

# MAINE STATE LEGISLATURE

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# FIFTY-SECOND LEGISLATURE.

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HOUSE.

No. 57.

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## STATE OF MAINE.

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

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AN ACT to improve the jail system of the state.

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

SECTION 1. The county commissioners of each of  
2 the several counties, at the charge of said several  
3 counties, may after this act takes effect, make or  
4 cause to be made such additions in workshops, fences  
5 and other suitable accommodations, in adjoining or  
6 appurtenant to the jails in the several counties as may  
7 be found necessary for the safe keeping, governing  
8 and employing of offenders legally committed thereto  
9 by authority of the courts and magistrates of this  
10 state, or of the United States.

SECT. 2. The commissioners of said counties may  
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 as aforesaid  
5 to either of the jails for their several counties, and  
6 may from time to time establish needful rules for em-  
7 ploying, reforming and governing the persons so com-  
8 mitted, for preserving such materials and implements,  
9 and for keeping and settling all accounts, of the cost  
10 of procuring the same, and of all labor performed by  
11 each of the persons so committed, and may make such  
12 contracts in behalf of their several counties as are  
13 necessary in carrying out the several provisions of this  
14 act.

SECT. 3. The sheriffs of the 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  
5 keeper, for whom he shall be responsible. The jailer,  
6 master or keeper shall appoint all subordinate assis-  
7 tants and employces, for whom he shall be responsible  
8 and the pay of whom, including the jailer, shall be  
9 fixed by the county commissioners, and paid by their  
10 several 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 themselves.  
7 The business shall at all times be open to the inspec-  
8 tion of said commissioners, whose duty it shall be to  
9 examine the workings of their several jails at least  
10 once in every three months, audit all receipts and  
11 expenses thereof, and order all payments necessary  
12 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  
3 able to read, a copy of the bible, and such religious  
4 instruction on each successive Sabbath to all as he  
5 may be able to obtain without expense, and to such as  
6 may be benefitted thereby, instruction in reading,  
7 writing and arithmetic, one hour each evening, except  
8 Sundays. It shall be his further duty to receive,  
9 from whatever source, by loan or contribution, any  
10 books or literature of a moral or religious tone, for  
11 their use, but to exclude those of opposite tendencies.

SECT. 6. Said board of commissioners in the sev-  
2 eral counties may, after the passage of this act, raise  
3 by loan to their several counties or otherwise, a sum  
4 of money not exceeding five thousand dollars, to make  
5 the alterations and improvements mentioned in the first  
6 section of this act, and to expend so much of said  
7 money as may be necessary for the purpose.

SECT. 7. The supreme judicial court, the superior  
2 court, any municipal or police court and any trial  
3 justice, may sentence any person convicted before such  
4 court or trial justice respectively, of an offence punish-  
5 able by such with imprisonment, to either of the jails  
6 in the several counties, where such improvement and  
7 provision for labor has been made as mentioned in the  
8 first section of this act, nearest or most convenient to  
9 the county where the offence is committed, and all sen-  
10 tences of imprisonment by any of the courts or tribu-  
11 nals in this state shall after the adoption of the  
12 provisions of this act, by any of the several counties,  
13 include imprisonment and labor. And the keeper of  
14 the jail to which such person shall be sentenced shall  
15 receive and detain such person or prisoner in the same  
16 manner as if committed by any court sitting in the  
17 county where such jail is situated.

SECT. 8. There shall be paid to the county to which  
2 a prisoner may be sentenced and committed from any  
3 other county by virtue of this act, by such other  
4 county, such sum as may be agreed upon by the  
5 county commissioners of said counties, for subsistence  
6 and detention, deducting the amount received for  
7 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  
11 or justice, either in term time or vacation.

SECT. 9. The present board of state prison inspec-  
2 tors, with one other to be appointed and qualified in  
3 like manner by the governor, shall constitute a board  
4 of prison and jail inspectors. Their powers and duties  
5 in regard to the state prison shall be as now provided  
6 by law for the present board. Their powers and  
7 duties in regard to the jails of the several counties  
8 shall be to visit them once at least every three months,  
9 and to inquire into the management and conduct of  
10 the same, to give such advice in relation to the same  
11 as may be regarded by them useful and proper, to  
12 classify all prisoners held under sentence in said jails,  
13 having regard to age, character and offences, and for  
14 this purpose may order the county commissioners of  
15 either of the several counties to make such alterations  
16 in their several jails as said jail inspectors may deem  
17 necessary in order to classify the prisoners therein,  
18 and persons charged with crime; and if said county  
19 commissioners neglect or refuse to make such altera-  
20 tions, or provide for the classification of prisoners and  
21 persons charged with crime, after having been so or-  
22 dered or notified so to do, said inspectors may cause  
23 said prisoners and persons charged with crime to be  
24 removed to either of the several jails in the state,

25 where such alteration or provision for classification as  
26 aforesaid has been made, and the expense of removal  
27 and keeping of such prisoners, or persons charged  
28 with crime, shall be paid by the county from which  
29 such prisoner or person charged with crime is removed,  
30 and may require of the keeper of said jail to keep a  
31 calendar, with such statistics in relation to their prison  
32 as may be deemed by them useful for 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. Any person charged with crime, or await-  
2 ing sentence, while confined in any jail where pro-  
3 vision for labor has been made, as provided in this act,  
4 who may choose to labor, as provided for persons under  
5 sentence, shall receive therefor such sum of money as  
6 in the judgment of the county commissioners of said  
7 county he had earned.

SECT. 12. The keeper of the jail, in the several coun-  
2 ties, shall keep a record of the conduct of each con-  
3 vict, 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 per month ;  
11 and for every day any convict shall be punished for  
12 disobedience of the rules of said jail, a record thereof  
13 shall be made, and two days deducted therefor from  
14 any commutations to which he may be entitled.

SECT. 13. In all criminal cases in this state where  
2 the punishment as now provided by law may be im-  
3 prisonment in the state prison not exceeding three  
4 years, such punishment may be inflicted by any court  
5 having jurisdiction of the offence or crime, in its dis-  
6 cretion in either of the jails aforesaid.

SECT. 14. 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. 15. There shall annually be appropriated and



2 paid out of the treasury of the state, to each of said  
3 prison and jail inspectors, the sum of three dollars  
4 per day while employed in such service, together with  
5 all necessary travelling expenses.

SECT. 16. All acts and parts of acts inconsistent  
2 with this act are hereby repealed.

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## STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }  
February 18, 1873. }

Reported from the Committee on Jail System, by Mr. MORT-  
LAND, and ordered printed under the rules.

S. J. CHADBOURNE, *Clerk.*