

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Filing No. H-483)

COMMITTEE AMENDMENT "A" to H.P. 827, L.D. 1010,
Bill, "AN ACT Relating to Transfer of Offenders Among
Correctional Institutions, Residential Facilities and
Programs."

Amend said Bill by striking out everything after the
enacting clause and inserting in place thereof the following:

'Sec. 1. 34 MRSA §528, 1st ¶, as enacted by PL 1973,
c. 488, §1, is amended by adding at the end a new sentence
to read:

Such committed inmates, juveniles and prisoners may also
be transferred to participate in the Halfway House Program
in accordance with applicable provisions of this chapter.

Sec. 2. 34 MRSA §529 is enacted to read:

§529. Transfer

When it appears to the Director of the Bureau of
Corrections, for reasons of availability of rehabilitative
programs and the most efficient administration of correctional
resources, that the requirements of any person sentenced or
committed to a penal, correctional or juvenile institution
would be better met in a facility, institution or program
other than that to which such person was originally sentenced,
the Director of the Bureau of Corrections, with the consent
of the person so sentenced, may transfer, after written
notice of the transfer to the court which originally had
jurisdiction and in the absence of any objection by the court
within 14 days following the date of the notice, such person
to another correctional institution, residential facility or

program administered by or providing services to the Bureau of Corrections; provided that no juvenile shall be transferred to a facility or program for adult offenders.

Any person so transferred shall be subject to the general rules and regulations pertaining to persons at the institution or facility, or in the program to which he is transferred, except that the term of his original sentence or commitment shall remain the same, unless altered by the court, and such person shall become eligible for discharge from the correctional system or for hearing by the State Parole Board according to chapter 121, subchapter V or other provisions relating to the institution or facility to which he was originally sentenced or committed.

Sec. 3. 34 MRSA §710, 1st sentence, as last amended by PL 1973, c. 647, is further amended to read:

If a convict sentenced to the State Prison for life or for a limited term of years or transferred thereto ~~from the Men's-Correctional-Center~~ under ~~section~~ sections 808-A or 529 or committed thereto for safekeeping under Title 15, section 453, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or attempts to do so, he may be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence or upon termination of such sentence by the State Parole Board; said termination shall not take place sooner than the expiration of the parole eligibility hearing date applicable to his former sentence.

Sec. 4. 34 MRSA §710-A, 1st sentence, as last amended by PL 1971, c. 622, §124, is further amended to read:

If a convict, sentenced to the State Prison for life, or for a limited term of years, or transferred thereto ~~from the Men's Correctional Center~~ under sections 807 and-808 , 808-A or 529, or committed thereto for safekeeping under Title 15, section 453, if armed with a firearm, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts to do so, he may be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence or upon termination of such sentence by the State Parole Board.

Sec. 5. 34 MRSA §807, 3rd sentence, as last repealed and replaced by PL 1969, c. 541, is amended to read:
Any prisoner transferred to the center, under section ~~705~~ 529, who violates this section shall be subject to section 710.'

Statement of Fact

This legislation and its accompanying housekeeping amendment, affords the Director of the Bureau of Corrections greater freedom in transferring correctional inmates among institutional programs and facilities for rehabilitative purposes and allows also greater utilization of the recently

amended halfway house section of Title 34. Transfer is permitted after the court of original jurisdiction has been notified in writing and no objection has been received from the court.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.
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