

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. 1174

S. P. 406

In Senate, March 10, 1959

Referred to the Committee on Public Health, 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 to Revise Certain Laws of the Department of
Institutional Service.**

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

Sec. 1. R. S., c. 27, § 1, amended. The first sentence of section 1 of chapter 27 of the Revised Statutes, as amended by section 2 of chapter 21 and by chapter 379, both of the public laws of 1957, is further amended to read as follows:

'The Department of Institutional Service, as heretofore established, hereinafter in this chapter called the "department," shall have general supervision, management and control of the grounds, buildings and property, officers and employees, and patients and inmates of all of the following state institutions: The insane hospitals, Pineland Hospital and Training Center, the State Prison, the Reformatories for Men and Women, the juvenile institutions, ~~the state sanatoriums~~ the Governor Baxter State School for the Deaf, the Military and Naval Children's Home and such other charitable and correctional state institutions as may be created from time to time. **All orders of commitment, medical and administrative records, in the department are held to be confidential. Such records may be subpoenaed by a court of record.**'

Sec. 2. R. S., c. 27, § 3-A, additional. Chapter 27 of the Revised Statutes is amended by adding a new section 3-A, to read as follows:

'Sec. 3-A. Employment of prisoners and inmates on public works; use for other purposes; escape from such employment or use. The department may authorize the employment of able-bodied prisoners in the State Prison or inmates of the Reformatory for Men in the construction and improvement of highways

or other public works within the State under such arrangements as may be made with the State Highway Commission or other department or commission of the State having such public works in charge, and said department may prescribe such rules and conditions as it deems expedient to insure the proper care and treatment of the prisoners or inmates while so employed and their safekeeping and return. The department may further authorize the training and use of able-bodied prisoners in the State Prison or inmates in the Reformatory for Men by the State Forestry Department or the Department of Civil Defense and Public Safety to fight fires or provide assistance during or after any civilian disaster. Any prisoner or inmate who escapes from any assignments described in this section, or any other assignment beyond the walls of the State Prison or off the grounds of the Reformatory for Men shall be guilty of escape under this chapter or chapter 135, section 28.'

Sec. 3. R. S., c. 27, § 22, repealed. Section 22 of chapter 27 of the Revised Statutes is repealed.

Sec. 4. R. S., c. 27, § 26, amended. The 2nd sentence of section 26 of chapter 27 of the Revised Statutes is amended to read as follows:

He shall have a deputy ~~appointed by the commissioner~~, **to be appointed by him subject to the provisions of the Personnel Law**, who, when the office of Warden is vacant or the Warden is absent from the prison or unable to perform the duties of his office, shall have the powers, perform the duties and be subject to all the obligations and liabilities of the Warden.'

Sec. 5 R. S., c. 27, § 28, amended. The first sentence of section 28 and the 2nd sentence of section 28, as enacted by chapter 149 of the public laws of 1957, are amended to read as follows:

'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 a month~~ from the minimum term of his sentence, commencing on the first day of his arrival at the prison. An additional one day ~~per a month~~ may be deducted from the sentence of those convicts who are assigned duties outside the prison walls **or security system, or those convicts within the prison walls who are assigned to work deemed by the Warden of the prison to be of sufficient importance and responsibility to warrant such deduction.**'

Sec. 6. R. S., c. 27, § 42, amended. Section 42 of chapter 27 of the Revised Statutes, as amended by chapter 309 of the public laws of 1955, is further amended to read as follows:

'**Sec. 42. Convict assaulting officers; escape; prosecution.** If a convict, sentenced to the State Prison for life or for a limited term of years, **or transferred thereto from the Reformatory for Men under section 75, or committed thereto for safekeeping under chapter 148, section 33**, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts to do so, he may, at the discretion of the court, be punished by confinement to hard labor for any term of years, to commence after the com-

pletion of his former sentence, **except in the case of convict serving a life sentence, to commence at the completion of 30 years of such sentence.** The Warden shall certify the fact of a violaton of the foregoing provisions to the county attorney for the County of Knox, who shall prosecute such convict therefor.'

Sec. 7. R. S., c. 27, § 67, amended. The first paragraph of section 67 of chapter 27 of the Revised Statutes, as amended by section 2 of chapter 318 of the public laws of 1955, is further amended to read as follows:

'When a male over the age of 16 years ~~except as provided in section 80~~ and under the age of 36 years is convicted by any court or trial justice, having jurisdiction of the offense, of any 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.~~ **Any** such person known by the court or trial justice having jurisdiction of the offense to have been previously committed to a State Prison, **or to the Reformatory for Men for a felony**, 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 3 years.'

Sec. 8. R. S., c. 27, §§ 76-94, repealed. Sections 76 to 94 of chapter 27 of the Revised Statutes, as amended, are repealed.

Sec. 9. Amendment of words "insane" and "insanity". Whenever in the Revised Statutes or public laws or private and special laws the words "insane" or "insanity" appear, they shall be amended to the words 'mentally ill' and 'mental illness' except in all instances where the word "insane" is in reference to the word criminal.