

MAINE STATE LEGISLATURE

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NEW DRAFT

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 870

S. P. 580

In Senate, March 10, 1933.

Reported by Senator Pillsbury of Kennebec from Committee on State Prison and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

New Draft of S. P. 344, L. D. 505.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT Relating to Parole of Prisoners.

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

Sec. 1. R. S., c. 147, § 28, amended. Section 28 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 28. Parole board to make rules and regulations; prisoners must serve minimum sentence. The parole board ~~of prison commissioners~~ may adopt such rules as it may deem wise or necessary properly to carry out the provisions of sections 25 to 43, both inclusive, of this chapter and may amend such rules at pleasure. Prisoners, under the provisions of said sections, shall be eligible to parole and may be paroled by the ~~said~~ parole board only after the expiration of their minimum term of imprisonment with the deduction provided by law.'

Sec. 2. R. S., c. 147, § 29, amended. Section 29 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 29. Application for parole; action thereon by parole board. Application shall be made to the parole board ~~of prison commissioners~~, upon uniform blanks prescribed by them, or to the warden of the prison. The warden when requested by a prisoner whose minimum term of imprisonment has expired and who is eligible to parole, shall furnish such prisoner with a blank application for parole. The application shall be filled out and

delivered to the warden who shall immediately forward the same to the **parole board of prison commissioners** with his recommendation indorsed thereon. Upon receipt of such application and recommendation, the **parole board of prison commissioners** shall make such investigation in the matter as they may deem advisable and necessary, and may, in their discretion, grant such application and issue a parole or permit to such applicant to go at large without the enclosures of the prison.

Sec. 3. R. S., c. 147, § 30, amended. Section 30 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 30. Prisoner on parole deemed to be serving his sentence. The prisoner so paroled, while at large by virtue of such parole, shall be deemed to be still serving the sentence imposed upon him, and shall be entitled to good time the same as if confined in prison. Provided, that whenever the prisoner so paroled shall have been committed to or confined in the prison from a county other than the county in which the prison is situated, it shall be made a condition of his parole that he shall not live or remain in the county in which the prison is situated, without the express consent of the ~~officers or parole board granting such parole~~, which consent may be granted or revoked by ~~such officer or the parole board~~, for cause shown at any time before such convict is finally discharged.'

Sec. 4. R. S., c. 147, § 31, amended. Section 31 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 31. Certain convicts in the state prison, March 14, 1913, eligible to parole. Every person confined in the state prison on the 14th day of March, 1913, under sentence for a definite term for a felony, unless the term be for life, who has never before been convicted of a crime punishable by imprisonment in a state prison, shall be subject to the jurisdiction of the **parole board of prison commissioners** in the matter of paroles and may be paroled in the same manner and subject to the same conditions and penalties as prisoners confined under indeterminate sentences under the provisions of sections 25 to 43, both inclusive, of this chapter. The minimum and maximum terms of the sentences of said prisoners are hereby fixed and determined to be as follows: the definite term for which each person is sentenced shall be the maximum limit of his term and if the definite term for which the person is sentenced is 2 years or less the minimum limit of his term shall be 1 year. If the definite term for which the person is sentenced is more than 2 years, $\frac{1}{2}$ of the definite term of his sentence shall be the minimum limit of his term.'

Sec. 5. R. S., c. 147, § 32, repealed. Section 32 of chapter 147 of the revised statutes is hereby repealed.

Sec. 6. R. S., c. 147, § 33, amended. Section 33 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 33. Prisoners on parole to be in legal custody of warden; may be returned to prison. Every such prisoner, while on parole, shall remain in the legal custody and under the control of the warden of the prison from which he is paroled and shall be subject at any time to be taken back within the enclosure of said prison for any reason that may be satisfactory to the warden, and full power to retake and return any such paroled prisoner to the prison from which he was allowed to go at large is hereby expressly conferred upon the warden of such prison, whose written order shall be a sufficient warrant authorizing all officers named therein to return such paroled prisoner to actual custody in the prison from which he was permitted to go at large. When the warden shall return to prison any paroled prisoner, he shall at once report the fact, and his reasons therefor, to the ~~parole board of prison commissioners~~ and his action shall stand approved unless reversed by a majority vote of said board, but no prisoner shall be returned twice for the same offense.'

Sec. 7. R. S., c. 147, § 36, amended. Section 36 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 36. Duration of parole; final discharge. At the time of granting parole to any prisoner the ~~parole board of prison commissioners~~ shall determine the length of time the prisoner shall remain on parole, which time may be subsequently extended or reduced, but which shall not be more than 4 years in any case. After any prisoner has faithfully performed all the obligations of his parole for the period of time fixed, and has regularly made his monthly reports as required by the rules providing for his parole, he shall be deemed to have fully served his entire sentence, and shall then receive a certificate of final discharge from the warden in whose custody he is. A copy of such final discharge shall be kept on file by the clerk of the board.'

Sec. 8. R. S., c. 147, § 37, amended. Section 37 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 37. Monthly report of paroled prisoner; duty of officer receiving report; summary of paroles in annual report of department of health and welfare. On the last day of each month, each paroled prisoner shall make a written report to the warden of the prison, from which he was released, showing his conduct during the current month, his employment, earnings, and expenditures, his probable post-office address and place of employment for the coming month, and the warden in charge of said institution shall, not later than the 15th day of each month, tabulate and report to the ~~parole board of prison commissioners~~, in writing, the information thus received,

and he shall immediately communicate to the **parole board of prison commissioners** all violations and infractions of the rules governing such paroled prisoners. In their annual report to the governor, the **parole board of prison commissioners** shall include a summary of the paroles and releases under sections 25 to 43, both inclusive, of this chapter, the names of all prisoners who have violated their paroles, the nature of such violations, together with such information concerning the operations under the law as may be deemed to be of public interest.'

Sec. 9. R. S., c. 147, § 38, amended. Section 38 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 38. Record to be kept at institution where prisoner was confined. There shall be kept in the prison by the warden thereof, a book containing a full and accurate record of each and every transaction had under the provisions of this chapter relating to paroles. A summary of such record shall be filed with the **parole board of prison commissioners**, to be by said board compiled and included in ~~its~~ the annual report **of the department of health and welfare.**'

Sec. 10. R. S., c. 147, § 39, amended. Section 39 of chapter 147 of the revised statutes is hereby amended to read as follows:

'Sec. 39. Secretary of board to furnish blanks. The secretary of the **parole board of prison commissioners** is hereby authorized to provide all blanks required for the proper execution of the provisions of this chapter relating to paroles, after the forms for such blanks have been approved by the board.'

Sec. 11. R. S., c. 147, §§ 41, 42, repealed. Sections 41 and 42 of chapter 147 of the revised statutes are hereby repealed.