\$6,200