

# 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. 1277**

---

---

H. P. 993

House of Representatives, March 11, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Susi of Pittsfield.

---

---

## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

---

### AN ACT Relating to the State Probation and Parole Board.

---

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

**Sec. 1. R. S., T. 15, § 2161, amended.** The 2nd and 3rd sentences of section 2161 of Title 15 of the Revised Statutes are amended to read as follows:

If the crime for which said pardon is asked or for which commutation of sentence is sought is punishable by imprisonment in the State Prison, the Attorney General or the county attorney for the county where the case was tried shall, upon the request of the Governor and Council, attend the meeting of the Governor and Council **or the Probation and Parole Board** at which the petition is to be heard, and the Governor and Council shall allow said county attorney his necessary expenses for such attendance and a reasonable compensation for said county attorney's services to be paid from the State Treasury out of the appropriation for costs in criminal prosecutions. The Governor and Council may require the judge and prosecuting officer who tried the case to furnish them **or the Probation and Parole Board** a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting pardon or commutation.

**Sec. 2. R. S., T. 34, § 1551, repealed and replaced.** Section 1551 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1551. State Probation and Parole Board; composition and tenure

The State Probation and Parole Board, as heretofore created, in this chapter called the "board", shall in the exercise of its authority function independent-

ly, and shall for administrative purposes only be in the Bureau of Corrections of the Department. The board shall consist of 3 members to be appointed by the Governor, with advice and consent of the Council, one of whom shall be employed full time as a member of the board, and shall be its chairman. The term of office of members of the board shall be 6 years and until their successors are appointed except that, of the members first appointed to the board, one shall be appointed to serve for a term of 2 years, one for a term of 4 years, and one, who shall be the chairman, for a term of 6 years. A vacancy shall be filled for the unexpired term in the same manner in which a regular appointment is made. Any board member may be reappointed to serve additional 6-year terms. The board shall meet whenever necessary at such times and places as the chairman may designate. In the absence of the chairman a board member selected by the chairman shall act in his place.

Any 2 members constitute a quorum for the exercise of all powers of the board. The Department of Health and Welfare, Department of Mental Health and Corrections, officers and staff of the penal and correctional institutions, and law enforcement agencies in the State shall cooperate with the board in exercising its administration.

Board members appointed part-time shall be paid \$40 per day and necessary expenses for each day actually spent in the work of the board.

Sec. 3. R. S., T. 34, § 1552, repealed and replaced. Section 1552 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1552. Powers and duties of the Probation and Parole Board

1. Administration. The board shall, in accordance with applicable provisions of this chapter:

- A. Determine the time of parole in the case of each inmate and prisoner;
- B. Revoke parole when warranted due to parole violation;
- C. Determine the time of discharge of parolees from parole supervision;
- D. The board may formulate policies, adopt regulations and establish organizational and operational procedures pertaining to its functions prescribed in this chapter.

2. Advise; hearings; recommendations. The board shall, when requested by the Governor and Council, advise concerning applications for pardon, reprieve or commutation, and shall, when so requested, hold hearings and cause an investigation to be made, and collect such records concerning the facts and circumstances of an inmate's or prisoner's crime, his past criminal record, social history, and physical, mental condition as may bear on such application, and make recommendations regarding action by the Governor on the application.

3. Reports. The board shall annually, on or before the 30th day of June, transmit to the Director of Corrections a detailed report of its work for the preceding calendar year. The annual report shall be transmitted by the

Director of Corrections to the Governor for submission to the Legislature.

4. Subpoena; oaths. The board, or any member thereof, shall have the power, in the performance of official duties, to issue subpoenas, compel the attendance of witnesses, and the production of books, papers and other documents pertinent to the subject of its inquiry, and to administer oaths and to take the testimony of persons under oath.

Sec. 4. R. S., T. 34, § 1591, repealed and replaced. Section 1591 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1591. Division of Probate and Parole

The Division of Probation and Parole within the Bureau of Corrections of the Department of Mental Health and Corrections shall be charged with the administration of probation and parole services within the State, except juvenile probation services in Cumberland County. The division shall consist of field probation and parole officers and of such other administrative employees as may be necessary in carrying out its functions.

The Division of Probation and Parole shall be under the direction of the Director of Probation and Parole, in this chapter called the "director," who shall be appointed by the Director of Corrections, subject to the Personnel Law.

The Division of Probation and Parole may provide necessary specialized services and procedures for the constructive rehabilitation of juveniles. The division in the exercise of its administration may obtain psychiatric, psychological and other necessary services. The division shall provide necessary investigation of any criminal case or matter including presentence investigation when requested by the court having jurisdiction, and shall provide investigation when requested by the board.

Sec. 5. R. S., T. 34, § 1592, repealed and replaced. Section 1592 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1592. Power and duties of the director

The director shall:

1. Standards and policies. Establish and administer standards, policies and procedures for the field probation and parole service and institutional parole officers;

2. Appointees. Appoint, subject to the Personnel Law, district probation and parole supervisors, field probation and parole officers and such other employees as may be required to carry out adequate probation and parole supervision of probationers, except juvenile probationers in Cumberland County and of all parolees from the penal and correctional institutions, and prescribe their powers and duties;

3. Cooperation. Cooperate closely with the board, the criminal and juvenile courts, the institutional heads and other institutional personnel;

4. **Recommendations; districts.** Make recommendations to the board in cases of violation of the conditions of parole, issue warrants for the arrest of parole violators when so instructed by the board; notify the superintendents of the institutions of determinations made by the board. The director shall divide the State into administrative districts and shall staff such districts. He shall provide instruction and training courses for probation and parole officers. The director shall be the executive officer and secretary of the board, and shall have authority to sign documents, including warrants and extradition papers for the board, when so instructed by the board.

**Sec. 6. Effect on existing terms.** The term of any regularly appointed member of the State Probation and Parole Board, in effect upon the effective date of this Act, shall not terminate upon such effective date, but such board member shall continue in office under the appointment then in effect, until the Governor and Council shall have made an appointment under this Act, the effect of which is to terminate the existing term of any such board member.

#### STATEMENT OF FACTS

Funds necessary to cover additional expenditures, due to the appointment of a full-time member of the State Probation and Parole Board and the increase of per diem for board members from \$25 to \$40 in section 1 of this Act, are provided for in other legislation pertaining to supplemental appropriations to the Department of Mental Health and Corrections (L. D. #226, AN ACT Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971.)