

MAINE STATE LEGISLATURE

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STATE OF MAINE

NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 545

S. P. 200

In Senate, February 7, 1957.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Willey of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Powers and Duties of the Parole Board.

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

Sec. 1. R. S., c. 27, § 7, amended. Section 7 of chapter 27 of the Revised Statutes is hereby amended to read as follows:

'Sec. 7. Parole Board; parole officer; parole standards. ~~There shall be a~~ A Parole Board, as heretofore established in the Department of Institutional Service ~~consisting,~~ **shall consist** of the Commissioner of Institutional Service and any 2 persons appointed by the Governor. ~~The term for the Parole Board Members appointed by the Governor shall be appointed for a 4 year term~~ **4 years** and shall be paid their expenses and shall receive compensation at the rate of ~~\$10~~ **\$25** 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 may adopt such rules as it may deem wise or necessary to properly carry out the provisions of this section and, from time to time when requested,** shall make recommendations to the Governor in reference to the granting of reprieves, commutations and pardons.

The Commissioner may appoint a Chief Parole Officer and parole officers ~~to serve during his pleasure~~ subject to the ~~approval of the Governor and Council~~ **provisions of the Personnel Law**, 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 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 secretary of the Parole Board, direct the activities of the parole officers and ~~be~~ shall, when duly authorized by the Board, ~~to~~ sign documents including, warrants and extradition papers ~~in behalf of the Board.~~

Sec. 2. R. S., c. 27, §§ 7-A - 7-K, additional. Chapter 27 of the Revised Statutes is hereby amended by adding thereto 11 new sections to be numbered 7-A to 7-K, inclusive, to read as follows:

'Sec. 7-A. Prisoners must serve minimum sentence. All prisoners and inmates eligible for parole may be paroled by the Parole Board only after the expiration of their minimum term of imprisonment or commitment with the deduction provided by law.

Sec. 7-B. Parole of persons serving a fixed definite term. Any person convicted of an offense under the provisions of sections 10, 11 or 12 of chapter 130, or under the provisions of section 6 of chapter 134, may be eligible for parole provided that such person has completed $\frac{1}{2}$ of the sentence imposed by the court, less good time earned as provided by law. The provisions of this section shall apply to any person now in the State Prison who has been convicted of an offense under the provisions of sections 10, 11 or 12 of chapter 130 or under the provisions of section 6 of chapter 134.

Sec. 7-C. Parole of persons serving a life term. Any person convicted of an offense the only punishment for which prescribed by law is imprisonment for life, providing such person has never been convicted of any other capital crime, may be eligible for parole after serving a term of 30 years' imprisonment.

Sec. 7-D. Duration of parole. At the time of granting parole to any prisoner or inmate the Parole Board shall determine the length of time the prisoner or inmate shall remain on parole, which time may be subsequently extended or reduced, but which shall not be more than 4 years in any case.

Sec. 7-E. Parolee deemed serving his sentence. The parolee under the provisions of this chapter while released by virtue of such parole, shall be deemed to be still serving the commitment imposed upon him or her, and shall be entitled to such good time as is provided by law.

Sec. 7-F. Parolees on parole in legal custody of Parole Board. Every parolee shall remain in the legal custody and under the control of the Parole Board.

Sec. 7-G. Paroled or discharged prisoner's or inmate's record forwarded to State Police. Whenever any prisoner or inmate, who has been convicted of an offense under the provisions of sections 10, 11 or 12 of chapter 130 or under the provisions of section 6 of chapter 134, is released upon parole, or discharged in full execution of his sentence, the Warden or Superintendent of the institution shall make and forward to the State Police a copy of the record of said prisoner or inmate together with a statement of any fact or facts which he may deem necessary for a full comprehension of the case.

Sec. 7-H. Violation of parole; return of prisoner or inmate. When it appears to any one member of the Parole Board that any parolee, in the legal custody of the Parole Board, has violated any of the terms of his or her parole

permit, or has violated the law, it shall be the duty of said Parole Board member to authorize the Chief Parole Officer in writing to issue a warrant for the arrest of said parolee. Upon such warrant said parolee may be arrested by any parole officer, or any law enforcement officer within the State authorized to make arrests, and returned to the institution from which he or she was released on parole, to await the action of the Parole Board at their next meeting at said institution. At said meeting the Parole Board shall hear the complaint and said parolee shall have the right to appear and be heard.

If said Parole Board, upon hearing the case, finds that said parolee has violated the terms of his or her parole or has violated the law, said Parole Board shall revoke said parolee's permit and remand him or her to the institution from which he or she was released for such time as the Parole Board shall specify.

Sec. 7-I. Prisoner or inmate violating parole considered escaped prisoner or inmate. A prisoner or inmate violating the provisions of his or her parole and for whose return a warrant has been issued by a Parole Board member shall, after the issuance of such warrant, be treated as an escaped prisoner or inmate 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 penal or correctional institution to date of violation of parole and such prisoner or inmate shall forfeit any deduction made from his or her sentence by reason of faithful observance of the rules and requirements of the penal or correctional institution 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 penal or correctional institution during the unexpired portion of such maximum sentence, or to prevent the re-parole of such prisoner or inmate in the discretion of the Parole Board.

Sec. 7-J. Crime by paroled prisoner or inmate. Any prisoner or inmate committing a crime while on parole or conditional release and being convicted and sentenced therefor to imprisonment at any State penal or correctional institution shall serve the second sentence to commence from the date of the termination of the first sentence whether such sentence is served or annulled.

Sec. 7-K. Final discharge. After any prisoner or inmate has faithfully performed all the obligations of his or her parole for the period of time fixed, and has regularly made his or her monthly reports as required by the rules providing for his or her parole, he or she shall be deemed by the Parole Board to have served his or her entire sentence, and shall then receive a certificate of final discharge authorized by the Parole Board and issued by the Warden or Superintendent in whose custody he or she was first committed.'

Sec. 3. R. S., c. 27, § 55, amended. Section 55 of chapter 27 of the Revised Statutes is hereby amended to read as follows:

'Sec. 55. Sentence not void because for a definite period. If, through oversight or otherwise, any person is sentenced to imprisonment in the ~~said~~ Reformatory for Women for a definite period of time, said sentence shall not for that reason be void; but the person so sentenced shall be entitled to the benefit,

and subject to the liabilities of sections 52 to ~~65~~ 58, inclusive, sections 61 to 65, inclusive, and to sections 7-A to 7-K, inclusive, in the same manner and to the same extent as if the sentence had been in the terms required by section 54. In such case the Superintendent shall deliver to such offender a copy of said sections.'

Sec. 4. R. S., c. 27, § 61, amended. Section 61 of chapter 27 of the Revised Statutes is hereby amended to read as follows :

'**Sec. 61. Escape of inmate.** Any woman lawfully committed to said Reformatory who escapes therefrom ~~or who violates the condition of any permit by which she may have been allowed to be at liberty under the provisions of the 2 preceding sections~~ shall be punished by additional imprisonment in said Reformatory for not more than 11 months for each such offense. Prosecution under the provisions of this section may be instituted in any county in which said woman may be arrested or in the county of Somerset, but in such case the costs and expense of trial shall be paid by the county from which said woman was originally committed, and payment enforced as provided in ~~the following~~ section 62.'

Sec. 5. R. S., c. 149, § 23, amended. Section 23 of chapter 149 of the Revised Statutes is hereby amended to read as follows :

'**Sec. 23. Power of Governor to grant pardons not impaired.** Nothing in ~~the 12 preceding sections 11, 13 and 16~~ shall be construed to interfere or impair the power of the Governor to grant pardons or commutations of sentence; nor shall anything therein contained be construed to interfere with the rights of any person who may be serving out a term of imprisonment in any penal institution in this State by virtue of a sentence imposed under any law heretofore or now in force.'

Sec. 6. R. S., c. 27, §§ 59, 60, 71, 72, repealed. Sections 59, 60, 71 and 72 of chapter 27 of the Revised Statutes are hereby repealed.

Sec. 7. R. S., c. 149, §§ 12, 14, 15, 17, 18, 19, 20, 21, 22, repealed. Sections 12, 14, 15, 17, 18, 19, 20, 21 and 22 of chapter 149 of the Revised Statutes are hereby repealed.