

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 613**

H. P. 458

House of Representatives, February 4, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mrs. McCormick of Union.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Revising the Laws Relating to the Maine State Prison.**

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

**Sec. 1. R. S., T. 34, § 631, amended.** Section 631 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 631. Appointment and duties**

The department and warden shall appoint some suitable person physician and surgeon of the State Prison, who shall visit the same ~~daily~~ **as necessary**, and whenever requested by the warden, to attend and prescribe for sick convicts, ~~and to examine all convicts claiming to be ill~~ and determine their ability to work. He shall see that proper attention is paid to the clothing, regimen and cleanliness of those in the hospital, and advise when illness of any convict requires his removal thereto. Upon such advice and in other cases when he deems it necessary, the warden shall cause any sick convict to be forthwith removed to the hospital, there to receive such care and attention and to be furnished with such medicines and diet, as his situation requires, until the prison physician determines that he may leave it without injury to his health.

**Sec. 2. R. S., T. 34, § 701, repealed and replaced.** Section 701 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 701. Forms of imprisonment**

Punishment in the State Prison by imprisonment shall require that convicts, including inmates transferred under section 808-A, work at tasks normal to the maintenance, service, industrial, agricultural and other activities of the prison. With the authority of the warden any convict, including an inmate transferred under section 808-A, may be subject to confinement at

hard labor. Such hard labor shall be imposed upon a convict only for the purpose of prison discipline and government and control of the convicts. With the authority of the warden any convict, including an inmate transferred under section 808-A, may be subject to solitary confinement. Such confinement shall be imposed upon a convict only for the purpose of prison discipline and government and control of the convicts.

Sec. 3. R. S., T. 34, § 702, amended. Section 702 of Title 34 of the Revised Statutes is amended by adding at the end the following new sentence:

If the computation of a convict's sentence fixes his release or discharge date on a Saturday, Sunday or legal holiday, the warden may release or discharge the convict on the last regular business day of the State Prison preceding such Saturday, Sunday or legal holiday.

Sec. 4. R. S., T. 34, § 709, repealed and replaced. Section 709 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 709. Disorderly conduct of prisoners

Punishment for disorderly conduct or other violation of the rules of the State Prison or any action contrary to the good order of the State Prison may be imposed by the warden or by a disciplinary committee composed of no less than 2 officers of the prison. Punishment may consist of warnings, loss of privileges, loss of good conduct time, confinement to a cell, confinement to a cell in segregation or solitary confinement, or a combination thereof, excepting corporal punishment.

Inmates confined to a cell in solitary confinement may be served a reduced ration or, in the cases of those inmates who are recalcitrant or unruly, a ration consisting of bread and water only.

Every inmate subject to punishment by the disciplinary committee may appeal his punishment to the warden. All punishments must be approved by the warden.

No punishment of an inmate which involves solitary confinement, reduced rations or bread and water shall be continued if the prison physician or the consulting psychiatrist indicates that such punishment might be harmful to the mental or physical health of the inmate.

Sec. 5. R. S., T. 34, § 711, repealed. Section 711 of Title 34 of the Revised Statutes is repealed.

Sec. 6. R. S., T. 34, § 808-A, amended. The last sentence of section 808-A of Title 34 of the Revised Statutes, as enacted by section 7 of chapter 346 of the public laws of 1969, is repealed as follows:

~~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. 7. R. S., T. 34, § 1672, sub-§ 3, amended. Subsection 3 of section 1672 of Title 34 of the Revised Statutes, as amended, is further amended to read as follows:

3. **Expiration of 15-year term in life imprisonment cases.** Prior to the expiration of a 15-year term of imprisonment, less deduction for good behavior, when the prisoner has been convicted of an offense punishable only by life imprisonment ~~provided the prisoner has never been convicted of another offense punishable only by life imprisonment;~~

#### STATEMENT OF FACT

This Act clarifies certain statutes relative to the Maine State Prison. The amendments contained therein render practices at the Maine State Prison authorized by statute consistent with modern correctional practices.