

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 FOURTH LEGISLATURE

Legislative Document

No. 1195

H. P. 934

House of Representatives, March 5, 1969

Referred to Committee on Judiciary. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Rideout of Manchester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to the Men's and Women's Correctional Centers.

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

Sec. 1. R. S., T. 34, § 705, amended. The 2nd paragraph of section 705 of Title 34 of the Revised Statutes, as last repealed and replaced by section 8 of chapter 391 of the public laws of 1967, is repealed and the following enacted in place thereof :

A prisoner in execution of sentence at the State Prison may be transferred to the Men's Correctional Center upon the joint recommendation of the Warden of the State Prison and the Superintendent of the Men's Correctional Center, approved by the commissioner or his delegate, the Director of Corrections, when such transfer would be in the best interest of the prisoner and in the best interest of the public, and would result in the most effective use of available correctional program with respect to the transferee. The prisoner so transferred shall serve the sentence imposed upon him by the court at the Men's Correctional Center and shall receive during such execution of sentence the same deductions for good time as he would have received at the State Prison. If the transferred prisoner is not compatible to the correctional center program he may be returned to the State Prison upon joint recommendation of the Warden of the State Prison and the Superintendent of the Men's Correctional Center, approved by the commissioner or his delegate, the Director of Corrections, to continue in execution of his sentence.

Sec. 2. R. S., T. 34, § 801, sub-§§ 1 - 3, repealed and replaced. Subsections 1, 2 and 3 of section 801 of Title 34 of the Revised Statutes, as repealed and replaced by section 10 of chapter 391 of the public laws of 1967, are repealed and the following enacted in place thereof :

1. **Males over 15 years of age.** Males over the age of 15 years determined in accordance with Title 15, section 2717 to be incorrigible while under commitment to the Boys Training Center;

2. **Males of not less than 17 years of age.** Males of not less than 17 years of age and of not more than 26 years of age 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.

Sec. 3. R. S., T. 34, § 801, amended. The first sentence of the 2nd paragraph of section 801 of Title 34 of the Revised Statutes, as repealed and replaced by section 10 of chapter 391 of the public laws of 1967, is amended to read as follows:

All of the males specified in subsections 1 ~~2~~ and 2 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.

Sec. 4. R. S., T. 34, § 801-A, sub-§ 2, amended. Subsection 2 of section 801-A of Title 34 of the Revised Statutes, as enacted by section 11 of chapter 391 of the public laws of 1967, is amended to read as follows:

2. **Inmate.** "Inmate" as used in this chapter shall mean any male sentenced and committed to the center, ~~and shall include males adjudicated to have committed juvenile offenses~~ and males confined therein after being determined in accordance with Title 15, section 2717 to be incorrigible while under commitment to the Boys Training Center.

Sec. 5. R. S., T. 34, § 802, amended. The first and 2nd paragraphs of section 802 of Title 34 of the Revised Statutes, as repealed and replaced by section 12 of chapter 391 of the public laws of 1967, are amended to read as follows:

When, before any court having jurisdiction, a male ~~over the age of~~ ~~of not less than 17 years and under the age of 36~~ of age and of not more than 26 years of age is convicted of or has pleaded guilty to an offense punishable by imprisonment in the State Prison or in the county jail, such court may sentence him and order his commitment to the Men's Correctional Center, or sentence him to the punishment provided by law for the same offense.

When any such male ~~or any juvenile offender over the age of 16 years and under the age of 17 years under Title 15, section 2611~~ is ordered committed to the center the court shall not fix the term of commitment to the center. The duration of the commitment, including time spent on parole, shall not exceed 3 years.

Sec. 6. R. S., T. 34, § 807, amended. The first 3 sentences of the 2nd paragraph of section 807 of Title 34 of the Revised Statutes, as amended by section 13 of chapter 391 of the public laws of 1967, are repealed and the following enacted in place thereof:

Whenever any inmate convicted of a felony committed to the center escapes therefrom, or forcibly attempts to do so or assaults any officer or other person in the government thereof, the superintendent may certify that fact on the judg-

ment and order of commitment with recommendation that said person be transferred to the State Prison and present it to the commissioner or his delegate, the Director of Corrections, for his approval. Upon approval of said recommendation by the commissioner or his delegate, the Director of Corrections, said inmate shall be transferred from the center to the State Prison, where he shall serve the remainder of the term for which he might otherwise be held at the center, subject to provisions of law relating to the parole of inmates of the center. Upon conviction for escape, forceable attempt to escape, or assault upon an officer or any person in the government of the center, in the Superior Court any inmate convicted of a felony or misdemeanor committed to the center may be punished by imprisonment in the State Prison as provided in Title 17, section 1405.

Sec. 7. R. S., T. 34, § 808, repealed and replaced. Section 808 of Title 34 of the Revised Statutes, as amended by section 13 of chapter 391 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 808. Disposition of incorrigible inmates

Any person convicted of a felony, committed to the center whose presence therein may be seriously detrimental to the well-being of the institution or who willfully and persistently refuses to obey the rules and regulations of said institution, may be deemed and declared incorrigible by the superintendent who may certify that fact upon the judgment and order of commitment with his reasons therefor. Such certification concurred in by the Warden of the State Prison, in writing, and approved, in writing, by the commissioner or his delegate, the Director of Corrections, shall be authority for the transfer of such inmate to the State Prison. The judgment and order of commitment with certification of incorrigibility and approval of transfer shall be forwarded to the State Prison, at the time of transfer.

Any person so transferred shall serve the unexpired portion of his sentence at the State Prison, subject to provisions of law relating to the parole of inmates of the center.

Any person convicted of a misdemeanor or a felony committed to the center, charged by complaint of the superintendent with incorrigibility as defined in this section, upon conviction therefor in the Superior Court, shall be sentenced to the State Prison for a term of not less than one year nor more than 5 years. Upon conviction as such incorrigible and sentence, the term then being served at the center shall terminate and said incorrigible shall begin immediately to serve the sentence imposed for incorrigibility.

Sec. 8. R. S., T. 34, § 808-A, additional. Title 34 of the Revised Statutes is amended by adding a new section 808-A, to read as follows:

§ 808-A. Transfer of felons for security reasons, overcrowding, or effective programming

Any person convicted of a felony committed to the center may be transferred to the State Prison, for reasons of security, or any overcrowding at the center so requires, or in the interest of the inmate and of the public and the result is the most effective use of available correctional program with respect

to the inmate, upon joint recommendation of the superintendent and of the Warden of the State Prison, approved in writing, by the commissioner or his delegate, the Director of Corrections. Any inmate so transferred shall serve the sentence imposed upon him by the court at the State Prison, and shall receive during said sentence the same deductions for good time as he would have received at the center, and shall be subject to the provisions of law relating to the parole of inmates of the center. When in the case of any transferred inmate the reasons for transfer no longer obtain he may be returned to the center, upon joint written recommendation of the superintendent and of the Warden of the State Prison, approved in writing, by the commissioner or his delegate, the Director of Corrections, to continue in execution of his sentence. Any inmate transferred under this section shall not be subject to confinement at hard labor as provided in section 701, but shall be entitled to treatment consistent with the purposes of the center.

Sec. 9. R. S., T. 34, 810, additional. Title 34 of the Revised Statutes is amended by adding a new section 810, to read as follows:

§ 810. Powers of officers; uniforms

Employees of the center shall have the same power and authority as sheriffs in their respective counties, only insofar as searching for, and apprehending escapees from the center are concerned, when so authorized by the superintendent. Employees of the center may be provided, at the expense of the State, with distinctive uniforms, for use when requisite to the performance of their official duties, all of which shall remain the property of the State. All inmates are required to obey all orders of employees of the center, whether those employees are in uniform or not.

Sec. 10. R. S., T. 34, § 851, sub-§ 1, repealed. Subsection 1 of section 851 of Title 34 of the Revised Statutes, as repealed and replaced by section 15 of chapter 391 of the public laws of 1967, is repealed.

Sec. 11. R. S., T. 34, § 851, amended. The 2nd paragraph of section 851 of Title 34 of the Revised Statutes, as repealed and replaced by section 15 of chapter 391 of the public laws of 1967, is amended to read as follows:

All of the females specified in subsections + 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.

Sec. 12. R. S., T. 34, § 851-A, sub-§ 2, amended. Subsection 2 of section 851-A of Title 34 of the Revised Statutes, as enacted by section 16 of chapter 391 and as amended by section 87 of chapter 544, both of the public laws of 1967, is further amended to read as follows:

2. Inmate. "Inmate" as used in this chapter shall mean any female sentenced and committed to the center, ~~and shall include females adjudicated to have committed juvenile offenses~~ and females confined therein after being determined in accordance with Title 15, section 2717 to be incorrigible while under commitment to the Stevens School:

Sec. 13. R. S., T. 34, § 853, amended. The last paragraph of section 853 of Title 34 of the Revised Statutes, as repealed and replaced by section 18 of chapter 391 of the public laws of 1967, is amended to read as follows:

When any such woman, ~~or any juvenile offender over the age of 16 years and under the age of 17 years under Title 15, section 2611~~ is ordered committed to the center the court shall not fix the term of commitment to the center. The duration of the commitment, including time spent on parole shall not exceed 3 years. Upon commitment of any such woman, ~~or any juvenile offender under Title 15, section 2611~~ and upon sentencing any woman to the Maine State Prison, if the officer to whom the judgment and order of commitment is addressed is not a woman, the judge shall, in all cases when feasible, designate a woman to be an attendant to accompany her to the center.

Sec. 14. R. S., T. 34, § 1673, sub-§ 1, amended. Subsection 1 of section 1673 of Title 34 of the Revised Statutes, as amended, is further amended to read as follows:

1. Expiration of 6-month term in misdemeanors. Prior to expiration of a 6-month term of commitment if convicted of a misdemeanor. 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;~~

A. A deduction of 7 days for each month served from the date of commitment may be allowed by the superintendent when the conduct of the inmate justifies it; an additional ~~day~~ **2 days** a month may be deducted from the sentence of those inmates who are assigned by the superintendent to work deemed to be of sufficient importance and responsibility to merit such deduction:

Sec. 15. R. S., T. 15, § 2611, sub-§ 4, ¶ A, repealed. Paragraph A of subsection 4 of section 2611 of Title 15 of the Revised Statutes, as amended by section 1 of chapter 391 of the public laws of 1967, is repealed.

Sec. 16. Effect on existing commitments. Amendments contained in section 5 and section 13 of this Act pertaining to commitment of juvenile offenders to the Men's Correctional Center or Women's Correctional Center and the reduction of the upper age limit for men committed to the Men's Correctional Center from 36 years to 26 years, shall not terminate nor affect in any other way the commitment of any person falling within any such deleted class of offender or age group in execution of such commitment upon the effective date of this Act.