

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 313

H.P. 264

House of Representatives, January 30, 2001

**An Act Regarding Prisoner Participation in Public Work Projects or
Improvements to Charitable Organizations' Property.**

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LESSARD of Topsham. (By Request)
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: BRYANT of Dixfield, HASKELL of Milford, USHER of Westbrook.

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

Sec. 1. 30-A MRSA §1605, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Order of release; purpose. Any person sentenced or committed to a county jail for crime, nonpayment of a fine or forfeiture or court order or criminal or civil contempt of court, may be granted by the sheriff the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

A. Employment;

B. Conducting that person's own business or occupation, including, in the case of a person primarily responsible for the family's housekeeping and domestic needs, housekeeping and attending the needs of that family;

C. Attendance at a weekly religious service;

D. Attendance at an educational institution;

E. Medical treatment;

F. Voluntary services within the county in which the jail is located; or

G. To work or provide service to the victim of the crime in accordance with Title 17-A, chapter 54, but only with the express approval of the victim.

Sec. 2. 30-A MRSA §1605, sub-§2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 3. 30-A MRSA §1605, sub-§§3, 7 and 9, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

3. Wages, self-employment income; collection. If a prisoner is employed for wages or salary, the sheriff shall collect the wages or salary or require the prisoner to turn over the wages or salary in full when received. If the prisoner is self-employed, the self-employment income shall must be turned over to the sheriff ~~as may be ordered by the court~~. The sheriff shall deposit the income in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. The wages or salaries are not subject to trustee process in the hands of either the employer or the sheriff, and the self-employment income is not subject to trustee process in the hands of the sheriff during the prisoner's term and shall may

2 be disbursed only as provided in this section; but for tax
purposes they are income of the prisoner.

4 **7. Employment in other county.** The court sheriff may by
~~order authorize the sheriff, to whom the prisoner is committed,~~
6 to arrange with another sheriff for the employment of the
prisoner in the other's county, and while so employed to be in
8 the other's custody, but in other respects to be and continue
subject to the commitment.

10
12 **9. Denial of privilege.** The sheriff may refuse to permit
prisoners to exercise their privileges to leave the jail, as
14 provided in subsection 1, for any breach of discipline or other
violation of jail regulations. ~~Any prisoner so disciplined may
petition either the District Court or the Superior Court for a
16 review of that disciplinary action. The court, after review,
shall make any order that it considers appropriate.~~

18
20 **Sec. 4. 30-A MRSA §1606, sub-§1,** as corrected by RR 1991, c.
2, §114, is amended to read:

22 **1. Participation in public works projects authorized.** The
sheriff in charge of a county jail may permit certain inmates of
24 that jail to participate in public works-related projects and or
in the improvement of property owned by charitable organizations
26 if the public works project or the property of the charitable
organization is in the county where the jail is located. The
28 sheriff may request payment from charitable organizations for the
transportation of the prisoners and for the transportation and
30 per diem compensation for any guards who accompany the
prisoners. For the purposes of this section, "charitable
32 organization" means any nonprofit organization organized or
incorporated in this State or having a principal place of
34 business in this State that is exempt from federal income
taxation under the United States Internal Revenue Code of 1986,
36 Section 501(a), because the nonprofit organization is described
in the United States Internal Revenue Code of 1986, Section
38 501(c)(3). ~~Before an inmate is permitted to participate in this
type of project, the judge or justice who originally sentenced
40 the inmate to the county jail must sign an approval to the
inmate's participation.~~

42
44 **Sec. 5. 30-A MRSA §1659, first ¶,** as amended by PL 1999, c.
247, §1, is further amended to read:

46 The sheriff of each county may establish and maintain a
home-release monitoring program to permit certain inmates,
48 ~~approved by the court in which they were sentenced,~~ to be
released and monitored electronically or by intensive supervision
50 by the county and to live at their residences as a portion of the
term of incarceration.

