

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1591

House of Representatives, May 16, 1957

Filed for reproducing or printing under House Rule 36. Reported by Committee on Judiciary. In the Senate read and adopted.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

COMMITTEE AMENDMENT "A" to S. P. 552, L. D. 1542, Bill, "An Act Creating a State Administered Probation and Parole Law."

Amend said Bill in that part designated "Sec. 1" of section 1 by striking out all of the underlined subsection VII and VIII and inserting in place thereof the following underlined subsections:

VII. "Prisoner" means a person in the execution of a sentence to State Prison, or a person transferred to State Prison from a correctional institution.

VIII. "Probation" means a procedure under which a person found guilty of an offense is released by the court without being committed to a State penal or correctional institution, subject to conditions imposed by the court.'

Further amend said Bill in that part designated "Sec. 2" of section 1 by adding after the underlined word "**Board**" in the 18th line, the underlined words '**when present**'.

Further amend said Bill in that part designated "Sec. 2" of section 1 by striking out all of the next to the last underlined sentence.

Further amend said Bill in that part designated "Sec. 3" of section 1 by striking out the underlined word "**the**" in the headnote.

Further amend said Bill in that part designated "Sec. 3" of section 1 by striking out all of underlined subsection II.

Further amend said Bill in that part designated "Sec. 3" of section 1 by striking out all of the underlined subsection VII and inserting in place thereof the following underlined subsection:

'VII. To make recommendations to the Governor and Council in reference to the granting of reprieves, commutations and pardons, when requested.'

Further amend said Bill by renumbering subsections III to VIII to read subsection II to VII.

Further amend said Bill by adding after "Sec. 3" of section 1, the following underlined section:

'Sec. 3-A. Appointment of Director. The Commissioner of Institutional Service shall appoint, with the approval of the Board, subject to the provisions of the Personnel Law, a State Director of Probation and Parole who shall be qualified by professional training for probation and parole work, and by experience in an executive or supervisory capacity in a probation or parole agency or a related correctional agency. The Director is the executive officer and secretary of the Board.'

Further amend said Bill by adding the following underlined sentence after the 2nd sentence of that part designated "Sec. 7" of section 1:

'The Probation-Parole Officer has the same authority with respect to the probationer as if he were surety upon the recognizance of the probationer.'

Further amend said Bill by striking out in the 8th and 9th lines of that part designated "Sec. 7" of section 1, the following underlined words **'and the time and place at which he shall report to the Probation-Parole Officer'**.

Further amend said Bill by adding at the end of that part designated "Sec. 7" of section 1, the following underlined sentence:

'The probationer shall forthwith report to the Probation-Parole Officer and shall subsequently report to the Probation-Parole Officer as he may direct.'

Further amend said Bill in that part designated "Sec. 14" of section 1 by striking out the underlined words **"resident of the State"** in the 1st line of subsection II and inserting in place thereof the underlined word **'person'**.

Further amend said Bill in that part designated "Sec. 15" of section 1 by striking out the underlined words **"the Board"** in the 2nd line and inserting in place thereof the underlined words **'a member of the Board may authorize the Director in writing to'**.

Further amend said Bill in that part designated "Sec. 15" of section 1 by inserting after the underlined word **"meeting"** in the 6th line the underlined words **'at that institution'**.

Further amend said Bill in that part designated "Sec. 15" of section 1 by striking out in the 15th line the following underlined words **"prior to and"**.

Further amend said Bill in that part designated "Sec. 15" of section 1 by striking out in the 19th line the following underlined words **"prior to and"**.

Further amend said Bill in that part designated "Sec. 15" of section 1 by striking out the underlined words **"and not more than 11 additional months as determined by the Board"** in the 2nd and 3rd lines of subsection II and inserting in place thereof the underlined words **'forfeiting any deduction for good behavior during parole'**.

Further amend said Bill by striking out all of "Sec. 17" of section 1.

Further amend said Bill by striking out all of "Sec. 20" of section 1.

Further amend said Bill by striking out all of "Sec. 36" and inserting in place thereof the following:

Sec. 36. Tenure of present probation and parole officers. Each full-time probation or parole officer presently in office, if he desires, shall be continued in office as a Probation-Parole Officer so long as he continues to perform his duties in a manner satisfactory to the Director of Probation and Parole.'

Further amend said Bill by inserting after "Sec. 36", the following section:

Sec. 36-A. Tenure of present Parole Board. The present Parole Board shall assume the powers and duties prescribed in chapter 27-A of the Revised Statutes, and shall be known as the State Probation and Parole Board. Appointed members shall continue in office until their present terms expire.'

Further amend said Bill by adding at the end thereof the following:
 'The break-down of which shall be as follows:

	1957-58	1958-59
Personal Services	\$156,174	\$162,960
Capital Expenditures	10,150	
All other	46,550	44,050
	<hr/>	<hr/>
	\$212,874	\$207,010

Further amend said Bill by renumbering the sections of said Bill to read consecutively.