

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 521

H. P. 427

House of Representatives, February 4, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. LaPointe of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Permit Furloughs for Prisoners of County Jails.

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

Sec. 1. 15 MRSA, § 1710, 4th ¶, as enacted by PL 1973, c. 538, is amended by adding at the end the following new sentence to read:

In the event that any person transferred under this section is granted furlough or permission to participate in any other rehabilitative program as authorized under Title 34, section 527, any such grant shall be subject to the approval of the sheriff of the county from which jail such person was transferred.

Sec. 2. 34 MRSA, § 1008, is enacted to read:

§ 1008. Furloughs

The sheriff is authorized to establish regulations for and to permit a prisoner furlough from the county jail in which he is confined. Furlough may be granted for not more than 10 days at one time for any reason consistent with the rehabilitation of a prisoner, including but in no way limited to, contacting a prospective employer, or for a visit to a dying relative, attendance at the funeral of a relative, or to obtain medical services which may be for a period of longer than 10 days if medically required.

Any prisoner permitted furlough under this section from the county jail shall be furnished a copy of the regulations of the county jail applicable to his furlough, the receipt of which copy shall be attested by the prisoner.

Any prisoner who willfully violates the terms of his release under this section in relation to the time for reporting to his place of furlough, the activities he is authorized to conduct while on furlough, or his time of reporting back to the county jail, may be punished by imprisonment for not more than 60

days; except that any prisoner who does not return to the county jail within 24 hours from the time he is scheduled to return may be prosecuted for escape under Title 17, section 1405. He shall be prosecuted therefor in the county in which the jail to which he was sentenced is located.

Any person over the age of 18 who willfully obstructs, intimidates or otherwise abets any prisoner on furlough under this section, and thereby contributes to or causes the prisoner's violation of the terms and conditions of his furlough, after having been warned by the sheriff to cease and desist in said relationship or association with the prisoner, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

STATEMENT OF FACT

County sheriffs are presently boarding prisoners on transfers from the Maine State Prison for the purpose of work release in the community. Under Title 34, section 527, inmates committed to institutions administered by the Bureau of Corrections are allowed discretionary furloughs; county sheriffs, however, are not allowed the discretion to authorize short-term releases for general rehabilitative purposes when dealing with their own county prisoner population.

In addition, counties are presently faced with the problem of extensive hospital bills for inmates as well as the problem of the cost of providing 24-hour security for inmates temporarily quartered in hospitals. Administrative furloughs would eliminate the unnecessary short-term security costs of attending such inmates.

The language of section 2 of this bill is taken primarily from the language of Title 34, section 527. Any transposition or rewording of such language as set forth in section 2 of this bill is merely for the purpose of readability.

This legislation is consistent with recommendation #35 of the report of the Governor's Task Force on Corrections.