

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1661

H. P. 1332

House of Representatives, January 6, 1970

The Committee on Judiciary suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hall of Windham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

**AN ACT Relating to Sentences for Assault on Officers of, or Escape From,
the Men's Correctional Center.**

Emergency preamble. Whereas, Acts passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under Title 34, section 807, as amended, persons committing offenses subject to prosecution under that section, which include escape from the Men's Correctional Center are required to complete, at least a portion of their original sentence before commencing in execution of the sentence for escape; and

Whereas, the Men's Correctional Center not being a maximum security facility is not the appropriate institution, in which to continue such inmates in execution of sentence; and

Whereas, it is vitally necessary in the interest of the protection of the public and of the staff, other inmates, and the orderly administration of the Men's Correctional Center, that inmates of the center who have assaulted officers, or escaped, or attempted to escape from the center, and have been convicted thereof, be immediately commenced in execution the sentence for such offense at the Maine State Prison; 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,

R. S., T. 34, § 807, amended. The first paragraph of section 807 of Title 34 of the Revised Statutes, as last repealed and replaced by section 5 of chapter 346 of the public laws of 1969, is repealed and the following enacted in place thereof:

Any inmate of the center who assaults any officer or other person employed in the government of the center or who breaks or escapes therefrom or forcibly attempts to do so, upon conviction therefor, shall be punished by imprisonment in accordance with Title 17, section 1405. Upon conviction and sentence, under this section, the inmate's former sentence shall terminate and he shall begin in execution of the sentence imposed under this section at the Maine State Prison. Any prisoner transferred to the center, under section 705, who violates this section shall be subject to section 710. The superintendent shall certify the fact of the violation of this section to the county attorney for Cumberland County who shall prosecute any such inmate or transferred prisoner therefor.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.