

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2026

H. P. 1605

House of Representatives, June 12, 1973

Reported by Minority of Committee on Judiciary and printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to the Transfer of Prisoners Committed to County Jails.

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

R. S., T. 15, § 1710, additional. Title 15 of the Revised Statutes is amended by adding a new section 1710 to read as follows:

§ 1710. Transfer of persons under sentence to county jails
for rehabilitative reasons

A sheriff having in his custody a person sentenced to a county jail for a term of 60 days or more, upon receipt from such person of a request, in writing, for transfer to a correctional center, may apply, in writing, to the Director of the Bureau of Corrections of the Department of Mental Health and Corrections for the transfer of such person from the county jail to the Men's Correctional Center or Women's Correctional Center, solely for the purpose of permitting such person the opportunity to participate in rehabilitative programs conducted at or from such institution.

In the event that the Director of the Bureau of Corrections shall accept such application, his written acceptance shall be the sheriff's sufficient authority to transport such person to the appropriate institution.

The attested copy of the judgment and order of commitment by which the sheriff has legally held such person before transfer shall be delivered to the superintendent of the correctional center with a copy of the authorization for transfer attested by the sheriff and upon which shall be noted by the delivering officer the date of delivery of the person to the correctional center.

In no case shall the time of sentence to be served at the state correctional center exceed the remaining time of the sentence originally imposed. In

every other respect the person transferred shall be treated as if committed to the correctional center originally, including prosecution in the event of escape, as if committed thereto, originally.

The county responsible for the support of the person transferred under this section while he was incarcerated in the county jail shall pay directly to the correctional center to which such person is transferred an amount equal to the average per diem per capita inmate cost at the county jail at the time of transfer; the county shall also reimburse the correctional center for any costs incurred by it in the provision of extraordinary medical or surgical treatment to the person transferred. All sums paid under this section to a correctional center shall become a part of the operating funds of that institution. The payment amount provided for in this section may be adjusted upon terms mutually agreeable to the sheriff and the Director of the Bureau of Corrections in the event that the county jail shall house any work releasee under Title 34, section 527, simultaneously with any period of transfer of a transferee under this section.

STATEMENT OF FACT

This new draft changes the transfer procedure proposed by the original legislative document from a court procedure to an administrative procedure. A condition precedent to the application for transfer is a request from the incarcerated person, and the only purpose for transfer under this Act is rehabilitative. The payment provisions of the original legislative document are amended to reflect the per capita jail cost and payment is directly to the receiving institution, permitting such institution to have the use of the funds paid for these additions to its population.