

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 14

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*House of Representatives, Jan. 23, 1917.*

*Referred to Committee on Judiciary and one thousand copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Baxter of Portland.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT to Create a Board of Prison Commissioners.

Whereas the management of the state prison vitally affects the peace, health and safety of the public and the provisions of the following act are deemed by the Legislature to be essential to the proper administration of said prison and the judicious treatment, employment and liberation of the prisoners therein confined, and whereas the facts above recited constitute an emergency, in the opinion of this Legislature, rendering the passage of said act immediately necessary for the preservation of the public peace, health and safety, now, therefore,

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

Section 1. The Governor, with the advice and consent of  
2 the Council, shall appoint a board of prison commissioners  
3 consisting of three members, one to serve five years, one  
4 to serve three years and one to serve one year. Each mem-  
5 ber of the board shall receive five dollars for each day of  
6 actual service and necessary expenses. As vacancies occur  
7 by expiration of terms they shall be filled by appointment  
8 as above described and such appointment shall be for five  
9 years. Whenever a vacancy occurs by reason of death,  
10 incapacity or resignation, appointment shall be made as  
11 above described for the unexpired portion of such term.  
12 One of the members of said board shall be designated in  
13 his commission as chairman. The commission may appoint  
14 a secretary, who shall receive an annual salary of three  
15 hundred dollars. The word "commission" as used in this  
16 act shall mean the board of prison commissioners.

Sect. 2. The commission shall have the general direction  
2 and supervision of the state prison. It shall make and  
3 establish such rules and regulations, not inconsistent with  
4 law, as it may deem expedient for the direction of the  
5 officers of the prison in the performance of their duties;  
6 for the government, discipline, instruction and employment  
7 of the inmates; for the supply of food, clothing and bed-  
8 ding therein and for the custody and preservation of the  
9 property connected therewith.

Sect. 3. The warden, chaplain and physician shall be ap-  
2 pointed by the commission and shall hold office during its

3 pleasure. All other officers and employees of the prison  
4 shall be appointed and commissioned by the warden with  
5 the approval of the commission. The compensation of all  
6 officers and employees of the prison shall be established by  
7 the commission, subject to the approval of the Governor  
8 and Council.

Sect. 4. The commission shall be an advisory board of  
2 pardons. It shall consider carefully and thoroughly the  
3 merits of all applications for pardon and commutation of  
4 sentence referred to it by the Governor and it shall make  
5 to him in writing, without publicity, a full report of the  
6 crime for which the applicant was sentenced, his physical  
7 and mental condition, his previous history and record, his  
8 domestic relations, his conduct while in prison and any  
9 other pertinent facts or circumstances, together with the  
10 conclusions and recommendations of said commission. No  
11 such report shall be made without the concurrence of a  
12 majority of its members.

Sect. 5. Said commission may authorize the employment  
2 of able-bodied prisoners, sentenced for any term less than  
3 life, in the construction or improvement of highways or  
4 on other public works within the state under such arrange-  
5 ments as may be made with the state highway commission  
6 or other department of the state having such public works  
7 in charge, and said commission shall prescribe such rules  
8 and conditions as it deems expedient to insure the proper  
9 care and treatment of the prisoners while so employed and

10 their safe-keeping and return. Prisoners while so employed  
11 shall not be required to wear clothing which will materially  
12 distinguish them from other workmen.

Sect. 6. The advisory board in the matter of paroles and  
2 the board of prison and jail inspectors are hereby abolished  
3 and all of the powers and authority conferred by law upon  
4 said boards are hereby transferred to the board of prison  
5 commissioners and all existing provisions of law applicable  
6 to either of said boards shall hereafter apply to said board  
7 of prison commissioners. The commission shall have ex-  
8 clusive jurisdiction in all cases in granting paroles.

Sect. 7. Sections four and eleven of chapter one hundred  
2 and forty-two of the revised statutes of nineteen hundred  
3 and sixteen, and all other acts or parts of acts inconsistent  
4 herewith, are hereby repealed.

Sect. 8. This act shall take effect when approved.