

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 741

H. P. 562

House of Representatives, February 8, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. LaPointe of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Permit Furloughs to Inmates or Prisoners from County Jails.

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

Sec. 1. R. S., T. 34, § 1007, sub-§ 8-A, additional. Section 1007 of Title 34 of the Revised Statutes, as enacted by chapter 150 of the public laws of 1967, and as amended, is further amended by adding a new subsection 8-A to read as follows:

8-A. Regulations. The sheriff is authorized to establish regulations for and permit an inmate or prisoner furlough from the institution in which he is confined. Furlough may be granted for not more than 48 hours at one time for a visit to a dying relative, attendance at the funeral of a relative, contacting prospective employers, obtaining of medical services which may be for a period of longer than 48 hours if medically required, or for any reason consistent with the rehabilitation of an inmate or prisoner.

Any inmate or prisoner permitted outside an institution under this section shall be furnished a copy of the regulations of the county jail applicable to the program in which he is permitted to participate or to his furlough, the receipt of which copy shall be attested by the inmate or prisoner.

Any inmate or prisoner certified by the sheriff, having custody of him, to the county attorney for the county in which the violation or escape takes place, to have violated the regulations to which he is subject, or escaped from any program or assignment outside the institution, shall be prosecuted therefor and upon conviction shall be punished by imprisonment for any term of years, which term of imprisonment shall not begin until expiration of the sentence being served at the time of violation or escape, unless such sentence is otherwise terminated by the State Probation and Parole Board.

Any person over the age of 17 who willfully obstructs, intimidates or otherwise abets any inmate or prisoner participating in a program, or on furlough, under this section, and thereby contributes or causes said inmate or prisoner to violate the terms and conditions of his program participation, or furlough, after having been warned by the head of the institution to cease and desist in said relationship or association with the inmate or prisoner, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

STATEMENT OF FACT

Sheriffs are now accepting inmates or prisoners on transfers from the Maine State Prison for the purpose of work release in the community. Under Title 34, section 527, inmates under the Bureau of Corrections are allowed furloughs; however, county jail prisoners or inmates are not. This creates some confusion due to the change of custody. Furloughs and work release are synonymous with rehabilitation and, when a prisoner is transferred for work release, he is punished by not being permitted furlough.

County jail inmates are the object of discriminatory practices because they are not permitted furloughs under the same conditions.

Counties are presently faced with the problem of extensive hospital bills in addition to the cost of 24-hour security of inmates in hospitals. This furlough, where advisable, may eliminate the security maintenance in certain hospital commitments.