

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1692

In House, June 1, 1967

Reported by the Committee on Health and Institutional Services. Printed under House Rule 33.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

COMMITTEE AMENDMENT "A" to H. P. 742, L. D. 1121, Bill, "An Act Revising the Laws Relating to the Reformatories for Men and Women."

Amend said Bill by inserting before the enacting clause the following emergency preamble:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment; and

Whereas, administration of certain provisions of the parole laws in accordance with the intent of the Legislature as made clear by an opinion of the Attorney General will be a sharp departure from the procedure heretofore followed in the administration of said provisions; and

Whereas, this departure from the procedure heretofore erroneously followed and adherence to the procedure required to be followed, may, and in all probability will, cause serious unrest among the prisoners at the penal correctional institutions, threatening the security of said institutions and the peace and safety of the community; and

Whereas, the legislation contained in Sections 27, 29 and 31 of the following Act is vitally necessary in order to assure the preservation of the security of said institutions and the peace and safety of the community; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend said Bill by striking out all of section 2 and inserting in place thereof the following:

'Sec. 2. R. S., T. 15, § 2717, repealed and replaced. Section 2717 of Title 15 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2717. Incurrigibles; transfers to correction centers; return

Any child committed to the center whose presence therein may be seriously detrimental to the well-being of the center, or who willfully and persistently refuses to obey the rules and regulations of said center may be deemed incorrigible, and upon recommendation of the superintendent may be transferred to a correctional center with the approval of the Commissioner of Mental Health and Corrections, provided that no child shall be transferred who is under 15 years of age. To so transfer, the superintendent shall certify that the child is incorrigible upon the mittimus in the case with the recommendation that transfer to the appropriate correctional center be effected. Upon approval by the Commissioner of Mental Health and Corrections, the transfer may be effected at any time. The superintendent of the correctional center shall receive and detain any person so transferred. The superintendent of the correctional center, solely, with respect to each transferee shall have all of the powers and duties prescribed for the superintendent of a training center under sections 2716 to 2718. A transferee's maximum term of commitment is not altered by transfer. Upon recommendation of the superintendent of the correctional center and the superintendent of the center, certified on the original mittimus, and certified to the Commissioner of Mental Health and Corrections, with reasons therefor, a transferee who in the opinion of the superintendent of the correctional center and the superintendent of the center has benefitted from the program at the correctional center, but is not ready for return to the community, and whose needs can then be best served by the program at the training center, may be returned thereto. Return of a transferee to a training center shall divest the superintendent of the correctional center of all powers and duties with respect to such transferee, and shall revest all of such authority in the superintendent of the training center.

Further amend said Bill in section 3 by inserting after the figure and comma "1965," in the 3rd line (2nd line in L. D. 1121) the following: 'and by section 5 of chapter 195 of the public laws of 1967,'; and by striking out in the 8th line (same in L. D. 1121) the words "Stevens Training Center" and inserting in place thereof the following: 'Stevens ~~Training Center~~ School'

Further amend said Bill by inserting after section 3 a new section 3-A, as follows:

'Sec. 3-A. **Effective date.** Section 3 shall become effective 91 days after the Legislature adjourns.'

Further amend said Bill in section 6 by striking out in the 2nd and 3rd lines (2nd line in L. D. 1121) the words "is amended to read as follows" and inserting in place thereof the words 'as amended by section 6 of chapter 195 of the public laws of 1967, is further amended to read as follows'; and by striking out in the 5th line (3rd and 4th lines in L. D. 1121) the words "Stevens Training Center" and inserting in place thereof the words 'Stevens ~~Training Center~~ School'

Further amend said Bill by inserting after section 6 a new section 6-A, as follows:

'Sec. 6-A. Effective date. Section 6 shall become effective 91 days after the Legislature adjourns.'

Further amend said Bill by striking out all of section 8 and inserting in place thereof the following:

'Sec. 8. R. S., T. 34, § 705, amended. The 2nd paragraph of section 705 of Title 34 of the Revised Statutes, as amended by chapter 133 of the public laws of 1967, is repealed and the following enacted in place thereof:

The warden may from time to time, as he sees fit recommend to a Board of Transfer set up within the department, and comprising the commissioner, the warden and the superintendent of the institutions involved, the transfer of any prison first offenders under age 36 from the State Prison to the Men's Correctional Center when in his opinion such transfer is consistent with the best interest of the prisoner and the welfare of the public. Said recommendation for transfer to become effective must have the unanimous approval of the Board of Transfer and in such event shall take place forthwith. The prisoner so transferred shall serve the sentence imposed upon him by the court within the confines of the Men's Correctional Center, and shall receive during said sentence the same deductions for good time as would have been received at the State Prison, and shall be subject to the same parole and release procedures as effective at the State Prison. If the transferred prisoner is not compatible to the Correctional Center program, the Board of Transfer may return him to the prison to complete his sentence.'

Further amend said Bill by inserting after section 8 a new section 8-A, as follows:

'Sec. 8-A. Effective date. Section 8 shall become effective 91 days after the Legislature adjourns.'

Further amend said Bill in section 10 by striking out all of subsection 2 and inserting in place thereof the following:

'3. Males over 17 years of age. Males over the age of 17 years and under the age of 36 years who have been convicted of, or who have pleaded guilty to, crimes in the courts of the State, and who have been duly sentenced and committed thereto.

All of the males specified in subsections 1, 2 and 3 shall be detained and confined in accordance with the orders or sentences of the courts and rules and regulations of the center applicable to each such category. The provisions for the safekeeping or employment of such inmates shall be made for the purpose of teaching such inmates a useful trade or profession, and improving their mental and moral condition.'

Further amend said Bill in section 10 by adding at the end the following new paragraph:

'The Superintendent of the Men's Correctional Center is authorized, subject to the written approval of the commissioner, to contract with the Director of the Federal Bureau of Prisons acting pursuant to Title 18, U.S.C. § 4002, for the imprisonment, subsistence, care and proper employment of men convicted of

crimes against the United States, and may receive and detain any such men pursuant to such contracts.'

Further amend said Bill in section 12 by striking out in the 8th line (7th line in L. D. 1121) the underlined word "**Training**" and inserting in place thereof the underlined word '**Correctional**'

Further amend said Bill in section 13 by striking out all of that part designated "§ 806." and inserting in place thereof the following :

§ 806. Parolees and dischargees; record forwarded to State Police

Whenever any person, who has been convicted of an offense under Title 17, chapter 67 or chapter 103, is **paroled under section 1671, or is discharged** according to law, the superintendent shall make and forward to the State Police a copy of the record of said inmate together with such other information as he may deem important for a full comprehension of the case.'

Further amend said Bill in section 13 in that part designated "§ 808." by striking out in the 5th line (same in L. D. 1121) the word "original" and inserting in place thereof the word '**original**'

Further amend said Bill in section 15 in that part designated "§ 851." by striking out everything after subsection 2 and inserting in place thereof the following :

3. Females over 17 years of age. Females over the age of 17 years and under the age of 40 years who have been convicted of, or who have pleaded guilty to, crimes in the courts of the State, and who have been duly sentenced and committed thereto;

4. Females sentenced to State Prison. All females sentenced to the Maine State Prison who shall be committed, and transmitted directly from the place of sentence, to the center.

All of the females specified in subsections 1, 2, 3 and 4 shall be detained and confined in accordance with the orders or sentences of the courts and the rules and regulations of the center applicable to each such category.

The superintendent of the center shall be a woman, and shall have supervision and control of the inmates, prisoners, employees, grounds, buildings and equipment at the center.

The Superintendent of the Women's Correctional Center is authorized, subject to the written approval of the commissioner, to contract with the Director of the Federal Bureau of Prisons acting pursuant to Title 18, U.S.C. § 4002, for the imprisonment, subsistence, care and proper employment of women convicted of crimes against the United States, and may receive and detain any such women pursuant to such contracts.'

Further amend said Bill in section 19 in that part designated "§ 858." by striking out in the 2nd line (same in L. D. 1121) the word "may" and inserting in place thereof the stricken out word and underlined word '**may shall**'

Further amend said Bill by inserting after section 26 a new section 27, as follows:

'Sec. 27. R. S., T. 34, § 1671, amended. The first sentence of section 1671 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

The board may grant a parole from a penal or correctional institution, after the expiration of the period of confinement, less deductions for good behavior, or after compliance with conditions provided for in sections 1672 to 1674 applicable to the sentence being served by the prisoner or inmate.'

Further amend said Bill by renumbering section 27 to be section 28.

Further amend said Bill by striking out all of section 28 and inserting in place thereof the following:

'Sec. 29. R. S., T. 34, § 1672, sub §§ 1, 2, 3 and 4, amended. Subsections 1, 2, 3 and 4 of section 1672 of Title 34 of the Revised Statutes, as amended by section 72-A of chapter 513 of the public laws of 1965, are further amended to read as follows:

1. Expiration of minimum term in minimum-maximum sentence. ~~After~~ **Prior** to the expiration of ~~his~~ **the prisoner's** minimum term of imprisonment less the deduction for good behavior, when the law provides for a minimum-maximum sentence;

2. Expiration of 1/2 of term in certain cases. ~~After~~ **Prior** to the expiration of 1/2 of the term of imprisonment imposed by the court less the deduction for good behavior, when ~~he~~ **the prisoner** has been convicted of an offense under Title 17, sections 1951, 3151, 3152 or 3153. This subsection applies to a prisoner who has been convicted previously of an offense under Title 17, sections 1951, 3151, 3152 or 3153;

3. Expiration of 30-year term of life imprisonment cases. ~~After~~ **Prior** to the expiration of a 30-year term of imprisonment, less deduction for good behavior, when ~~he~~ **the prisoner** has been convicted of an offense punishable only by life imprisonment, provided ~~he~~ **the prisoner** has never been convicted of another offense punishable only by life imprisonment;

4. Expiration of 30-year term in other cases. ~~After~~ **Prior** to the expiration of a 30-year term of imprisonment, less deduction for good behavior, when, following conviction, ~~he~~ **the prisoner** has been sentenced to a minimum term of 30 years or more.'

Further amend said Bill by renumbering section 29 to be section 30.

Further amend said Bill by inserting after section 30 a new section 31, as follows:

'Sec. 31. R. S., T. 34, § 1673, sub-§ 1, amended. The first paragraph of subsection 1 of section 1673 of Title 34 of the Revised Statutes is amended to read as follows:

~~After~~ **Prior** to the expiration of a 6-month term of commitment if convicted of a misdemeanor. ~~After~~ **Prior** to the expiration of a one-year term of commitment if convicted of a felony. At any time after date of commitment upon the recommendation of the superintendent, if adjudged a juvenile offender;'

Further amend said Bill by renumbering sections 30 and 31 to be sections 32 and 33.

Further amend said Bill by adding at the end the following:

'Emergency clause. In view of the emergency cited in the preamble, sections 27, 29 and 31 only, shall take effect when approved.'