

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2042

H.P. 1492 House of Representatives, January 13, 1988
Submitted by the Department of Corrections pursuant to
Joint Rule 24.

Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative TAYLOR of Camden.

Cosponsored by Representatives STROUT of Windham, MANNING
of Portland and Senator GOULD of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT Relating to the Time Limit for
2 Delivering the Warrant or Process by Which
3 a Prisoner is Detained.
4

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

7 14 MRSA §5532 is amended to read:

8 §5532. Neglect of officer to deliver copy of precept

1 If an officer refuses or neglects for 4 24
2 hours to deliver a true and attested copy of the
3 warrant or process by which he detains a prisoner to
4 any person who demands it and tenders the fees
5 therefor, he forfeits to such that prisoner \$200.

6 STATEMENT OF FACT

7 While the Maine Revised Statutes, Title 14,
8 section 5532, represents an important civil liberties
9 principle, the 4-hour time limit for delivering a true
10 and attested copy of the process by which a prisoner
11 is detained is a difficult one to meet in the context
12 of the modern functioning of a large correctional
13 facility. If any large number of prisoners in a
14 facility were to make concurrent demands for such
15 process, given the delays inherent in the running of
16 any large institution, those demands would be
17 difficult to meet within 4 hours. It is more
18 reasonable in light of organizational needs for this
19 time limit to be extended to 24 hours. Such an
20 extension would not significantly reduce the civil
21 liberties protection aimed at by the statutory
22 provision, but would be more realistic in the modern
23 day world.

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