

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1215

H. P. 961

House of Representatives, March 20, 1975

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Snowe of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to the Transfer of Prisoners when a Jail is Unfit or Insecure.

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

Sec. 1. 34 MRSA § 1046, last 2 sentences are amended to read:

If on examination the matter complained of is found true, he may issue his warrant for the transfer of such prisoner at the expense of said county to any jail or other place of confinement where he may be more securely kept. If by fire or other casualty any jail is destroyed or rendered unfit for use, any Justice of the Superior Court may, upon being notified by the ~~county~~ district attorney of the county where such jail was or is located, issue his order to the sheriff and his deputies and constables of said county to cause all prisoners who might be liable to imprisonment in said county to be imprisoned in the jail of some adjoining county or in any other place of confinement, said order to be printed in the newspapers of said county.

Sec. 2. Intent. It is the intent of the Legislature that in the event a jail is found by a Justice of the Superior Court to be unfit for occupation, insufficient for the secure keeping of a person charged with a crime or where the jail has been destroyed or rendered unfit by some casualty, the Justice of the Superior Court may order the transfer of the person to a jail or to a place of confinement other than a jail. Also, county attorney is corrected to read district attorney.

STATEMENT OF FACT

The additional language, "or other place of confinement," allows a Justice of the Superior Court more flexibility in transferring prisoners from unfit or

insecure jails and from jails which have been destroyed or rendered unfit by some casualty to a fit and secure facility designed for confinement. Presently, a person may be transferred only to another jail. This legislation allows the transfer of persons to other places of confinement, such as the Boys Training Center, the Stevens School and the Men's or Women's Correctional Center, where such confinement is more appropriate.