

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1163

H. P. 849 House of Representatives, February 25, 1971
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Henley of Norway.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT to Permit the Transfer of County Jail Inmates to the Men's
Correctional Center or State Prison upon Proof of Incurribility.**

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

R. S., T. 34, § 507, additional. Title 34 of the Revised Statutes is amended by adding a new section 507 to read as follows:

§ 507. Transfer on proof of incurribility

Any person committed to any county jail by the District Court or Superior Court to serve a sentence in excess of 60 days, and whose presence therein may be seriously detrimental to the well-being of said jail, or who willfully and persistently refuses to obey the rules and regulations of said jail, may be deemed an incurribile by the sheriff or other person having control of said inmate during the absence of the sheriff, by certifying the fact upon the original mittimus with recommendation that said inmate be transferred, through the Department of Mental Health and Corrections, to the Men's Correctional Center or to the Maine State Prison, depending upon the age and other factors connected therewith but the length of commitment upon such transfer shall not exceed the sentence originally imposed upon said inmate. In such cases application for transfer of said inmate shall be made by the sheriff, or other person having control of said inmate in the absence of the sheriff, to the court imposing the original sentence and said court need only to approve and sign said application to make such transfer of an inmate legal and binding under the law. When any person committed to jail in lieu of bail willfully refuses to obey the rules and regulations of said jail, and by any act inconsistent with good order and discipline creates a problem vitally affecting the normal operation of said jail, the sheriff may, upon application

to the court which ordered said commitment, request the transfer of said person to the State Prison for detention until said person is brought to trial or posts the required bail. Upon approval of said court, the judge will make a notation on the original order of commitment authorizing such transfer. The county transferring the prisoner shall reimburse the holding institution for board and any expenses incurred for said inmate during his detention.

STATEMENT OF FACT

On occasion, county jails, like other institutions, are inhabited by certain incorrigibles and unmanageables. This is especially true since communities have been burdened with drug abusers. County jails are not constructed to handle or treat this type of inmate and they become a very disturbing factor, especially to the other inmates, quite often to the point of inciting the others to misbehavior. This is especially true in cases of inmates unable to furnish bail who are awaiting the next criminal term of court. This person may spend as long as 5 months doing what is called "dead time" with not too much activity offered to him.