

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 261

House of Representatives, Feb. 13, 1917.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. O'Connell of Millinocket.

STATE OF MAINE

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

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,

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 to
4 serve three years and one to serve one year. Each member
5 of the board shall receive five dollars for each day of actual
6 service and necessary expenses. As vacancies occur by ex-
7 piration of terms they shall be filled by appointment as
8 above described and such appointment shall be for five
9 years. Whenever a vacancy occurs by reason of death, in-
10 capacity or resignation, appointment shall be made as above
11 described for the unexpired portion of such term. One of
12 the members of said board shall be designated in his com-
13 mission as chairman. The commission may appoint a sec-
14 retary, who shall receive an annual salary of three hundred
15 dollars. The word "commission" as used in this act shall
16 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 es-
3 tablish such rules and regulations, not inconsistent with law,
4 as it may deem expedient for the direction of the officers
5 of the prison in the performance of their duties; for the
6 government, discipline, instruction and employment of the
7 inmates; for the supply of food, clothing and bedding
8 therein and for the custody and preservation of the property
9 connected therewith.

Sect. 3. The warden, chaplain and physician shall be

2 appointed 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
7 by 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 ma-
12 jority 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 within
4 the state under such arrangements as may be made with the
5 state highway commission or other department of the state
6 having such highways in charge, and said commission shall
7 prescribe such rules and conditions as it deems expedient
8 to insure the proper care and treatment of the prisoners.

9 while so employed and their safe-keeping and return.
10 Prisoners while so employed shall be required to wear cloth-
11 ing which will materially distinguish them from other work-
12 men.

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 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.