

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1749

S. P. 592

In Senate, January 6, 1970.

The Committee on Appropriations and Financial Affairs suggested.

HARRY N. STARBRANCH, Secretary

Presented by Senator Duquette of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

**AN ACT Making Supplemental Appropriations and Deductions for
the Fiscal Years Ending June 30, 1970 and June 30, 1971.**

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

Appropriations for the necessary expenditures of State Government. In order to provide for the necessary expenditures of State Government for the next 2 fiscal years, ending June 30, 1970 and June 30, 1971, the following sums or as much thereof as shall be found necessary, as designated in the following tabulation, are hereby appropriated out of any moneys in the General Fund not otherwise appropriated. Upon receipt of allotments duly approved by the Governor and Council based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these appropriations and revenues accruing thereto, on the basis of such allotments and not otherwise.

It is the intent of the Legislature that the language in the preamble of chapter 197, private and special laws of 1969, shall also apply to this Act.

GENERAL FUND

APPROPRIATIONS FROM GENERAL FUND

SECTION A

DEPARTMENT	1969-70	1970-71
Economic Development, Department of		
All Other	\$ 10,000	—
Provides funds for Architectural drawings for Information Center, Kittery.		

DEPARTMENT	1969-70		1970-71	
Finance and Administration				
Administration				
Personal Services	(2)	9,430	(2)	23,927
All Other		1,000		1,625
Capital Expenditures		2,600		300
Provides funds for two experienced Management Analysts with supporting services and capital equipment.				
Bureau of the Budget				
All Other		10,000		10,000
Provides funds for consultant services to continue Federal-State Cost Allocation Study.				
Health and Welfare				
Welfare Administration				
Older Americans				
Unallocated		9,000		9,000
Provides funds to implement new amendments contained in the Older Americans Act.				
Homemaker Services				
Personal Services	(-11)	—	(-11)	—
Reduces eleven count positions which are being paid from Federal Funds in Special Revenue Account.				
Insurance				
Personal Services	(-8)	(17,046)	(-8)	(38,598)
All Other		—		(7,570)
Capital Expenditures		—		(256)
Reduces eight count positions and appropriation due to Chapter 132 Public Laws 1969. Undedicated Revenue will be reduced \$16,000 in 1969-70 and \$83,654 in 1970-71.				
University of Maine				
All Other		—		500,000
Provides funds for admission of additional students.				
Total — Section A		\$ 24,984		\$ 498,428

SECTION B

Sec. 1. R. S., T. 5, § 154I, sub-§ 12, additional. Section 154I of Title 5 of the Revised Statutes is amended by adding a new subsection 12, to read as follows:

12: Central data processing service. To establish and conduct central data processing and information services at the seat of government. Such services shall be available to all departments and agencies of government. The State Controller is empowered to make appropriate charges to those departments and agencies of government making use of the equipment, services, personnel and supplies of the central facility.

Sec. 2. Appropriation. Appropriations from the General Fund are adjusted to carry out the purpose of section 1 as follows:

Finance and Administration

Accounts and Control

Personal Services	(-13)	(44,251)	(-13)	(86,096)
All Other		44,251		86,096

Reduces 13 count positions and adjusts funds to be transferred to a Special Revenue Account established for the activities of a Data Processing Center.

SECTION C

Sec. 1. R. S., T. 34, c. 68, additional. Title 34 of the Revised Statutes is amended by adding a new chapter numbered 68, to read as follows:

CHAPTER 68

FEMALE OFFENDERS

§ 871. Commitment and custody

Whenever, a female over the age of 17 years is convicted of, or pleads guilty to, a misdemeanor and is sentenced to confinement, that is not to be served at the county jail, or whenever a female over the age of 17 years is convicted of, or pleads guilty to a felony and is not sentenced to the Maine State Prison, the court shall sentence her, and order her commitment to the custody of the Bureau of Corrections of the department. In any such case, the court shall not fix the term of commitment. The duration of commitment, including time on parole, shall not exceed 3 years.

Whenever, a female over the age of 17 years is convicted of, or pleads guilty to a felony and is sentenced to the Maine State Prison, the court shall commit her to the custody of the Bureau of Corrections of the department. The duration of her term of confinement shall be in accordance with the order of the court and applicable parole laws.

§ 872. Detention pending transfer

Every female committed to the custody of the Bureau of Corrections, under section 871, shall be delivered to the Kennebec county jail, by the sheriff of

the county in which she was convicted, or any of his deputies, and whenever feasible shall be accompanied by a woman attendant. She shall be there detained pending transfer under chapter 73, the New England Interstate Corrections Compact. She shall be considered in execution of sentence from the time she is delivered to the Kennebec county jail.

§ 873. Cost of detention

The department shall pay to Kennebec County for each female detained, under section 872, an amount equal to the per diem, per capita cost of inmate confinement at the Kennebec county jail, for the previous year. The department shall be liable to Kennebec County for any other expenses incurred during detention, which would otherwise be the responsibility of the county.

§ 874. Female detained becoming mentally ill

Title 15, section 2211-A, shall be applicable to females detained under section 872.

§ 875. Transfer

Every female committed to the custody of the Bureau of Corrections, under section 871, shall be transferred under chapter 73 for confinement and rehabilitation to an institution in a state party to the New England Interstate Corrections Compact.

§ 876. Juveniles

A female juvenile offender may be committed to the custody of the Bureau of Corrections under Title 15, section 2611, subsection 5, and transferred under this chapter and chapter 73.

§ 877. Deductions from Maine state prison sentence

The deductions from sentence provisions of section 705 shall be applicable to any female sentenced to the Maine State Prison, and committed to the custody of the Bureau of Corrections, under section 871. All determinations with respect thereto, shall be made by the Director of Corrections.

§ 878. Care of children

If any female is pregnant at the time of her commitment, under section 871, and the child shall be born after such commitment, or if any female at the time of her commitment, under section 871, shall be the mother of, and have under her exclusive care, any child, which might be otherwise left without proper care or guardianship, an agent of the Department of Health and Welfare shall file a petition and proceedings shall be conducted under Title 22, section 3792, with respect to such child. The child's residence for the purpose of such proceeding shall be in the county wherein the child's mother resided at the time of commitment. Any provisions of Title 22, chapter 1055, applicable to proceedings conducted, and disposition made, under Title 22, section 3792, shall be applicable to proceedings authorized by this section.

Sec. 2. R. S., T. 34, § 1292, sub-§ 1, repealed and replaced. Subsection 1 of section 1292 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

1. Inmate.

A. Male. "Inmate." Inmate means a male offender who is committed, under sentence to or confined in a penal or correctional institution.

B. Female. "Inmate." An inmate is a female offender sentenced and committed to the custody of the Bureau of Corrections of the Department of Mental Health and Corrections, or a female offender, sentenced to the Maine State Prison, and committed to the custody of the Bureau of Corrections, Department of Mental Health and Corrections.

Sec. 3. R. S., T. 34, § 1674, repealed. Section 1674 of Title 34 of the Revised Statutes, as amended, is repealed.

Sec. 4. R. S., T. 34, § 1675-A, additional. Title 34 of the Revised Statutes is amended by adding a new section numbered 1675-A to read as follows:

§ 1675-A. Eligible for hearing

A female sentenced and committed to the custody of the Bureau of Corrections, under section 871, becomes eligible for a hearing by the board, whenever recommended by the Director of Corrections, such recommendation being based upon the conduct of the female while confined, her indicated potential for socially acceptable behavior and compliance with law, upon return to the community, and the availability of a suitable placement upon return to the community.

Every female sentenced and committed to the custody of the Bureau of Corrections, under section 871, shall be eligible for a hearing by the board at the end of one year of confinement.

Sec. 5. R. S., T. 15, § 1704, repealed and replaced. Section 1704 of Title 15 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1704. Commitment in county where convicted

1. Any male offender sentenced by the District Court to a term of imprisonment in a jail, not exceeding 4 months, shall be committed to the jail in the county in which such person is convicted, provided such county has a suitable jail, otherwise such commitment may be to any jail in the State.

2. Any female offender sentenced by the District Court to a term of imprisonment in a jail, shall be committed to the jail in the county in which such person is convicted, provided such county has a suitable jail, otherwise such commitment may be to any jail in the State.

Sec. 6. R. S., T. 34, §§ 851-865, repealed. Sections 851 to 865, inclusive, of Title 34 of the Revised Statutes, as amended, are repealed.

Sec. 7. Disposition of equipment, furnishings and vehicles.

Any equipment, furnishings and vehicles under the control of the Women's Correctional Center may be transferred at the discretion of the Commissioner of Mental Health and Corrections to the control of any bureau, division or

institution of the Department of Mental Health and Corrections, with the approval of the Governor and Council. Any equipment, furnishings or vehicles not disposed of by the Commissioner, in accordance with this section prior to December 31, 1970, shall be disposed of in accordance with Title 5, section 1811, subsection 6 or Title 5, section 1820.

Sec. 8. Deductions. There is appropriated to be deducted from funds made available under private and special laws of 1969, chapter 121, Section A and chapter 154 Section A, as heretofore passed by this Legislature, the following amounts:

	1969-70	1970-71
Mental Health and Corrections		
Women's Correctional Center		
Personal Services	(-46)	\$(315,907)
All Other		(70,762)
Capital Expenditures		(3,000)

Sec. 9. Appropriations. There is appropriated from the General Fund the sum of \$182,754 to carry out the purposes of Section C. The breakdown shall be as follows:

	1969-70	1970-71
Mental Health and Corrections		
Bureau of Corrections		
Personal Services	—	(1) 4,914
All Other	—	99,100
Capital Expenditures	—	4,000
Probation and Parole Board		
Personal Services	—	(9) 65,240
All Other	—	7,500
Capital Expenditures	—	2,000

Sec. 10. Effective date. Section C of this Act shall become effective on July 1, 1970. All females sentenced and committed under the Revised Statutes, Title 34, chapter 67, under confinement upon the effective date of this Act, shall be subject to the provisions of this Act wherever applicable.

SECTION D

Appropriations from Unappropriated Surplus of General Fund

	1969-70	1970-71
Mental Health and Corrections		
Boys Training Center		
Diagnostic Unit — Phase I	\$ 375,000	—
Any balance remaining June 30, 1970 shall carry forward into the 1970-71 Fiscal Year to be used for the same purpose.		