

MAINE STATE LEGISLATURE

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

Legislative Document

No. 855

H. P. 824

House of Representatives, February 18, 1953

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

HARVEY R. PEASE, Clerk

Presented by Mr. Macomber of Jay

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Duties of Parole Board.

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

Sec. 1. R. S., c. 23, § 7, amended. Section 7 of chapter 23 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 7. Parole board; parole standards; parole officer. There shall be a parole board in the department of institutional service consisting of the commissioner of institutional service, **or his duly authorized representative**, and any 2 persons appointed by the governor. The members appointed by the governor **shall be appointed for a 4-year term** and shall be paid their expenses and shall receive compensation at the rate of ~~\$10~~ **\$20** per day for each day actually spent in the work of the board. Such board shall have authority to grant or revoke all paroles in connection with the state penal and correctional institutions, and, from time to time, shall make recommendations to the governor in reference to the granting of reprieves, commutations and pardons.

The commissioner may appoint ~~one or more~~ **a chief parole officer** and 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. Such parole officers are hereby vested with the power and authority to arrest in any county in the state with or without a warrant any person who has violated his parole or who has escaped from any of the institutions under the supervision of the department of institutional service, and to detain and return such person to the institution from which he was paroled or has escaped. **The chief parole officer shall be the executive officer of the board, and shall keep the records, direct the activities of the parole officers, prepare the budget, annual report, and be duly authorized to sign documents including warrants and extradition papers, in behalf of the board.**

Sec. 2. R. S., c. 23, § 31, repealed and replaced. Section 31 of chapter 23 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 31. Transportation of prisoners. When any male person is convicted and sentenced to the state prison from any county, the warden shall be notified immediately and the sheriff of said county, or a sufficient number of his appointed deputies, shall then transport the convict to the state prison. The convict shall be delivered with a duly signed warrant of commitment to the officer in charge of the prison before 4 P. M. on any day. The warden shall then file said warrant with his return thereon, in his office, and cause a copy to be filed in the office of the clerk of the court from which it was issued.'

Sec. 3. R. S., c. 23, § 59, amended. Section 59 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 59. Discharge of certain paroled women. When an inmate of the reformatory for women whose term was not prescribed by the court has been paroled and in the opinion of the superintendent thereof parole board such inmate is no longer in need of supervision, the parole said board may authorize the superintendent to discharge such inmate from the reformatory her sentence.'

Sec. 4. R. S., c. 23, § 70, amended. Section 70 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 70. Conditions of parole, violation of terms of parole, final discharge. When a person committed to the reformatory for men 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~~ Any person to whom such a permit has been issued shall be under the custody and control ~~of the superintendent of the parole board~~ during the remainder of the term that he otherwise might have been held; ~~at the reformatory for men~~, but if it shall appear to the ~~superintendent parole board~~ that such person will continue to live an orderly life, ~~he may said board may upon approval of the parole board discharge such person from custody authorize the superintendent to discharge such person from custody and shall to 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 for any reason satisfactory to said board.~~ Whenever such permit is revoked, such person shall be rearrested and returned to the reformatory, by order of the ~~superintendent parole board~~, 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~~ herein set forth. The order to return by the ~~superintendent parole board~~ upon violation of parole conditions shall be sufficient warrant for any officer of the reformatory, sheriff, constable, police officer or parole officer to so arrest and return such person to actual custody within the reformatory.'

Sec. 5. R. S., c. 23, § 80, amended. Section 80 of chapter 23 of the revised statutes, as amended, is hereby further amended to read as follows:

'**Sec. 80. Boys committed on probation; return to school.** The department may ~~commit place, on probation parole~~ and on such terms as it deems expedient, to any suitable inhabitant of the state or to the department of health and welfare, any boy in the custody of the state school for boys, for a term within the period of his commitment, such ~~probation parole~~ to be conditioned on his good behavior and obedience to the laws of the state. Such boy shall, during the term for which he was originally committed to the state school for boys, be also subject to the care and control of the department, and on its being satisfied at any time that the welfare of the boy will be promoted by his return to the school, it may order his return. On his return to the school, such boy shall there be held and detained under the original mittimus. The department may delegate to the **parole board, or to the superintendent** under such rules as it prescribes the powers herein granted to the department to ~~commit place~~ any boy on ~~probation parole~~

to any suitable inhabitant of the state or to the department of health and welfare, and to return to the school any boy so ~~committed~~ **paroled** when ~~he is~~ satisfied that the welfare of the boy will be promoted by his return. Any boy ordered returned to the institution may, on the order of the **parole board**, superintendent or other officer of the institution, be arrested and returned to the school; ~~or to any officer or agent thereof~~ by any sheriff, constable, police officer ~~or other person~~; and may also be arrested and returned by any **parole** officer or agent of the school. Whenever such boy is ~~committed~~ **placed on probation parole** to the custody of the department of health and welfare, the expense of his maintenance and education shall be borne in accordance with the provisions of section 240 of chapter 22 and the department shall be invested with the same powers and duties as if such boy had been committed under the provisions of section 238 of said chapter.'

Sec. 6. R. S., c. 136, § 18, amended. Section 18 of chapter 136 of the revised statutes is hereby amended to read as follows:

'Sec. 18. Clothing and transportation for paroled prisoners. Whenever any prisoner is released ~~upon parole from the prison~~, he may receive from the state clothing not exceeding \$20 in cost and transportation to the place where he was convicted, or to his home, if within the state; and may receive cash not exceeding ~~\$10~~ \$25.'

Sec. 7. R. S., c. 136, §§ 15, 16, 21, 25, 26, repealed. Sections 15, 16, 21, 25 and 26 of chapter 136 of the revised statutes are hereby repealed.

Sec. 8. R. S., c. 136, § 20, amended. Section 20 of chapter 136 of the revised statutes is hereby amended to read as follows:

'Sec. 20. Prisoners on parole to be in legal custody of parole board; may be returned to prison. Every prisoner while on parole ~~under the provisions of this chapter~~ shall remain in the legal custody and under the control ~~of the warden of the prison from which he is paroled~~ **the parole board** 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~~ **said board** and full power to retake and return any such paroled prisoner to the prison from which he was allowed to go at large is expressly conferred upon the ~~warden of such prison~~ **parole board** 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 ~~or she~~ 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, 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. 9. R. S., c. 136, § 22, amended. Section 22 of chapter 136 of the revised statutes is hereby amended to read as follows :

'Sec. 22. Prisoner violating parole considered escaped prisoner. A prisoner violating the ~~terms~~ **provisions** of his **or her** parole and for whose return a warrant has been issued ~~by the warden~~ **by the parole board**, shall, after the issuance of such warrant, be treated as an escaped prisoner owing service to the state and shall be liable, after arrest, to serve out the unexpired portion of his **or her** maximum sentence. The length of service owed the state in any such case shall be determined by deducting from the maximum sentence the time from date of commitment to the prison to date of violation of parole and such prisoner shall forfeit any deduction made from his **or her** sentence by reason of faithful observance of the rules and requirements of the prison prior to parole or while on parole. This section shall not be construed to prevent time allowance by reason of faithful observance of the rules and requirements of the prison during the unexpired portion of such maximum sentence, or to prevent the reparole of such prisoner in the discretion of the parole board.'

Sec. 10. R. S., c. 136, § 23, amended. Section 23 of chapter 136 of the revised statutes is hereby amended to read as follows :

'Sec. 23. Crime by paroled prisoner while at large. Any prisoner committing a crime while at large ~~upon~~ **on** parole or conditional release and being convicted and sentenced therefor **to imprisonment at the state prison** shall serve the 2nd sentence to commence from the date of the termination of the 1st sentence whether such sentence is served or annulled.'