

MAINE STATE LEGISLATURE

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

Legislative Document

No. 910

S. P. 334

In Senate, February 25, 1959

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Weeks of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Revising the Probation and Parole Laws.

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

Sec. 1. R. S., c. 27-A, § 1, amended. Section 1 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended to read as follows:

Sec. 1. Definitions. The listed terms as used in this chapter are defined as follows, unless a different meaning is plainly required by the context:

I. "Correctional institution" means ~~any or all~~ of the following state institutions: **The State Reformatory for Men and the State Reformatory for Women State School for Boys and State School for Girls.**

II. "Fine" includes court costs wherever applicable.

III. "Inmate" means a person in ~~the~~ execution of a sentence to a reformatory ~~or State School.~~

IV. "Juvenile" means a person under the age of 17 years.

V. "Parole" means ~~the release of a prisoner or inmate from a penal or correctional institution to the community by the Probation and Parole Board prior to the expiration of his term, subject to conditions imposed by the board.~~

V. "Parole" is a release procedure by which a person may be released from a state penal or correctional institution by the State Probation and Parole Board prior to the expiration of his maximum term.

VI. "Penal institution" means the State Prison.

VII. "Prisoner" means a person in ~~the~~ execution of a sentence to the 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.'

Sec. 2. R. S., c. 27-A, § 2, amended. The 3rd sentence of section 2 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended to read as follows:

'The Commissioner of Institutional Service shall be ex officio ~~the 3rd~~ a member of the board, except that he may appoint any suitable person from his department to serve during his pleasure, **in his absence**, as ~~the 3rd~~ a member of the board, but in no case longer than his term of office as commissioner.'

Sec. 3. R. S., c. 27-A, § 4, sub-§§ III, IV, amended. Subsection III and IV of section 4 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, are amended to read as follows:

III. To appoint, with the approval of the board, **all personnel, supervisory, probation-parole officers and clerical**, subject to the provisions of the Personnel Law, and assign ~~them~~ **such personnel** to the established districts.

IV. To direct and supervise the work of ~~the probation parole officers and other personnel assigned to him~~ **all personnel appointed by him.'**

Sec. 4. R. S., c. 27-A, § 5, sub-§ IV, amended. Subsection IV of section 5 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended to read as follows:

IV. To keep informed of the conduct and condition of each person placed ~~in his custody~~ **under his supervision** and to use suitable methods to encourage him to improve his conduct and condition.'

Sec. 5. R. S., c. 27-A, § 11, repealed and replaced. Section 11 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is repealed and the following enacted in place thereof:

'Sec. 11. Parole of person by board. The board may grant a parole from any state penal or correctional institution when a prisoner or inmate becomes eligible for a hearing by the State Probation and Parole Board. It may revoke a parole when a condition of the parole is violated.

I. When the board grants a parole, upon release, the parolee shall serve the unexpired portion of his sentence, less deductions for good behavior, unless otherwise discharged therefrom by the board but no period of parole shall exceed 4 years except in the case of those persons serving a sentence of life imprisonment.

II. While on parole, the parolee is under the custody of the warden or superintendent of the institution from which he was released but under the imme-

diate supervision of and subject to the rules and regulations of the board or any special conditions of parole imposed by the board.'

Sec. 6. R. S., c. 27-A, § 12, amended. Section 12 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended to read as follows:

'Sec. 12. Persons eligible for a hearing by the board at the State Prison. A prisoner becomes eligible for ~~parole from State Prison~~ a hearing by the board as follows:

I. After the expiration of his minimum term of imprisonment less the deduction for good behavior, when the law provides for a minimum-maximum sentence.

II. After the expiration of $\frac{1}{2}$ of the term of imprisonment imposed by the court less the deduction for good behavior, when he has been convicted of an offense under ~~sections 10, 11 or 12 of chapter 130, sections 10, 11 or 12, or section 6 of chapter 134, section 6.~~ **sections 10, 11 or 12, or section 6 of chapter 134, section 6.** The provisions of this subsection also apply to a prisoner who has been convicted previously of an offense under ~~sections 10, 11 or 12 of chapter 130, sections 10, 11 or 12, or section 6 of chapter 134, section 6.~~

III. After the expiration of a 30-year term of imprisonment, **less deduction for good behavior**, when he has been convicted of an offense punishable only by life imprisonment, provided he has never been convicted of another offense punishable only by life imprisonment.'

Sec. 7. R. S., c. 27-A, § 13, amended. Section 13 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended to read as follows:

'Sec. 13. Persons eligible for a hearing by the board at the Reformatory for Men. An inmate becomes eligible for ~~parole from a reformatory when all of the following conditions are fulfilled for a hearing by the board as follows:~~

I. After the expiration of a 6-month term of commitment if convicted of a misdemeanor. After the expiration of a 1-year term of commitment if convicted of a felony.

A. A deduction of 7 days for each month served from the date of commitment may be allowed by the superintendent ~~of a reformatory~~ when the conduct of the inmate justifies it.

II. Upon the recommendation of the superintendent to the board for parole of the inmate, when the conduct of the inmate justifies it.

III. When some suitable employment or situation has been secured for him in advance.'

Sec. 8. R. S., c. 27-A, § 13-A, additional. Chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended by adding a new section 13-A, as follows:

'Sec. 13-A. Persons eligible for a hearing by the board at the Reformatory for Women. An inmate becomes eligible for a hearing by the board as follows:

I. When it appears to the superintendent that the inmate has reformed.

II. When some suitable employment or situation has been secured for her in advance.

If the superintendent does not recommend an inmate for a parole hearing during the first year after commitment, the reasons for not so doing shall be reported to the commissioner at the end of the year and for each 6 months thereafter until the inmate is recommended for a hearing by the board.'

Sec. 9. R. S., c. 27-A, § 14, repealed. Section 14 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is repealed.

Sec. 10. R. S., c. 27-A, § 15, repealed and replaced. Section 15 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is repealed and the following enacted in place thereof:

'**Sec. 15. Person violating parole.** When a parolee violates a condition of his parole or violates the law, a member of the board may authorize the director in writing to issue a warrant for his arrest. A probation-parole officer, or any other law enforcement officer within the State authorized to make arrests, may arrest the parolee on the warrant and return him to the institution from which he was paroled. At its next meeting at that institution, the board shall hold a hearing. The parolee is entitled to appear and be heard. If the board, after hearing, finds that the parolee has violated his parole or the law, it shall revoke his parole, set the length of time he shall serve of the unexpired portion of his sentence before he can again be eligible for hearing by the board, and remand him to the institution from which he was released.

I. Upon revocation of parole by the board the prisoner or inmate forfeits any deductions for good behavior earned while on parole.

II. While serving the unexpired portion of his sentence after parole has been revoked, the prisoner or inmate may earn deductions for good conduct.'

Sec. 11. R. S., c. 27-A, § 16, amended. Section 16 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended to read as follows:

'**Sec. 16. Sentence for crime committed by paroled person.** ~~Any parolee who commits an offense while on parole and is sentenced to a State penal or correctional institution who is sentenced to the State Prison shall serve the second sentence beginning on the date of termination of the first sentence, whether it is served or committed unless the first sentence is otherwise terminated by the board.'~~

Sec. 12. R. S., c. 27-A, § 17, repealed and replaced. Section 17 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is repealed and the following enacted in place thereof:

'**Sec. 17. Final discharge of person from parole.** Any parolee who faithfully performs all the conditions of parole and completes his sentence is entitled to a

certificate of discharge to be issued by the warden or superintendent of the institution to which he was committed.'

Sec. 13. R. S., c. 27-A, § 17-A, additional. Chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended by adding a new section 17-A, to read as follows:

'Sec. 17-A. Certificate of discharge. Whenever it appears to the board that a person on parole is no longer in need of supervision, it may order the superintendent or warden of the institution from which he was released to issue him a certificate of discharge, except that in the case of persons serving a life sentence who may not be discharged from parole in less than 10 years after release on parole.'