

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1262

H. P. 937

House of Representatives, March 5, 1973

Speaker laid before the House and on Motion of Mr. Goodwin of South Berwick referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Talbot of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Furloughs for Inmates and Prisoners of State
Institutions.

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

R. S., T. 34, § 527, amended. Section 527 of Title 34 of the Revised Statutes, as last repealed and replaced by chapter 171 of the public laws of 1969, is amended by adding after the 2nd paragraph the following new paragraphs:

All inmates and prisoners shall accumulate a minimum of 2 days furlough per month, such times being cumulative, for the primary purpose of maintaining and establishing ties between the inmate or prisoner and his family. The inmates and prisoners shall have a right to use the accumulated furlough days at least one time every 3 months, unless they present a clear and immediate danger to the security of the State Prison, Men's Correctional Center or Women's Correctional Center, or to society. If such a danger exists during each 3-month period, the Warden of the State Prison, the Superintendent of the Men's Correctional Center or Women's Correctional Center, after notice and hearing to the inmate or prisoner, during each 3-month period, and with the approval of the Bureau of Corrections, may deny such furlough.

If such furloughs are denied, or if an inmate's or prisoner's record of conduct shows that they have observed the rules and requirements of the institution, they shall be entitled to a deduction from the minimum term of their sentence of the amount of accumulated furlough days lost, in addition to other deductions from their sentences as provided by this Title.

STATEMENT OF FACT

Under the present penal system in Maine a prisoner is allowed little or no opportunity to maintain his or her relationship with the family in particular and society in general. In many instances this lack of contact results in (1) an alienation from or outright loss of the "family", (2) an outright loss of any sense of how to react within society, and how to be self-supportive. This is essentially what happens when "institutionalization" occurs, or (3) a combination of both.

Somehow, through all of this, society expects that these prisoners upon release will have "learned" to adapt to the society in which they live. Obviously, that is an illogical expectation because of the socially "de-habilitative" quality of our present system.

As a first step toward a more real approach, we ask that prisoners be allowed mandatory furloughs, whenever possible. We presently have the framework for a good furlough system, but the problem with it is that it is used arbitrarily as a reward to certain individuals with very little regard to its "rehabilitative" potential.

As is the case throughout the penal system, the State has placed too much discretionary power with the Department of Corrections.