

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1840

H. P. 1398

House of Representatives, April 4, 1973

On Motion of Mr. Tierney of Durham referred to Committee on Judiciary.
Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Tierney of Durham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Compensation for Inmates of the State Prison and
State Institutions.

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

Sec. 1. R. S., T. 26, § 663, sub-§ 9, additional. Section 663 of Title 26 of the Revised Statutes, as amended, is further amended by adding a new subsection 9 to read as follows:

9. Prisoners or inmates. "Prisoners or inmates" of the Maine State Prison, the Men's Correctional Center and the Women's Correctional Center are deemed to be employees of the Department of Mental Health and Corrections, and are deemed to be employees within the meaning of this section and are covered by this subchapter for work performed under Title 34, section 1, et seq.

Sec. 2. R. S., T. 34, § 1, amended. The last paragraph of section 1 of Title 34 of the Revised Statutes is amended by adding a new sentence after the first sentence to read as follows:

The department is authorized and empowered to accept any funds appropriated under state law for the purpose of paying prisoners or inmates of the Maine State Prison, the Men's Correctional Center and the Women's Correctional Center for service rendered under this Title or for any other labor performed by said inmates or prisoners either within or outside of the State Prison, the Men's Correctional Center or the Women's Correctional Center, such pay being in accordance with Title 26, section 661, et seq.

Sec. 3. R. S., T. 34, § 4, amended. Section 4 of Title 34 of the Revised Statutes, as amended by chapter 11 of the public laws of 1967, is further amended by adding a new sentence after the first sentence to read as follows:

Inmates of the correctional and penal institutions who participate in these courses shall receive a stipend at the rate of $\frac{1}{2}$ of the established minimum wage.

Sec. 4. R. S., T. 34, § 5, amended. Section 5 of Title 34 of the Revised Statutes, as amended, is further amended by inserting a new sentence before the last sentence to read as follows:

Any prisoner or inmate employed in any manner authorized by this section shall be paid in accordance with Title 26, section 661, et seq.

Sec. 5. R. S., T. 34, § 701, amended. Section 701 of Title 34 of the Revised Statutes, as repealed and replaced by section 3 of chapter 397 of the public laws of 1971, is amended to read as follows:

§ 701. Forms of imprisonment

Punishment in the State Prison shall be by imprisonment shall require that convicts, including inmates transferred under section 808-A, work at tasks normal to the maintenance, service, industrial, agricultural and other activities of the prison. Inmates so imprisoned, including those transferred under section 808-A may be required to work at tasks normal to the maintenance, service, industrial, agricultural and other activities of the institution. Such work shall be subject to Title 26, section 661, et seq. With the authority of the warden any convict, including an inmate transferred under section 808-A, may be subject to confinement at hard labor. Such hard labor shall be imposed upon a convict only for the purpose of prison discipline and government and control of the convicts. With the authority of the warden any convict, including an inmate transferred under section 808-A, may be subject to solitary confinement. Such confinement shall be imposed upon a convict only for the purpose of prison discipline and government and control of the convicts

Sec. 6. Appropriation. There is appropriated from the General Fund to the Department of Mental Health and Corrections the sum of \$2,213,968 to carry out the purposes of this Act. Any unexpended balance shall not lapse but shall remain a continuing carrying account.

STATEMENT OF FACT

The average inmate population for adult institutions in the State of Maine is approximately 550. The overall costs to the state for the care of these inmates is in excess of \$3,000,000 a year. This figure is exclusive of the yearly costs to the state in welfare payments to the families of these inmates (approximately \$214,000 last year) or the costs of the physical structures themselves. Statistics show that 4 out of 5 people in such institutions will return.

Ideally, a person coming out of an institution would be able to return to society without having to resort to criminal activity. In this respect our

present system is a complete failure primarily because it alienates the individual from society and the family unit.

What this bill proposes is that we take the first step away from the concept of penalization and begin to use the taxpayer's money to keep people out of jail instead of to keep the cycle of recidivism going.

An inmate receiving equitable payment for work performed will be able to provide support for his family, continue payments on his social security, and generally, to maintain those ties, both family and financial that will have a direct bearing on whether or not he will return to an institution. Such inmates will also be able to help pay for his or her room and board, pay taxes and to take over the role of support that welfare now plays in many cases.