

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 233

In Senate, March 19, 1919.

Reported by Mr. Dearth from Committee on Judiciary and
laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

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
5 who have been duly sentenced and removed thereto, shall
6 be imprisoned and detained in accordance with the sen-
7 tences or orders of said courts and the rules and regula-
8 tions of said 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
4 this state, to be trustees of such reformatory. The terms
5 of office of such trustees shall be five years, subject to
6 removal by the governor and council for cause shown, and
7 they shall be so appointed that the term of one of them
8 shall expire on the first Tuesday of February in each year.
9 Any person appointed to fill a vacancy in the board of
10 trustees shall hold office for the remainder of the term of
11 the person whom he succeeds.

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

Sect. 4. The board of trustees shall appoint from among
2 its members a president and secretary, who shall hold office
3 for such duration of time as the board may determine.
4 They shall appoint a superintendent who shall hold office
5 during the pleasure of said trustees, and shall fix his com-
6 pensation as well as the compensation of all other officers
7 and employees. No member of the board of trustees shall

8 be eligible to appointment as superintendent during the
9 term for which he has been appointed a trustee.

Sect. 5. The superintendent shall, subject to the direc-
2 tion and control of the board of trustees.

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

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

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

Such superintendent shall have power to appoint and re-
2 move all subordinate officers and employees.

Sect. 6. On or before the thirtieth day of September in
2 each year, the trustees shall furnish a report to the gov-
3 ernor and council, containing a history of the institution
4 for the year ending on the thirtieth of June preceding, and
5 a complete statement of all accounts, with all the funds,
6 general and special, appropriated or belonging to said in-
7 stitution and a detailed statement of disbursements.

Sect. 7. When a male over the age of sixteen years is
2 convicted before any court or trial justice having juris-

3 diction of the offense, of an offense punishable by impris-
4 onment in the state prison, or in any county jail, or in any
5 house of correction, such court or trial justice may order
6 his commitment to the reformatory for men, or sentence
7 him to the punishment provided by law for the same of-
8 fense. When a male is sentenced to the reformatory for
9 men, the court or trial justice imposing the sentence shall
10 not prescribe the limit thereof, unless it be for a term of
11 more than five years, but no man committed to the re-
12 formatory upon a sentence within the prescribed limit, as
13 aforesaid, shall be held for more than five years if sen-
14 tenced for a felony; nor for more than three years if sen-
15 tenced for a misdemeanor after a prior conviction of crime,
16 otherwise for not more than six months. If the sentence
17 imposed on any man be for more than five years, he shall
18 be so held for such longer term.

If, through oversight, or otherwise any person be sen-
2 tenced to imprisonment in the said reformatory for men
3 for a definite period of time, said sentence for that reason
4 shall not be void; but the person so sentenced shall be
5 entitled to the benefit, and subject to the provisions of
6 this act, in the same manner and to the same extent as if
7 the sentence had been in the terms required by this act.
8 In such case said trustees shall deliver to such offender a
9 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

3 reformatory to be notified immediately of such commit-
4 ment and shall cause a record to be kept of the name, age,
5 birthplace, occupation, previous commitments, if any, and
6 for what offense, the last residence of such person so com-
7 mitted, and the particulars of the offense for which he is
8 committed. A copy of such record shall be transmitted
9 with the warrant of commitment to the superintendent of
10 such reformatory, who shall cause the facts stated therein
11 and such other facts as may be directed by the board of
12 trustees to be recorded in such form as the trustees may
13 direct.

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

Sect. 10. When it is made to appear to the trustees that
2 a person who has been committed to the reformatory has
3 reformed, they may issue to him a permit to be at liberty
4 providing that some suitable employment or situation has
5 been secured in advance for such person, and upon such
6 other conditions as the trustees shall prescribe during the

7 remainder of the term for which he might otherwise be
8 held in said reformatory, and they may revoke such per-
9 mit at any time before its expiration; but no such permit
10 shall be issued to any person who has been sentenced to
11 said reformatory for more than five years. If any permit
12 so issued is revoked by the trustees, or if any person so
13 committed shall escape from said reformatory, the board
14 of trustees may cause him to be re-arrested and returned
15 thereto for the unexpired portion of the original term for
16 which he was sentenced, dating from the time of escape
17 or the revocation of the said permit. Any inmate ordered
18 returned to the reformatory may, on the order of the super-
19 intendent or other officer of the institution be arrested and
20 returned to the reformatory, or to any officer or agent
21 thereof, by any sheriff, constable, police officer, state agent
22 for the protection of children or other person, and may
23 also be arrested and returned by any agent or officer of
24 the reformatory.

Whoever advises, induces, aids or abates any person so
2 committed to said reformatory or to the charge or guar-
3 dianship of said trustees to escape from said reformatory,
4 or from the custody of any person to whom such person
5 has been entrusted by said trustees or by their authority,
6 or knowingly harbors or secretes any person who has es-
7 caped from said reformatory, or from the custody, author-
8 ity, or control of said trustees, or from any person to whom
9 such person so committed has been entrusted by said

10 trustees or by their authority, shall upon conviction be
11 fined not more than five hundred dollars nor less than
12 one hundred dollars, or be imprisoned not exceeding one
13 year. Any person who has so escaped may be arrested
14 and detained, without a warrant, by any officer authorized
15 to serve criminal process, for a reasonable time to enable
16 the superintendent or a trustee of said reformatory, or a
17 person authorized in writing by such superintendent or
18 trustee and provided with a mittimus by which such per-
19 son was committed, or a certified copy thereof, to take
20 such person for the purpose of returning him to said re-
21 formatory; but during such detention he shall not be com-
22 mitted to any jail, and the officer arresting him shall be
23 paid by the state a reasonable compensation for his arrest
24 and keeping.

Whenever any inmate of the reformatory, not having
2 been sentenced thereto by a court of the county wherein
3 such reformatory is situated and established shall be con-
4 victed in such county of any misdemeanor or felony com-
5 mitted while an inmate of said reformatory, the cost and
6 expense of trying such convicted inmate, and of his main-
7 tenance after conviction and sentence, if to the county
8 jail of such county, shall be paid by the county from
9 which the said convicted inmate was sentenced, and the
10 costs and expenses of such trial shall, in the first instance,
11 be paid by the county wherein such reformatory shall be
12 established, whose commissioners are thereupon author-

13 ized to draw their warrant upon the treasurer of the coun-
14 ty, from which said convicted inmate was sentenced to said
15 reformatory, for the amount paid as aforesaid by said
16 county wherein said reformatory is established, for said
17 costs and expenses which warrant it shall be the duty
18 of the treasurer upon whom it may be drawn to pay forth-
19 with.

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

Sect. 12. The board of trustees shall determine the kind
2 of employment for the inmates of the reformatory and
3 shall provide for their custody and superintendence. The
4 provisions for the safe keeping or employment of such
5 inmates shall be made for the purpose of teaching such
6 inmates a useful trade or profession, and improving their
7 mental and moral condition.

The Board of Trustees may transfer temporarily to the
2 State Prison any person committed to the said Reforma-
3 tory who may be incorrigible, or whose presence in the
4 said Reformatory in the judgment of said trustees may
5 be seriously detrimental to the well being of the institu-
6 tion. The trustees may subsequently by written requis-
7 tion, require the return to said Reformatory of any per-
8 son who may have been so transferred.

Sect. 13. The board of trustees shall, subject to the
2 approval of the governor and council, select a suitable

3 site for such Reformatory, consisting of suitable land for
4 said institution, a part of which land shall be arable or
5 may be made so, to the end that, so far as practicable, the
6 food for the inmates of said Reformatory may be pro-
7 duced upon said land, the said board of trustees shall with
8 the approval of the governor and council have power to
9 purchase suitable land, with or without buildings, or to
10 lease for a term of years suitable and adequate quarters
11 for the location and establishment and for the exclusive
12 use of the state for 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
7 their equipment shall apply in case of purchase as afore-
8 said.

Sect. 15. The trustees shall receive for their services
2 in the performance of their duties connected with the ob-
3 taining and fitting up of said Reformatory and for their
4 term of service thereafterwards subsequent to the com-
5 mencement of the operation of said Reformatory and the
6 receiving therein of inmates committed, the sum of five dol-
7 lars per day when actually employed, and their necessary
8 expense incurred 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 on the site selected, if any, may
12 built over to meet the requirements of this act and addi-
13 tional and necessary buildings may be erected from time
14 to time as occasion demands, and as the legislature shall
15 appropriate funds therefor.

Sect. 17. In the construction and remodeling of the
2 buildings, if any there be upon the site selected, or in the
3 improvement of the site, no expenditure of more than five
4 hundred dollars shall be made unless the same is duly ad-
5 vertised 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 improv-
3 ing the same and erecting, altering, repairing and equip-
4 ping suitable buildings and operating the institutions shall
5 be audited by the state auditor and paid by the treasurer
6 of 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 nineteen
4 and the sum of twenty-five thousand dollars during the
5 year nineteen hundred twenty.

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