

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 39

In Senate, Jan. 29, 1919.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Senator Gurney of Cumberland.

STATE OF MAINE

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

AN ACT to establish a State Reformatory for Men.

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

Section 1. The State shall establish and maintain a re-
2 formatory in which all males over the age of sixteen years
3 who have been convicted of or have pleaded guilty to crime
4 in the courts of this state or of the United States, and who
5 have been duly sentenced and removed thereto, shall be im-
6 prisoned and detained in accordance with the sentences or
7 orders of said courts and the rules and regulations of said
8 reformatory.

Sect. 2. Immediately after the passage of this act the
2 governor shall with the advice and consent of the council,

3 appoint five persons, all of whom shall be inhabitants of this
4 state, to be trustees of such reformatory. The terms of
5 office of such trustees shall be five years, subject to removal
6 by the governor and council for cause shown, and they shall
7 be so appointed that the term of one of them shall expire on
8 the first Tuesday of February in each year. Any person
9 appointed to fill a vacancy in the Board of Trustees shall
10 hold office for the remainder of the term of the person whom
11 he succeeds.

Sect. 3. Said board of trustees shall have general superin-
2 tendence, management and control of said reformatory, of
3 the grounds and buildings, officers and employees thereof,
4 of the inmates therein, and of all matters relating to the
5 government, discipline, contracts and fiscal concerns thereof,
6 and may make such rules and regulations as may seem to
7 them fitting and necessary for the carrying out the purposes
8 of the institution. Such board of trustees shall constitute a
9 board of parole and shall have power to parole or discharge
10 inmates therein as hereinafter provided.

Sect. 4. The board of trustees shall appoint from among
2 its members a president and a secretary, who shall hold office
3 for such duration of time as the board may determine. They
4 shall appoint a superintendent who shall hold office during
5 the pleasure of said trustees, and shall fix his compensation
6 as well as the compensation of all other officers and em-
7 ployees.

Sect. 5. The supreintendent shall, subject to the direction
2 and control of the board of trustees,

1st. Have the general supervision and control of the
2 grounds and buildings of said reformatory, the subordinate
3 officers and employees and inmates thereof, and all matters
4 touching their government and control.

2nd. Make such rules, regulations and orders not incon-
2 sistent with law, or the rules, regulations or directions of
3 the trustees, as may seem to him proper and fitting for the
4 government of the reformatory and its officers and em-
5 ployees, and for the employment, discipline and education of
6 the inmates thereof.

3d. Exercise such other powers and perform such other
2 duties as the board of trustees may prescribe.

Such superintendent shall power to appoint and remove
2 all subordinate officers and employees.

Sect. 6. On or before the first of December in each year,
2 the trustees shall furnish a report to the governor and
3 council containing a history of the institution for the year,
4 and a complete statement of all accounts, with all the funds,
5 general and special, appropriated or belonging to said institu-
6 tion and a detailed statement of disbursements.

Sect. 7. When a male over the age of sixteen years is con-
2 victed before any court or trial justice having jurisdiction of
3 the offense, of an offense punishable by imprisonment in the
4 State Prison, or in any county jail, or in any house of cor-
5 rection, such court or trial justice may order him committed
6 to the Reformatory for Men, or sentence him to the punish-
7 ment provided by law for the same offense. When a male

8 person is sentenced to said reformatory the court or trial
9 justice imposing the sentence shall not prescribe the limit
10 thereof, unless it be for a term of more than five years; but
11 no person so committed upon a sentence within prescribed
12 limit, as aforesaid, shall be held therein for more than five
13 years if sentenced for a felony, nor for more than three
14 years if sentenced for a misdemeanor. If the sentence im-
15 posed upon any male be for more than five years, he shall be
16 held for such longer term.

If, through oversight, or otherwise, any person be sen-
2 tenced to imprisonment in the said Reformatory for Men for
3 a definite period of time, said sentence for that reason shall
4 not be void; but the person so sentenced shall be entitled to
5 the benefit, and subject to the provisions of this act, in the
6 same manner and to the same extent as if the sentence had
7 been in the terms required by this act. In such case said
8 trustees shall deliver to such offender a copy of this act.

Sect. 8. The judge or trial justice making a commitment
2 pursuant to this act, shall cause the superintendent of the re-
3 formatory to be notified immediately of such commitment,
4 and shall cause a record to be kept of the name, age, birth-
5 place, occupation, previous commitments, if any, and for
6 what offense, the last residence of such person so committed,
7 and the particulars of the offense for which he is committed.
8 A copy of such record shall be transmitted with the warrant
9 of commitment to the superintendent of such reformatory,
10 who shall cause the facts stated therein and such other facts

11 as may be directed by the board of trustees to be recorded in
12 such form as the trustees may direct.

Sect. 9. Such judge or trial justice shall, before commit-
2 ting any such person, inquire into and determine the age of
3 such person at the time of commitment, and his age so de-
4 termined, shall be stated in the mittimus. The statement as
5 to the age of said person so committed shall be conclusive
6 evidence as to such age in any action to recover damages for
7 his detention or imprisonment under such mittimus, and
8 shall be presumptive evidence thereof in any other inquiry,
9 action, or proceeding relating to such detention or imprison-
10 ment.

Sect. 10. When it is made to appear to the trustees that a
2 person who has been committed to the reformatory has re-
3 formed, they may issue to him a permit to be a liberty pro-
4 viding that some suitable employment or situation has been
5 secured in advance for such person, and upon such other
6 conditions as the trustees shall prescribe during the re-
7 mainder of the term for which he might otherwise be held
8 in said reformatory, and they may revoke such permit at any
9 time before its expiration; but no such permit shall be issued
10 to any person who has been sentenced to said reformatory
11 for more than five years. If any permit so issued is revoked
12 by the trustees, or if any person so committed shall escape
13 from said reformatory, the board of trustees may cause him
14 to be re-arrested and returned thereto for the unexpired
15 portion of the original term for which he was sentenced. dat-

16 ing from the time of escape or the revocation of the said per-
17 mit. Any inmate ordered returned to the reformatory may,
18 on the order of the superintendent or other officer of the
19 institution be arrested and returned to the reformatory, or
20 to any officer or agent thereof, by any sheriff, constable,
21 police officer, state agent for the protection of children or
22 other person, and may also be arrested and returned by any
23 agent or officer of the reformatory.

Whoever advises, induces, aids or abates any person so
2 committed to said reformatory or to the charge or guardian-
3 ship of said trustees to escape from said reformatory, or
4 from the custody of any person to whom such person has
5 been entrusted by said trustees or by their authority, or
6 knowingly harbors or secrets any person who has escaped
7 from said reformatory, or from the custody, authority, or
8 control of said trustees, or from any person to whom such
9 person so committed has been entrusted by said trustees or
10 by their authority, shall upon conviction be fined not more
11 than five hundred dollars nor less than one hundred dollars,
12 or be imprisoned not exceeding one year. Any person who
13 has so escaped may be arrested and detained, without a war-
14 rant, by any officer authorized to serve criminal process, for
15 a reasonable time to enable the superintendent or a trustee
16 of said reformatory, or a person authorized in writing by
17 such superintendent or trustee and provided with a mittimus
18 by which such person was committed, or a certified copy
19 thereof, to take such person for the purpose of returning him

20 to said reformatory; but during such detention he shall not
21 be committed to any jail, and the officer arresting him shall
22 be paid by the state a reasonable compensation for his arrest
23 and keeping.

Whenever any inmate of the reformatory, not having been
2 sentenced thereto by a court of the county wherein such re-
3 formatory is situated and established shall be convicted in
4 such county of any misdemeanor or felony committed while
5 an inmate of said reformatory, the cost and expense of try-
6 ing such convicted inmate, and of his maintenance after
7 conviction and sentence, if to the county jail of such county,
8 shall be paid by the county from which the said convicted
9 inmate was sentenced, and the costs and expenses of such
10 trial shall, in the first instance, be paid by the county wherein
11 such reformatory shall be established, whose commissioners
12 are thereupon authorized to draw their warrant upon the
13 treasurer of the county, from which said convicted inmate
14 was sentenced to said reformatory, for the amount paid as
15 aforesaid by said county wherein said reformatory is estab-
16 lished, for said costs and expenses which warrant it shall be
17 the duty of the treasurer upon whom it may be drawn to pay
18 forthwith.

Sect. 11. Nothing herein contained shall be construed to
2 interfere with the pardoning power of the governor or com-
3 mutation in any case.

Sect. 12. The board of trustees shall determine the kind
2 of employment for the inmates of the reformatory and shall

3 provide for their custody and superintendence. The pro-
4 visions for the safe keeping or employment of such inmates
5 shall be made for the purpose of teaching such inmates a
6 useful trade or profession, and improving their mental and
7 moral condition.

The Board of Trustees may transfer temporarily to the
2 State Prison any person committed to the said Reformatory
3 who may be incorrigible, or whose presence in the said Re-
4 formatory in the judgment of said trustees may be serious-
5 ly detrimental to the well being of the institution. The trus-
6 tees may subsequently by written requisition, require the
7 return to said Reformatory of any person who may have
8 been so transferred.

¶ Sect. 13. The Board of Trustees shall, subject to the ap-
2 proval of the Governor and Council, select a suitable site
3 for such Reformatory, consisting of suitable land for said
4 institution, a part of which land shall be arable or may be
5 made so, to the end that, so far as practicable, the food for
6 the inmates of said Reformatory may be produced upon
7 said land, the said Board of Trustees shall with the ap-
8 proval of the Governor and Council have power to purchase
9 suitable land, with or without buildings, or to lease for a
10 term of years suitable and adequate quarters for the loca-
11 tion and establishment of said Reformatory.

Sect. 14. The Board of Trustees shall proceed as soon as
2 practicable after the purchase of the site to erect thereon
3 and properly furnish and equip suitable buildings and

4 structures to accomplish the objects set forth in this act,
5 and in case of a lease of suitable quarters for said Reforma-
6 tory the same power as to buildings and structures and their
7 equipment shall apply as in case of purchase as aforesaid.

Sect. 15. The trustees shall receive for their services in
2 the performance of their duties connected with the obtaining
3 and fitting up of said Reformatory and for their term of
4 service thereafterward subsequent to the commencement of
5 the operation of said Reformatory and the receiving there-
6 in of inmates committed, the sum of five dollars per day
7 when actually employed, and their necessary expense in-
8 curred therein.

Sect. 16. The Board of Trustees shall have power to ap-
2 point a superintendent of construction for the building or
3 remodeling of said Reformatory and to employ such other
4 persons as may be deemed necessary to secure the speedy
5 and economical establishment of said Reformatory. The
6 plans and specifications approved and adopted by the trus-
7 tees shall provide for suitable buildings; the same to be
8 constructed in such a manner as will admit of the proper
9 classification of all inmates according to their moral con-
10 dition and the care, instruction and employment they should
11 receive. Buildings upon the site selected, if any, may be
12 built over to meet the requirements of this act and addition-
13 al and necessary buildings may be erected from time to time
14 as occasion demands, and as the Legislature shall appropri-
15 ate funds therefor.

Sect. 17. In the construction or remodeling of the build-
2 ings, if any there be upon the site selected, or in the im-
3 provement of the site, no expenditure of more than five hun-
4 dred dollars shall be made unless the same is duly adver-
5 tised and **competitive bids thereon received.**

Sect. 18. All bills contracted by the Board of Trustees,
2 as aforesaid, in purchasing or leasing a site and improving
3 the same and erecting, altering, repairing and equipping
4 suitable buildings and operating the institutions shall be
5 audited by the state auditor and paid by the treasurer of
6 the state in the manner provided by law.

Sect. 19. Twenty thousand dollars shall be appropriated
2 under this act to be used and expended for the purposes
3 herein named during the year nineteen hundred and nine-
4 teen and the sum of twenty-five thousand dollars during the
5 year nineteen hundred and twenty.

Sect. 20. All acts and parts of acts inconsistent with this
2 act are hereby repealed.