

MAINE STATE LEGISLATURE

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FIFTY-FIRST LEGISLATURE.

HOUSE.

No. 81.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

AN ACT to improve the jail system of the State of Maine, and giving further powers to the courts and officers in criminal cases.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. The county commissioners of each of the
2 counties of Cumberland, Penobscot, Androscoggin and
3 Kennebec, at the charge of said several counties, shall,
4 within six months after this act takes effect, make or
5 cause to be made such additions, in workshops, fences
6 and other suitable accommodations, in adjoining or
7 appurtenant to the jails in said several counties as may
8 be found necessary for the safe keeping, governing and
9 employing of offenders and those charged with crimes
10 or offences, legally committed thereto by authority of

11 the courts and magistrates of this state, or of the
12 United States.

SECT. 2. The commissioners of said counties shall
2 cause to be provided, at the expense of their several
3 counties, suitable materials and implements, sufficient
4 to keep at work all the persons committed to either of
5 the jails for their several counties, and may from time
6 to time establish needful rules for employing, reform-
7 ing and governing the persons so committed, for pre-
8 serving such materials and implements, and for keeping
9 and settling all accounts, of the cost of procuring the
10 same, and of all labor performed by each of the per-
11 sons so committed, and may make such contracts in
12 behalf of their several counties as are necessary in
13 carrying out the several provisions of this act.

SECT. 3. The sheriffs of said several counties, as
2 heretofore, shall have the custody and charge of said
3 jails, and of all prisoners therein, and shall keep the
4 same by himself, his deputy, as jailer, master or keeper,
5 for whom he shall be responsible. The jailer, master
6 or keeper shall appoint all subordinate assistants and
7 employees, for whom he shall be responsible, and the
8 pay of whom, including the jailer, shall be fixed by
9 the county commissioners, and paid by their several
10 counties.

SECT. 4. The sheriff, by himself or his deputy, he

2 being keeper of the jail, with the consent of the com-
3 missioners, may make contracts in behalf of the several
4 counties necessary and proper to be made, for the car-
5 rying on manufacturing or other industry, with like
6 effect as when made by the commissioners them-
7 selves. The business at all times being open to the
8 inspection of said commissioners, whose duty it shall
8 be to examine the workings of their several jails at
9 least once in every three months, audit all receipts
10 and expenses thereof, and order all payments necessary
11 from their several county treasurers.

SECT. 5. The jailer, at the expense of the county,
2 shall furnish to each prisoner in his custody who is able
3 to read, a copy of the bible, and such religious instruc-
4 tion on each successive Sabbath to all as he may be
5 able to obtain without expense, and to such as may be
6 benefitted thereby, instruction in reading, writing and
7 arithmetic, one hour each evening, except Sundays.
8 It shall be his further duty to receive, from whatever
9 source, by loan or contribution, any books or literature
10 of a moral or religious tone, for their use, but to ex-
11 clude those of opposite tendencies.

SECT. 6. It shall be the duty of each of the boards
2 of county commissioners in said several counties, within
4 thirty days after the passage of this act, to raise by
4 loan to said counties or otherwise, five thousand dollars

5 each, or so much thereof as may be needed, to make
6 the alterations and improvements in their several jails
7 specified and embraced in section one of this act, and
8 to expend so much of said money as may be necessary
9 for the purpose, in the shortest practicable time, not
10 exceeding six months from the passage thereof.

SECT. 7. The supreme judicial court, the superior
2 court, any municipal or police court, and any trial jus-
3 tice, may sentence any person convicted before such
4 court or trial justice respectively, of an offence punish-
5 able by such court with imprisonment, to either of the
6 jails in said counties, and all sentences of imprisonment
7 by any of the courts or tribunals in this state shall
8 hereafter include imprisonment and labor. And all
9 persons charged with offences or crimes, and impris-
10 oned awaiting trial, may be imprisoned in the jail in
11 either of said counties which shall be most convenient
12 to the place of trial, and the mittimus shall be issued
13 accordingly. And the keeper of the jail to which such
14 person shall be sentenced or committed to await trial
15 shall receive and detain such person or prisoner in the
16 same manner as if committed by any court sitting in
17 the county where such jail is situated. And for the
18 labor performed by persons charged with crime and
19 awaiting trial, and before conviction, in either of said
20 jails, such person shall receive from the county wherein

21 such person is imprisoned such sum of money as in the
22 judgment of the commissioners of said county he had
23 earned. For labor performed in either of said jails
24 while under sentence, over and above sufficient to can-
25 cel all the expenses of keeping any prisoner, he may
26 receive such per cent. of the excess, not exceeding
27 twenty-five, as in the judgment of the inspectors, here-
28 inafter named, he ought to have, as a reward for good
29 conduct, industry, and improvement, to be awarded by
30 them from time to time during imprisonment.

SECT. 8. There shall be paid to the county to which
2 any person or prisoner may be sentenced, committed
3 or removed from any other county by virtue of this act,
4 by such other county, such sum as may be agreed upon
5 by the county commissioners of said counties, for sub-
6 sistence and detention, deducting the amount received
7 for labor, and in case said commissioners do not agree
8 upon the amount to be paid, representation may be
9 made to the supreme court, or any justice thereof, of
10 the facts, and the amount determined by such court or
11 justice, either in term time or vacation.

SECT. 9. The present board of state's prison in-
2 spectors, with three others to be appointed and quali-
3 fied in like manner by the governor, shall constitute a
4 board of prison and jail inspectors. Their powers and
5 duties in regard to the state's prison and state's house

6 of refuge for women, if one shall hereafter be pro-
7 vided, shall be as now provided by law for the present
8 board. Their powers and duties in regard to the jails
9 aforesaid shall be to visit them once at least every
10 three months, and to inquire into the management and
11 conduct of the same, to give such advice in relation
12 to the same as may be regarded by them useful and
13 proper, to classify all prisoners held under sentence in
14 said jails, having regard to age, character and offences,
15 and for this purpose may remove prisoners from one of
16 these jails to another to serve the remainder of the
17 sentence, and may require of the keeper of said jails
18 to keep a calendar, with such statistics in relation to
19 their prison as may be deemed by them useful for
20 future reference.

SECT. 10. Any officer of any county in this state
2 qualified to serve precepts in criminal cases in the
3 county where he resides, may serve any precept re-
4 quired by this act, whether such service is performed
5 in whole or in part in one or more counties, and the
6 processes shall be issued and directed accordingly.

SECT. 11. The keeper of the jail, in said several
2 counties, shall keep a record of the conduct of each
3 convict, and for every month it appears by such record
4 that such convict has faithfully observed all the rules
5 and requirements of the prison, such convict shall be

6 entitled to a deduction from his sentence according to
7 and not exceeding the following rate and proportion :
8 for a convict under sentence for two years, two days
9 for each month of good conduct ; for three years or
10 less, and more than two years, three days ; for four
11 years, four days ; and for five years five days per
12 month ; and for every day any convict shall be pun-
13 ished for disobedience of the rules of said jail a record
14 thereof shall be made, and two days deducted therefor
15 from any commutations to which he may be entitled.

SECT. 12. In all criminal cases in this state where
2 the punishment as now provided by law may be im-
3 prisonment in the state's prison not exceeding five
4 years, such punishment may be inflicted by any court
5 having jurisdiction of the offence or crime, in its
6 discretion in either of the jails aforesaid.

SECT. 13. The county commissioners and sheriff of
2 said several counties, shall jointly or separately, in
3 the month of December annually, make a report of
4 the prisons under their charge, embracing therein its
5 moral, intellectual and financial condition, which
6 report shall be published in some newspaper published
7 in said county. And the inspectors shall make a
8 report of the condition of all the prisons in the state,
9 to the governor and council by the thirtieth day of
10 November annually.

SECT. 14. All acts and parts of inconsistent with
2 this act are hereby repealed.

SECT. 15. This act shall take effect when approved
2 by the governor.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 16, 1872. }

Reported from the Committee on Legal Reform, by Mr. WEBB,
and ordered printed.

S. J. CHADBOURNE, *Clerk.*