

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 389

S. P. 155

In Senate, January 30, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Brennan of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to State Parole Board Composition and Compensation.

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

Sec. 1. R. S., T. 34, § 1551, amended. The first sentence, as amended by section 3 of chapter 172 of the public laws of 1971, and the 2nd to 6th sentences of section 1551 of Title 34 of the Revised Statutes, are amended to read as follows:

A State Parole Board, as heretofore created within the Department of Mental Health and Corrections and in this chapter called the "board" shall consist of 3 members who are citizens, and residents of the State ~~Two of the members, who shall be appointed by the Governor, with the advice and consent of the Council, from persons with special training or experience in law, sociology, psychology or related branches of social science. The Commissioner of Mental Health and Corrections shall be ex officio a member of the board, except that he may appoint any suitable person from his department to serve during his pleasure, in his absence, as a member of the board, but in no case longer than his term of office as commissioner.~~ The term of the regularly appointed members of the board shall be 4 years and until their successors have been appointed and qualified, or during the pleasure of the Governor and Council. A vacancy shall be filled for the unexpired term in the same manner in which ~~a regular~~ an appointment is made. The ~~regularly appointed~~ members of the board shall be paid ~~\$25~~ \$50 per day and necessary expenses for each day actually spent in the work of the board.

Sec. 2. Appropriation. There is appropriated to the State Parole Board from the General Fund the sum of \$30,040 to carry out the purpose of this Act. The breakdown shall be as follows:

	1973-74	1974-75
STATE PAROLE BOARD		
Personal Services	\$11,420	\$11,420
All Other	3,600	3,600
	<hr/> \$15,020	<hr/> \$15,020

STATEMENT OF FACT

A recent decision of the U. S. Supreme Court, **Morrissey, et al. vs. Brewer**, 92 S. Ct. 2593 (1972), mandates that a state parole authority be comprised of persons unassociated with the administration of the correctional system. The present law provides that the Commissioner of the Department of Mental Health and Corrections or his designee from the Department be a member of the Board, which is contrary to the requirements of this decision. It is, therefore, necessary that the statutory composition of the State Parole Board be amended to provide for three disinterested parole board members and the elimination of the Commissioner or his designee from such composition.

Membership on the State Parole Board is increasingly time-consuming, and since such membership is not the full-time occupation of such members but necessarily frequently takes time from their usual vocational pursuits, it is necessary that in order to assure the competent composition of such board, the compensation paid State Parole Board members be adequate. The present \$25 per diem is unrealistic and insufficient for such purpose. To increase the per diem to \$50 per day is considered necessary and desirable.