

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1139

S. P. 631

In Senate, April 5, 1939.

Reported by Senator Wentworth of York from Committee on Appropriations and Financial Affairs and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Wentworth of York.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to the Administration of State Institutions.

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

Sec. 1. Department of institutional service. There is hereby created and established the department of institutional service.

Sec. 2. Appointments. A commissioner of institutional service shall be appointed by the governor with the advice and consent of the council, said appointment shall be for 3 years and until his successor is appointed and qualified, or during the pleasure of the governor and council. Any vacancy shall be filled by appointment for a like term.

Sec. 3. The commissioner of institutional service shall have the power to appoint a director of institutional service, institutional heads, and such other employees as shall be necessary for the proper performance of the duties of said department, said appointments to be with the approval of the governor and council.

1. The director of institutional service shall be a person experienced in institutional administration, either as a superintendent, chief medical officer, or business manager, or who has had other satisfactory experience in the direction of work of a comparable nature.

Sec. 4. Supervision of institutions; heads; enforcement of laws. The department of institutional service shall have general supervisor, management and control of the grounds, buildings and property, officers and employees, and patients and inmates of all of the following state institutions:

The insane hospitals, Pownal state school, the state prisons, the reformatories for men and women, the juvenile institutions, the state sanatoriums, the school for the deaf, the military and naval children's home and such other charitable and correctional state institutions as may be created from time to time. The heads or superintendents of the several state institutions under the department shall be appointed by the commissioner subject to the approval of the governor and council, and shall report directly to the said commissioner or the director as designated by the commissioner. Each institutional head shall be experienced in the management of the particular type of institution to which he or she is assigned.

The department shall be charged with the enforcement of all laws concerning the aforesaid institutions except in such cases where specific duties are given elsewhere.

Sec. 5. Salaries. The salary of the commissioner, the director and all other employees established under this act shall receive such compensation as shall be fixed by the governor and council.

Sec. 6. Powers and duties of department. The department of institutional service shall have authority:

1. To exercise all the rights, powers, and duties heretofore vested by law in the department of health and welfare by paragraphs 2 to 9, inclusive, 14 and 15, 19 to 23 inclusive and 26 of section 2 of Article III of chapter 216 of the public laws of 1931 as amended and revised by chapter 1 of the public laws of 1933 and amendments thereto. Said rights, powers, and duties as provided in chapter 216 of the public laws of 1931 are as follows:

2. To exercise all the rights, powers, and duties heretofore vested by law in the board of prison commissioners, its officers, assistants, and employees;

3. To exercise all the rights, powers, and duties heretofore vested by law in the trustees of the reformatory for women, their officers, assistants, and employees;

4. To exercise all the rights, powers, and duties heretofore vested by law in the board of trustees of the reformatory for men, its officers, assistants, and employees;

5. To exercise all the rights, powers, and duties heretofore vested by

law in the trustees of juvenile institutions, their officers, assistants, and employees ;

6. To exercise all the rights, powers, and duties heretofore vested by law in the visiting committee to the state school for boys of the council ;

7. To exercise all the rights, powers, and duties heretofore vested by law in the hospital trustees, their superintendents, officers, assistants, and employees ;

8. To exercise all the rights, powers, and duties heretofore vested by law in the visiting committee to state hospitals of the council ;

9. To exercise all the rights, powers, and duties heretofore vested by law in the board of trustees for tuberculosis sanatoriums, its officers, assistants, and employees ;

14. To exercise all the rights, powers, and duties heretofore vested by law in the board of trustees of the Maine school for the deaf, its officers, assistants, and employees ;

15. To exercise all the rights, powers, and duties heretofore vested by law in the board of trustees of the state military and naval children's home, its officers, assistants, and employees ;

19. To establish parole standards and procedure and supervise the parole of inmates in the state penal and correctional institutions, subject to the approval of the governor and council ;

20. To classify and segregate the inmates of institutions ;

21. To devise methods for the employment of patients and inmates of state institutions, and for the production and distribution of farm, dairy, and industrial products of such institutions ;

22. To fix rates and collect fees for the support of patients in state hospitals, sanatoria, and other institutions ;

23. To provide for the training of nurses in state hospitals and sanatoria ;

26. To perform such other functions for the care, custody, treatment, and relief of the sick, the dependent, the defective and delinquent as may be consistent with the general purposes herein defined and not otherwise contrary to law.

Sec. 7. Parole board. There shall be a parole board in the department of institutional service consisting of the commissioner of institutional service, and any 2 members of the executive council designated by the governor. Such board shall have authority to grant or revoke all paroles in connection with the state penal and correctional institutions.

The commissioner may appoint one or more parole officers to serve during his pleasure, subject to the approval of the governor and council, who shall perform such duties in connection with the employment, care and supervision of persons paroled from the state penal and correctional institutions as the parole board may determine.

Sec. 8. All acts or parts of acts in chapter 216 of the public laws of 1931 or the revision thereof or amendments thereto inconsistent herewith are hereby amended to conform to the provisions of this act.