

# MAINE STATE LEGISLATURE

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S. P. 428

In Senate, February 11, 1941.

Referred to the Committee on State School for Boys, State School for Girls and State Reformatories and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Stilphen of Lincoln.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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AN ACT Relating to the State Reformatory for Men.

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

**Sec. 1. P. L., 1933, c. 1, § 367, amended.** Section 367 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

**'Sec. 367. Commitment for less than 5 years; to be of indeterminate duration.** When a male over the age of 16 years and under the age of 36 years, is convicted ~~before~~ **by** any court or trial justice having jurisdiction of the offense, of an offense punishable by imprisonment in the state prison, or in any county jail, or in any house of correction, such court or trial justice may order his commitment to the reformatory for men, or sentence him to ~~the any other~~ **any other** punishment provided by law for the same offense; **provided, however, that any such person known by the court or trial justice having jurisdiction of the offense to have been previously committed to a state prison shall not be committed to said reformatory.** When a male is ordered committed to the reformatory for men, the court or trial justice ordering the commitment shall not prescribe the limit thereof, ~~except as provided in sections 370 and 371,~~ **except as** but no ~~man~~ **male** committed to the reformatory as aforesaid shall be held for more than 5 years if convicted

for a felony; nor for more than ~~3~~ 2 years if convicted for a misdemeanor ~~after a prior conviction of crime, otherwise for not more than 1 year.~~

If through oversight, or otherwise, any person be committed to imprisonment in the said reformatory for men for a definite period of time, said commitment for that reason shall not be void; but the person so committed shall be entitled to the benefit, and subject to the provisions of this section, in the same manner and to the same extent as if the commitment had been in the terms required by this section. In such case the superintendent of the reformatory shall deliver to such offender a copy of sections 366 to 373, inclusive.'

**Sec. 2. P. L., 1933, c. 1, additional.** Chapter 1 of the public laws of 1933 is hereby amended by adding thereto a new section to be numbered 369-A and to read as follows:

'Sec. 369-A. Classification, conduct records and parole eligibility. The superintendent of the reformatory shall classify each person committed thereto and shall keep monthly records of his progress in industry and deportment. When a person so committed has shown proper progress in industry and deportment, the superintendent may recommend him for hearing before the parole board; but no person shall be eligible for such hearing in less than 6 months after the date of commitment if convicted for a misdemeanor nor less than one year if convicted for a felony.'

**Sec. 3. P. L., 1933, c. 1, § 370, amended.** Section 370 of chapter 1 of the public laws of 1933 is hereby repealed and the following enacted in place thereof:

'Sec. 370. Conditions of parole, violation of terms of parole, penalty, final discharge. When a person committed to the reformatory has been recommended for a hearing before the parole board by the superintendent, the parole board may in its discretion, after proper hearing, issue a permit for such person to be at liberty and may so release such person providing some suitable employment or situation has been secured for him in advance, and upon such other conditions as the parole board may prescribe. A person to whom such a permit has been issued shall be under the custody and control of the superintendent during the remainder of the term that he otherwise might have been held; but if it shall appear to the superintendent that such person will continue to live an orderly life, he may, upon approval of the parole board, discharge such person from custody and shall deliver to him a written certificate to that effect. Any permit so issued by the parole board may be revoked by said board upon information by the superintendent that the parolee has failed to comply with the conditions

of his parole. Whenever such permit is revoked, such person shall be rearrested and returned to the reformatory, by order of the superintendent, where he shall be held for the unexpired portion of the term for which he might have been held under his original commitment, and such unexpired portion shall date from the time of revocation of the said permit, provided, however, that such person may again be paroled in the discretion of the parole board in the manner hereinbefore set forth. The order to return by the superintendent upon violation of parole conditions shall be sufficient warrant for any officer of the reformatory, sheriff, constable, police officer or parole officer to so rearrest and return such person to actual custody within the reformatory.'

Sec. 4. P. L., 1933, c. 1, § 371, amended. The second paragraph of section 371 of chapter 1 of the public laws of 1933, is hereby repealed and the following enacted in place thereof:

'Whenever any inmate of said reformatory escapes therefrom, or forcibly attempts to do so or assaults any officer or other person in the government thereof, the superintendent may certify that fact on the original mittimus, with recommendation that said person be transferred to the state prison and present it to the commissioner of institutional service for his approval. Upon approval of said recommendation by the commissioner, said inmate shall be transferred from the reformatory to the state prison, where he shall serve the remainder of the term for which he might otherwise be held at said reformatory, or at the discretion of the court he may be punished by imprisonment in the state prison for any term of years. Prosecution under this section may be instituted in any county in which said person may be arrested or in the county of Cumberland but in such cases the costs and expenses of trial shall be paid by the county from which said person was originally committed, and payment enforced as provided in the following paragraph.'