

MAINE STATE LEGISLATURE

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

Legislative Document

No. 238

S. P. 133

In Senate, January 30, 1951

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Sleeper of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT to Clarify Certain Provisions of the Institutional Service Law.

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

Sec. 1. R. S., c. 23, § 27, amended. The 1st sentence of section 27 of chapter 23 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Each convict, except those sentenced to imprisonment for life, whose record of conduct shows that he has faithfully observed all the rules and requirements of the prison, shall be entitled to a deduction of 7 days per month from the minimum term of his sentence, commencing on the first day of his arrival at the prison.'

Sec. 2. R. S., c. 23, § 66, amended. The 1st paragraph of section 66 of chapter 23 of the revised statutes is hereby amended to read as follows:

'When a male over the age of 16 years and under the age of 36 years is convicted 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 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, but no male committed to the reformatory as aforesaid shall be held for more than ~~5~~ 3 years ~~if convicted for a felony; nor for more than 2 years if convicted for a misdemeanor.~~

Sec. 3. R. S., c. 23, § 152, amended. Section 152 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 152. Management of school; ages of inmates. The Pownal state school, heretofore established at Pownal, in the county of Cumberland, shall be maintained for the care and education of idiotic and feeble-minded males ~~and females~~, between the ages of 6 5 years and ~~40~~ 55 years, ~~and females, between the ages of 6 years and 45 years~~ except that idiotic and feeble-minded state paupers ~~of either sex~~ or patients transferred from either state hospital for the insane under the provisions of this chapter may be admitted after the above stated ~~ages~~ age.'

Sec. 4. R. S., c. 23, § 167-A, additional. Chapter 23 of the revised statutes is hereby amended by adding thereto a new section to be numbered 167-A, to read as follows:

'Sec. 167-A. Application. The provisions of the 2 preceding sections shall apply only to pulmonary tuberculosis.'

Sec. 5. R. S., c. 133, § 6, amended. The 1st paragraph of section 6 of chapter 133 of the revised statutes, as amended by chapter 63 of the public laws of 1945 and by section 2 of chapter 334 of the public laws of 1947, is hereby further amended to read as follows:

'A municipal court may place children under the age of 17 years under the supervision, care and control of a probation officer or an agent of the department of health and welfare or may order the child to be placed in a suitable family home subject to the supervision of a probation officer or the department of health and welfare or may commit such child to the department of health and welfare or make such other disposition as may seem best for the interests of the child and for the protection of the community including holding such child for the grand jury or commitment of such child to the Pownal State School upon certification of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this state, that such child is mentally defective and that his or her mental age is not greater than $\frac{3}{4}$ of subject's life age nor under 3 years,

or to the state school for boys or state school for girls; but no boy shall be committed to the state school for boys who is under the age of 9 years and no girl shall be committed to the state school for girls who is under the age of 9 years, and no municipal court shall sentence a child under the age of 17 years to jail ~~reformatory~~ or prison; any child or his next friend or guardian may appeal to the superior court in the same county in the same manner as in criminal appeals, and the court may accept the personal recognition of such child, next friend or guardian, and said superior court may either affirm such sentence or order of commitment or make such other disposition of the case as may be for the best interests of such child and for the peace and welfare of the community.'

Sec. 6. R. S., c. 136, § 34, amended. Section 34 of chapter 136 of the revised statutes is hereby amended by adding at the end thereof the following:

' , but if such child has attained the age of 17 years, while on probation or suspended sentence, such child may not be committed to the state school for boys or the state school for girls.'