

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1147

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H. P. 862

House of Representatives, February 26, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. LaPointe of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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AN ACT Relating to Earning of Good Time by Inmates.

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

R. S., T. 34, § 705, amended. The first paragraph of section 705 of Title 34 of the Revised Statutes, as amended by chapter 210 of the public laws of 1965, is further amended to read as follows:

Each convict whose record of conduct shows that he has faithfully observed all the rules and requirements of the State Prison inmate shall be entitled to a deduction of  $\approx 12\frac{1}{2}$  days a month from the minimum term of his sentence, commencing on the first day of his arrival at the State Prison. ~~An additional 2 days a month may be deducted from the sentence of those convicts who are assigned duties outside the prison walls or security system, or those convicts within the prison walls who are assigned to work deemed by the Warden of the State Prison to be of sufficient importance and responsibility to warrant such deduction.~~ Any portion of the time deducted from the sentence of any convict inmate for good behavior may be withdrawn by the Warden of the State Prison for the infraction of any rule of the State Prison, for any misconduct or for the violation of any law of the State. Such withdrawal of good time shall be proportionate to the offense and may be made at the discretion of in accordance with law by the warden who may restore any portion thereof if the convict's later conduct and outstanding effort warrant such restoration. This section shall apply to the sentences of all convicts inmates now or hereafter confined within the State Prison, and shall not be construed to prevent the allowance of good time from maximum sentences or definite sentences.

## STATEMENT OF FACT

The purpose of this Act is to regulate by law the earning of good behavior time by inmates and the taking away of said good behavior time. Recent court decisions clearly indicate that good behavior time involves a constitutionally protected interest, to wit, liberty; and, therefore, the earning and taking away of said time must be regulated.

A further purpose of this Act is to increase the number of good behavior days earned to 12½.