

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1430

H. P. 1165

House of Representatives, March 23, 1979

On Motion of Mrs. Prescott of Hampden, referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Ms. Brown of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

AN ACT Relating to the Division of Probation and Parole.

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

**Sec. 1.** 34 MRSA § 1591, 2nd paragraph, as repealed and replaced by PL 1969, c. 319, § 3, is amended to read:

The Division of Probation and Parole shall be under the direction of the Director of Probation and Parole, in this chapter called the "director," who shall be appointed by the **commissioner upon the recommendation of the** Director of Corrections, subject to the Personnel Law.

**Sec. 2.** 34 MRSA § 1593, as enacted by PL 1969, c. 326, § 1, is repealed and the following enacted in its place:

§ 1593. —assistant director

**1. Powers.** The assistant director of the Division of Probation and Parole shall have the power in the absence of the director, to perform duties and be subject to all obligations and responsibilities of the director.

The assistant director shall have the power, upon designation by the director, to issue warrants for the arrest of parole violators.

**2. Delegation of responsibilities. The Director of the Division of Probation and Parole shall have the authority with the approval of the Director of Corrections, in special instances and in the absence or illness of the assistant director of Probation and Parole, to delegate any and all responsibilities of the assistant director to a district supervisor. This appointment shall not exceed 20 working days, during which time the district supervisor so appointed shall have all responsibilities and obligations of the assistant director.**

#### STATEMENT OF FACT

The purposes of this bill are to:

1. Make the appointment of the Director of Probation and Parole subject to the approval of the commissioner, to be consistent with the appointment of other departmental positions at that level;
2. Allow the assistant director of Probation and Parole to issue warrants to arrest parole violators when requested by the director; and
3. Allow district supervisors to function as the assistant director when emergency situations so require.