

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
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1913

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

CHAP. 60 shall not exceed the sum of seven hundred dollars annually.

Section 7 of
chapter 60,
R. S.,
amended.

Section 2. Section seven of chapter sixty of the revised statutes is hereby amended by striking out the word "State" before the word "Dairyman's" in the fourth line and substituting therefor the word 'Maine,' so that said section shall read as follows :

Shall report
annually.

'Section 7. He shall annually make a report to the governor and council, on or before the first day of January of each year, of the work of the department of agriculture in detail, combining in the same a report of the State Pomological Society, Maine Dairymen's Association, and the State of Maine Cattle Commission, and all other matters relating to the promotion of agriculture; and for the purpose of making his said report, said society, association and commission shall furnish said commissioner with all necessary data therefor on or before the first day of December of each year. He shall further report all farmers' institutes held and the work therein done, and all public lectures carried on under his authority, and such part of said reports as is of public interest shall be printed for free distribution; for the purpose of making up his report as herein provided, said commissioner shall attend the various agricultural exhibitions in the state and report upon the quality and character of the work of the same.'

—shall re-
port all in-
stitutes and
lectures.

Approved March 14, 1913.

Chapter 60.

An Act to Provide for the Indeterminate Sentence as a Punishment for Crime, upon the Conviction thereof, and for the Detention and Release of Persons in Prison or Detained on such Sentences, and for the Expense Attending the Same.

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

Court shall
not fix a
definite term
of sentence
in state
prison.

Section 1. That when any person shall be convicted of crime the punishment for which prescribed by law, may be imprisonment in the state prison at Thomaston, or the State School for Boys at South Portland, the court imposing sentence, shall not fix a definite term of imprisonment in said state prison, and may not fix a definite term in said state school for boys, but shall or may fix a minimum term of imprisonment which shall not be less than six months in any case. The maximum penalty provided by law shall be the maximum sentence in all cases except as herein provided and shall be stated by the judge in passing sentence. The judge shall at the time of pronouncing

—may not
fix definite
term in state
school for
boys.

—shall fix
minimum
term.

—maxi-
mum pen-
alty shall
be maximum
sentence.

such sentence recommend and state therein what, in his judgment, would be a proper maximum penalty in the case at bar not exceeding the maximum penalty provided by law. Every person confined in the state prison on the date of the passage of this act under sentence for a definite term for a felony, unless the term be for life, who has never before been convicted of a crime punishable by imprisonment in a state prison, shall be subject to the jurisdiction of the governor and advisory board in the matter of paroles and may be paroled in the same manner and subject to the same conditions and penalties as prisoners confined under indeterminate sentences under the provisions of this act. The minimum and maximum terms of the sentences of said prisoners are hereby fixed and determined to be as follows: The definite term for which each person is sentenced shall be the maximum limit of his term and if the definite term for which the person is sentenced is two years or less the minimum limit of his term shall be one year. If the definite term for which the person is sentenced is more than two years, one-half of the definite term of his sentence shall be the minimum limit of his term. He shall before or at the time of passing such sentence ascertain by examination of such prisoner on oath, or otherwise, and in addition to such oath, by such other evidence as can be obtained tending to indicate briefly the causes of the criminal character or conduct of such prisoner, which facts, and such other facts as shall appear to be pertinent in the case, he shall cause to be entered upon the minutes of the court.

—persons now in state prison, with certain exceptions, subject to parole.

—minimum and maximum terms of sentence fixed.

Section 2. The maximum term of imprisonment shall not exceed the longest term fixed by law for the punishment of the offense of which the person sentenced is convicted, and the minimum term of imprisonment fixed by the court shall not exceed one-half of the maximum term of imprisonment fixed by statute. Provided, that where the law prescribing the punishment for the offense of which the prisoner stands convicted, fixes the minimum term of imprisonment, then the minimum term fixed by law shall be the minimum term of imprisonment.

Maximum term shall not exceed longest term fixed by law.

—minimum term fixed.

—proviso.

Section 3. The provisions of this act shall not apply to any person convicted of an offense the only punishment for which prescribed by law is imprisonment for life. Provided, that in all cases where the maximum sentence, in the discretion of the court, may be for life or any number of years, the court imposing sentence shall fix both the minimum and maximum sentence. The minimum term of imprisonment thus fixed by the court shall not exceed one-half of the maximum term so fixed.

This act shall not apply to persons imprisoned for life.

—proviso.

CHAP. 60

Record of complaint etc. shall be forwarded to warden or superintendent of other institution.
—and to the governor.

—expenses of records forwarded, how paid.

Governor shall appoint an advisory board in matter of paroles.

—advisory board may employ a clerk.

—clerk shall be sworn.

—compensation of clerk, how fixed.

—compensation of advisory board.

Authority to grant parole conferred on the governor in certain cases.

—in certain cases parole authority rests with advisory board.

Section 4. Whenever a person shall be convicted of a crime and sentenced to imprisonment pursuant to the provisions of this act, the clerk of the court shall make and forward to the warden or superintendent of the institution to which the convict is sentenced, and also to the governor, a record containing a copy of the information or complaint, the sentence pronounced by the court, the name and residence of the judge presiding at the trial, prosecuting attorney and sheriff, and the names and postoffice addresses of the jurors and the witnesses sworn on the trial, together with a statement of any fact or facts which the presiding judge may deem important or necessary for a full comprehension of the case, and a reference to the statute under which the sentence was imposed. One copy of the said record shall be delivered to the warden or superintendent at the time the prisoner is received into the institution and one copy shall be forwarded to the governor within ten days thereafter. In each case in which he shall perform the duties required by this act, the clerk of the court shall be entitled to such compensation as shall be certified to be just by the presiding judge at the trial, not to exceed three dollars for any one case, which shall be paid by the county in which the trial is had as a part of the expenses of such trial.

Section 5. The governor shall appoint a committee of three from the executive council to act as an advisory board in the matter of paroles. The three members of the executive council constituting the advisory board in the matter of paroles shall have authority and power to hire a secretary who shall be clerk of said advisory board in the matter of paroles. He shall be sworn to keep a true copy of the records of said board and to the faithful and impartial performance of his duties. The governor and executive council shall have authority to fix the compensation of said clerk. The three members of the executive council acting as the advisory board in the matter of paroles shall receive for their services five dollars per day for each day employed in the work of said board and necessary expenses.

Section 6. Authority to grant parole under the provisions of this act is hereby conferred exclusively upon the governor in all cases of manslaughter, actual forcible rape, for offenses by public officers in violation of their duties as such officers, and to all persons convicted and serving sentence for conspiracy to defraud public municipalities, or the bribing of, or attempting to bribe public officers. In all other cases such authority is hereby conferred upon the advisory board in the mat-

ter of paroles. The governor and the advisory board in the matter of paroles acting jointly, shall have authority to adopt such rules as may, by them, be deemed wise or necessary to properly carry out the provisions of this act, and to amend such rules at pleasure. Provided, prisoners, under the provisions of this act, shall be eligible to parole only after the expiration of their minimum term of imprisonment, and prisoners who have been twice previously convicted of a felony shall not be eligible to parole.

—governor and advisory board may adopt rules.

—prisoners must serve minimum sentence.

Section 7. Application shall be made to the governor, or to the advisory board in the matter of paroles upon uniform blanks prescribed by the governor and the advisory board in the matter of paroles to the wardens or superintendents of the penal institutions named in section one of this act. It shall be the duty of the warden or superintendent when requested by a prisoner whose minimum term of imprisonment has expired and is eligible to parole, to furnish such prisoner with a blank application for parole. The application shall be filled out and delivered to the warden or superintendent who shall immediately forward the same to the governor or to the advisory board in the matter of paroles with his recommendation endorsed thereon. Upon receipt of such application and recommendation, the governor or the advisory board in the matter of paroles, shall make such investigation in the matter as they may deem advisable and necessary and may, in their discretion, grant such application and issue a parole or permit to such applicant to go at large without the enclosures of the prison.

Application for parole, how made.

—the governor and advisory board shall investigate. —may issue parole.

The prisoner so paroled, while at large by virtue of such parole, shall be deemed to be still serving the sentence imposed upon him, and shall be entitled to good time the same as if confined in prison. Provided, that whenever the prisoner so paroled shall have been committed to or confined in any such prison or reformatory from a county other than the county in which the prison or reformatory in which he has been last confined is situated, it shall be made a condition of his parole that he shall not live or remain in the county in which the prison or reformatory in which he was last confined is situated, without the express consent of the officers or board granting such parole, which consent may be granted or revoked by such officer or board, for cause shown at any time before such convict is finally discharged.

—prisoner on parole shall be deemed to be still serving his sentence. —proviso.

Section 8. No prisoner shall be released on parole until the governor or advisory board in the matter of paroles shall have satisfactory evidence that arrangements have been made for

Parole shall not be granted till arrangements are made for employment of prisoner.

CHAP. 60

—“first friend and adviser.”

such honorable and useful employment of the prisoner as he is capable of performing, and some responsible person (not a relative) shall agree to act as his “first friend and adviser,” who shall execute an agreement to employ the prisoner, or use his best efforts to secure suitable employment for him. Said “first friend and adviser” may, in the discretion of the governor or the advisory board in the matter of paroles, be required to furnish a bond, or other satisfactory security to the governor for the faithful performance of his obligation as such “first friend and adviser.” All moneys collected upon such bond or security shall be turned over to the state treasurer and credited by him to the general fund of the state.

Prisoners on parole shall be in legal custody of warden or other officer.

Section 9. Every such prisoner, while on parole, shall remain in the legal custody and under the control of the warden or superintendent of the prison from which he is paroled 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 or superintendent, and full power to retake and return any such paroled prisoner to the prison from which he was allowed to go at large is hereby expressly conferred upon the warden or superintendent of such prison, 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 was permitted to go at large. When the warden or superintendent shall return to prison any paroled prisoner, he shall at once report the fact, and his reasons therefor, to the advisory board in the matter of paroles 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.

—paroled prisoner may be returned to prison.

—return of paroled prisoner shall be reported to advisory board.

A prisoner violating his parole shall be considered as an escaped prisoner.

Section 10. A prisoner violating the provisions of his parole and for whose return a warrant has been issued by the warden or superintendent shall, after the issuance of such warrant be treated as an escaped prisoner owing service to the state, and shall be liable, when arrested, to serve out the unexpired portion of his maximum imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of the time to be served.

A paroled prisoner committing a crime while at large, how punished.

Section 11. Any prisoner committing a crime while at large upon parole or conditional release and being convicted and sentenced therefor shall serve the second sentence to commence from the date of the termination of the first sentence after the sentence is served or annulled.

Duration of parole.

Section 12. At the time of granting parole to any prisoner

either by the governor or the advisory board in the matter of paroles they shall each respectively determine the length of time the prisoner shall remain on parole, which shall not be more than four years in any case. After any prisoner has faithfully performed all the obligations of his parole for the period of time fixed, and has regularly made his monthly reports as required by the rules providing for his parole, he shall be deemed to have fully served his entire sentence, and shall then receive a certificate of final discharge from the warden or superintendent in whose custody he is. A duplicate copy of such final discharge shall at once be sent to the secretary of the advisory board in the matter of paroles who shall file the same in the office of the governor.

—shall not be more than four years.

—when prisoner may receive final discharge.

Section 13. On the last day of each month, each paroled prisoner shall make a written report to the warden of the prison, or superintendent of the institution from which he was released, showing his conduct during the current month, his employment, earnings and expenditures, his probable postoffice address and place of employment for the coming month, and the warden or superintendent in charge of each institution of this state named in section one of this act, shall, not later than the fifteenth day of each month, tabulate and report to the advisory board in the matter of paroles, in writing, the information thus received, and he shall communicate to the advisory board in the matter of paroles immediately all violations and infractions of the rules governing such paroled prisoners. In their annual report to the governor, the advisory board in the matter of paroles shall include a summary of the paroles and releases under this act, the names of all prisoners who have violated their paroles, the nature of such violations, together with such information concerning the operations under the law as may be deemed to be of public interest.

Paroled prisoner shall make written report each month.

—showing his conduct, etc.

—officer receiving report shall report tabulation of such reports to advisory board.

Section 14. There shall be kept in the prison or institution named in section one of this act, by the warden or superintendent thereof, a book containing a full and accurate record of each and every transaction had under the provisions of this act. A summary of such record shall be filed with the advisory board in the matter of paroles, to be by said board compiled and included in the annual report of the advisory board, which report shall be submitted in writing to the governor on or before the first day of December in the year nineteen hundred and thirteen, and on or before December first of each year thereafter, and said report shall be accompanied by such recommendations as the board may see fit to make.

Record of transactions under this act shall be kept at institution where prisoner was confined.

CHAP. 60

Secretary of advisory board to furnish blanks.

State to furnish clothing, etc., to paroled prisoner.

Sheriff of county or chief of police of city to which prisoner is paroled shall be notified of such parole.

Sheriff, chief of police or probation officer may act as "first friend."

—when term of office of "first friend" expires his successor shall assume his duties.

Power of governor to grant pardons not impaired by this act.

Conflicting acts repealed.

Section 15. The secretary of the advisory board in the matter of paroles is hereby authorized to provide all blanks required for the proper execution of the provisions of this act after the forms for such blanks have been approved by the governor and the advisory board in the matter of paroles.

Section 16. Whenever any prisoner is released upon parole he shall receive from the state, clothing not exceeding ten dollars in cost and a non-transferable ticket at his own expense to the county where his "first friend" resides. The warden may, in his discretion, at the risk of the state, advance to any paroled prisoner the cost of a ticket as above provided and expenses not to exceed two dollars, and failure on the part of the paroled prisoner to return the money so advanced within sixty days may be declared a violation of parole warranting the return of the violator to prison.

Section 17. Whenever the parole of any prisoner shall be ordered by the advisory board in the matter of paroles, or the governor, the clerk of said board shall at once notify the sheriff of the county or the chief of police of the city to which he is paroled of the issuance of such parole, naming the county where convicted, the crime for which convicted, the name and address of the "first friend," and the length of time which said prisoner shall be required to report before receiving final discharge.

Section 18. Any sheriff, chief of police, or probation officer, shall upon the request of the governor or the advisory board in the matter of paroles, act as "first friend" and adviser for paroled prisoners while on parole from any prison or reformatory in the state, and shall, upon the approval of the secretary of the advisory board in the matter of paroles, be paid from the general fund of the state not otherwise appropriated, one dollar per month for each paroled prisoner for such service.

Whenever the term of office of any such officer, acting as "first friend," shall expire while any such parole is in force, the duties of such "first friend" shall be assumed by the successor in office of such officer.

Section 19. Nothing in this act shall be construed to interfere or impair the power of the governor to grant pardons or commutations of sentence; nor shall anything herein 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.

Section 20. All laws, acts or parts of acts in conflict with the provisions of this act are hereby repealed.