

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1156

H. P. 868

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.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

An ACT Relating to the Parole of Dangerous Persons.

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

R. S., T. 34, § 1671, sub-§ 3, additional. Section 1671 of Title 34 of the Revised Statutes, as amended by section 27 of chapter 391 of the public laws of 1967 and by section 9 of chapter 172 of the public laws of 1971, is further amended by adding a new subsection 3 to read as follows:

3. Dangerous persons. A parole shall not be granted only where the board finds, based upon credible evidence adduced at the hearing, that release of the prisoner or inmate would pose a substantial physical threat to the community.

STATEMENT OF FACT

The purpose of this Act is to add to the Revised Statutes the concept of dangerousness as it relates to the parole of prisoners and inmates. This Act defines "dangerousness" as posing "a substantial threat of physical harm to the community." This Act would compel the board to find that a prisoner or inmate is dangerous before denying liberty to said prisoner or inmate.

The present lack of law regulating the granting or denial of liberty, a constitutionally protected interest, by the board may amount to a deprivation of the constitutional rights of prisoners and inmates.

This Act would only apply to those prisoners and inmates who are eligible for a hearing by the board.