

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1211

S. P. 425

In Senate, February 28, 1947.

Transmitted by revisor of statutes pursuant to joint order

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Clough of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Creating a State Administered Probation System.

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

Sec. 1. R. S., c. 136, § 28, repealed and replaced. Section 28 of chapter 136 of the revised statutes, as amended by chapter 139 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 28. State probation commission, created. There is hereby created and established a state probation commission, as follows:

I. Probation commission. There shall be a probation commission consisting of 5 members as follows: the commissioner of health and welfare, and the commissioner of institutional service, each of whom shall serve during their terms of office and be succeeded on said commission by their successors in office; a member of the judiciary to be appointed by the governor and council for a term of 4 years; and two laymen of wide civic interest and experience, one to be appointed by the governor and council for a term of 2 years, and the other to be appointed by the governor and council for a term of 3 years, all reappointments other than the permanent members to be for terms of 4 years. Any vacancy other than in the permanent members shall be filled by appointment for the period of the unexpired term.

II. Duties and powers of the commission. It shall be the duty of the commission to formulate policies and programs for the development, and supervise the operation, of the probation system and to formulate a program of probation and provide specialized services for juvenile offenders. The commission shall appoint a director of probation who shall be qualified by personality, training, and experience to direct an effective probation service. The director of probation shall serve at the pleasure of the commission which shall have authority to remove the director for cause.

III. Duties of the director. It shall be the duty of the director, with the approval of the commission, to appoint such probation officers by districts as shall be necessary to render adequate probation and specialized juvenile service throughout the state. Such probation officers shall be qualified to render service to the courts in both adult and juvenile cases. The director shall make an annual report to the probation commission.

IV. Compensation. Members of the commission who are not regular employees of the state shall be paid for their services at the rate of \$15 per day and shall be entitled to such expenses as are incurred in the performance of their duties. The salary of the director shall be fixed by the commission.

V. Exceptions. The county of Cumberland is expressly exempted from the preceding provisions of this section and nothing in this section shall affect or modify any law pertaining to the appointment of probation officers and their duties within and for the county of Cumberland, except as follows: the probation officer and assistant probation officer of the county of Cumberland shall be appointed by the judge of the municipal court for the city of Portland, and said appointments shall be approved by a justice of the superior court resident in Cumberland county or by the chief justice of the supreme judicial court.

The county of Androscoggin shall have 2 probation officers, one to be designated probation officer and one to be designated assistant probation officer; and the county commissioners for Androscoggin county shall pay the probation officer a salary of \$1,800, annually, and shall pay the assistant probation officer a salary of \$1,000, annually; and furthermore the probation officers for Androscoggin county shall be entitled to select a clerk or stenographer for the probation office, and the county commissioners shall appropriate the sum of \$832, annually, for such clerk hire. Furthermore, the county commissioners for Androscoggin county shall provide suitable quarters in the county building for this office.'

Sec. 2. R. S., c. 136, § 29, repealed and replaced. Section 29 of chapter 136 of the revised statutes is hereby repealed and the following enacted in place thereof :

'Sec. 29. Authority and duties of probation officers. It shall be the duty of probation officers to investigate at the request of any court within the district assigned to them by the director of probation any case, matter, or question, whether then pending or not, and to report to such court the result of such investigation with recommendations; to take charge of such persons before, at and after hearing of their cases as the court may direct and transport them to agencies or institutions to which they may be committed, and to perform any duties as probation officers assigned to them by the commission or any court; to receive under supervision upon request of any court any persons placed on probation or ordered to pay sums for support of minor children, or sums ordered by court to be paid in cases of nonsupport or illegitimacy; to keep informed concerning the conduct and condition of persons on probation and impel their obedience to the orders of court; to keep detailed records of each case, accounts of all monies collected and disbursed, and to give and obtain receipts therefor; and to make such reports to the courts and to the commission as they may require, and to collect fines and costs on order of court.'

Sec. 3. R. S., c. 136, § 30, amended. The 2nd sentence of section 30 of chapter 136 of the revised statutes is hereby amended to read as follows: 'The court at or before the time for sentence shall inquire into the circumstances of the respondent and of his offense, and if the matter is continued for sentence, the respondent shall be placed in the custody and under the control of the probation officer in the ~~county~~ district where such respondent has been convicted.'

Sec. 4. R. S., c. 136, § 35, amended. The 2nd sentence of section 35 of chapter 136 of the revised statutes is hereby amended to read as follows: 'Such officer shall also notify a probation officer in his ~~county~~ district of the fact of such arrest, and of the time and place of such trial.'

Sec. 5. R. S., c. 22, § 237, amended. The 1st sentence of chapter 22 of the revised statutes is hereby amended to read as follows :

'All municipal boards, their agents and employees, all ~~county~~ probation officers ~~and associate probation officers~~, and the department and its agents, so far as funds are available, shall investigate all cases of cruel or injurious treatment of children coming to their knowledge, and shall cause offenders against any law for the protection of children or prevention of cruelty to the same to be prosecuted.'

Sec. 6. Appropriation. There is hereby appropriated from the general fund of the state the sum of \$65,000 for the fiscal year ending June 30, 1948, and the sum of \$65,000 for the fiscal year ending June 30, 1949, to carry out the provisions of this act.