

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 47

In Senate, Feb. 4, 1919.

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

P. F. CRANE, Secretary.

Presented by Senator Thombs of Penobscot.

STATE OF MAINE

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

AN ACT to Amend Sections Twenty-five, Twenty-six, Twenty-eight, Thirty, Thirty-four, Thirty-eight and Forty-two of Chapter One Hundred and Thirty-seven, Relating to Indeterminate Sentences and Paroles.

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

Section 1. Sections twenty-five and twenty-six of chapter
2 one hundred and thirty-seven of the revised statutes are
3 hereby amended by striking out the whole of said sections
4 and substituting in the place thereof the following:

'Sect. 25. When any person shall be convicted of crime
2 the punishment for which prescribed by law may be im-
3 prisonment in the state prison, the court imposing sentence

4 shall not fix a definite term in said state prison, but shall
5 fix maximum and minimum terms. The maximum sentence
6 shall not exceed the longest term fixed by law for the pun-
7 ishment of the offense of which the person sentenced is
8 convicted, and the minimum sentence shall not exceed one-
9 half of the maximum term of imprisonment fixed by stat-
10 ute and shall not be less than six months in any case. The
11 judge, before or at the time of pronouncing such sentences,
12 shall ascertain by examination of the prisoner, and by such
13 other evidence as can be obtained, any facts tending to
14 indicate briefly the causes of the criminal character or con-
15 duct of such prisoner, which facts, and such other facts as
16 shall appear to be pertinent to the case, he shall cause to
17 be entered upon the minutes of the court.'

Sect. 2. Section twenty-eight of said chapter is hereby
2 amended by striking out the words "and also to the gov-
3 ernor" in the fifth line thereof and also by striking out the
4 last sentence of said section and substituting in the place
5 thereof the following: 'Such record shall be delivered to
6 the warden or superintendent at the time the prisoner is
7 received into the institution,' so that said section as amended
8 shall read as follows:

'Sect. 28. Whenever a person shall be convicted of a
2 crime and sentenced to imprisonment pursuant to the pro-
3 visions of sections twenty-five to forty-five, both inclusive,
4 of this chapter, the clerk of the court shall make and for-
5 ward to the warden or superintendent of the institution to

6 which the convict is sentenced a record containing a copy
7 of the information or complaint, the sentence pronounced
8 by the court, the name and residence of the judge presiding
9 at the trial, prosecuting attorney and sheriff, and the names
10 and post-office addresses of the jurors and the witnesses
11 sworn on the trial, together with a statement of any fact
12 or facts which the presiding judge may deem important or
13 necessary for a full comprehension of the case, and a refer-
14 ence to the statute under which the sentence was imposed.
15 Such record shall be delivered to the warden or superin-
16 tendent at the time the prisoner is received into the insti-
17 tution.'

Sect. 3. Section thirty of said chapter is hereby amended
2 by striking out the whole of said section and substituting
3 in place thereof the following:

'Sect. 30. The board of prison commissioners may adopt
2 such rules as it may deem wise or necessary properly to
3 carry out the provisions of sections twenty-five to forty-
4 five, both inclusive, of this chapter and may amend such
5 rules at pleasure. Provided, that prisoners, under the pro-
6 visions of said sections, shall be eligible to parole only after
7 the expiration of their minimum term of imprisonment.'

Sect. 4. Section thirty-four of said chapter is hereby
2 amended so that said section as amended shall read as fol-
3 lows:

'Sect. 34. No prisoner shall be released on parole until
2 the board of prison commissioners shall have satisfactory

3 evidence that arrangements have been made for such hon-
4 orable and useful employment of the prisoner as he is capa-
5 ble of performing, and some responsible person shall agree
6 to act as his "first friend and adviser," who shall execute
7 an agreement to employ the prisoner, or use his best efforts
8 to secure suitable employment for him. Said "first friend
9 and adviser" may, in the discretion of said board be re-
10 quired to furnish a bond, or other satisfactory security, to
11 the treasurer of state for the faithful performance of his
12 obligation as such "first friend and adviser." All money
13 collected upon such bond or security shall be turned over
14 to the treasurer of state and credited by him to the general
15 fund of the state.'

Sect. 5. Section thirty-eight of said chapter is hereby
2 amended so that said section as amended shall read as fol-
3 lows:

'Sect. 38. At the time of granting parole to any prisoner
2 the board of prison commissioners shall determine the
3 length of time the prisoner shall remain on parole, which
4 time may be subsequently extended or reduced, but which
5 shall not be more than four years in any case. After any
6 prisoner has faithfully performed all the obligations of his
7 parole for the period of time fixed, and has regularly made
8 his monthly reports as required by the rules providing for
9 his parole, he shall be deemed to have fully served his en-
10 tire sentence, and shall then receive a certificate of final dis-
11 charge from the warden or superintendent in whose custody

12 he is. A copy of such final discharge shall be kept on file
13 by the clerk of the board.'

Sect. 6. Section forty-two of said chapter is hereby
2 amended by striking out the word "ten" in the second line
3 thereof and substituting the word 'twenty,' so that said
4 section as amended shall read as follows:

'Sect. 42. Whenever any prisoner is released upon parole
2 he shall receive from the state, clothing not exceeding twen-
3 ty dollars in cost, and a non-transferable ticket, at his own
4 expense, to the county where his "first friend" resides. The
5 warden may, in his discretion, at the risk of the state, ad-
6 vance to any paroled prisoner the cost of a ticket as above
7 provided and expenses not to exceed two dollars, and failure
8 on the part of the paroled prisoner to return the money so
9 advanced within sixty days may be declared a violation of
10 parole warranting the return of the violator to prison.'