

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE  
**One Hundred and Third Legislature**  
**1967**

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**§ 2904. Registration of wholesale dealers**

It shall be unlawful for any person, copartnership, association or corporation, whether within or without this State, to sell at wholesale any drug bearing on its container the legend "Caution — Federal U. S. A. law prohibits dispensing without prescription," or any drug which may not be dispensed without prescription in this State, within this State without first having obtained a permit to do so from the board. Such permit shall be renewed annually.

The application for such permit shall be made on a form to be prescribed and furnished by said board and shall be accompanied by a fee of \$100 which amount shall be paid for each renewal of such permit.

For the purpose of this section, the word "wholesaler" means a person who manufactures, bottles, packs or purchases drugs, medical devices or cosmetics for the purpose of selling to retailers.

Any person, firm or corporation who has in his or its possession for sale or who sells narcotics or drugs to be sold only on prescription, acquired from a wholesaler or dealer not registered as required under this section, shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$1,000 for each offense.

Effective October 7, 1967

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## Chapter 391

### AN ACT Revising the Laws Relating to the Reformatories for Men and Women.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment; and

Whereas, administration of certain provisions of the parole laws in accordance with the intent of the Legislature as made clear by an opinion of the Attorney General will be a sharp departure from the procedure heretofore followed in the administration of said provisions; and

Whereas, this departure from the procedure heretofore erroneously followed and adherence to the procedure required to be followed, may, and in all probability will, cause serious unrest among the prisoners at the penal and correctional institutions, threatening the security of said institutions and the peace and safety of the community; and

Whereas, the legislation contained in Sections 27, 29 and 31 of the following Act is vitally necessary in order to assure the preservation of the security of said institutions and the peace and safety of the community; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., T. 15, § 2611, sub-§ 4, ¶ A, amended.** Paragraph A of subsection 4 of section 2611 of Title 15, of the Revised Statutes is amended to read as follows:

A. Commit to the ~~reformatory~~ **Men's Correctional Center or Women's Correctional Center**, if the juvenile is of the proper age;

**Sec. 2. R. S., T. 15, § 2717, repealed and replaced.** Section 2717 of Title 15 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 2717. Incurribles; transfers to correction centers; return**

Any child committed to the center whose presence therein may be seriously detrimental to the well-being of the center, or who willfully and persistently refuses to obey the rules and regulations of said center may be deemed incorrigible, and upon recommendation of the superintendent may be transferred to a correctional center with the approval of the Commissioner of Mental Health and Corrections, provided that no child shall be transferred who is under 15 years of age. To so transfer, the superintendent shall certify that the child is incorrigible upon the mittimus in the case with the recommendation that transfer to the appropriate correctional center be effected. Upon approval by the Commissioner of Mental Health and Corrections, the transfer may be effected at any time. The superintendent of the correctional center shall receive and detain any person so transferred. The superintendent of the correctional center, solely, with respect to each transferee shall have all of the powers and duties prescribed for the superintendent of a training center under sections 2716 to 2718. A transferee's maximum term of commitment is not altered by transfer. Upon recommendation of the superintendent of the correctional center and the superintendent of the center, certified on the original mittimus, and certified to the Commissioner of Mental Health and Corrections, with reasons therefor, a transferee who in the opinion of the superintendent of the correctional center and the superintendent of the center has benefitted from the program at the correctional center, but is not ready for return to the community, and whose needs can then be best served by the program at the training center, may be returned thereto. Return of a transferee to a training center shall divest the superintendent of the correctional center of all powers and duties with respect to such transferee, and shall revest all of such authority in the superintendent of the training center.

**Sec. 3. R. S., T. 17, § 3851, amended.** Section 3851 of Title 17 of the Revised Statutes, as amended by chapter 119 of the public laws of 1965, and by section 5 of chapter 195 of the public laws of 1967, is further amended to read as follows:

**§ 3851. Lands appurtenant to state institutions**

Whoever willfully trespasses upon lands which belong to the State and are appurtenant to the Pineland Hospital and Training Center, ~~Reformatory for Women, Reformatory for Men~~ **Men's Correctional Center, Women's Correctional Center, Stevens Training Center School**, Boys Training Center or the Maine State Prison, or whoever shall unlawfully interfere with the inmates of any of said institutions, or, whoever willfully trespasses upon land or buildings of the University of Maine, after notice from an officer of any of said institutions or the University of Maine to leave said lands or buildings, remains thereon, shall

be punished by a fine of not more than \$50 or by imprisonment for not more than 3 months.

**Sec. 3-A. Effective date.** Section 3 shall become effective 91 days after the Legislature adjourns.

**Sec. 4. R. S., T. 34, § 1, amended.** The first paragraph of section 1 of Title 34 of the Revised Statutes is amended to read as follows:

The Department of Mental Health and Corrections, as heretofore established, hereinafter in this Title called the "department," shall have general supervision, management and control of the research and planning, grounds, buildings and property, officers and employees, and patients and inmates of all of the following state institutions: The hospitals for the mentally ill, Pineland Hospital and Training Center, the State Prison, the ~~Reformatories for Men and Women~~ **Men's Correctional Center and the Women's Correctional Center**, the juvenile institutions, 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. 5. R. S., T. 34, §5, amended.** Section 5 of Title 34 of the Revised Statutes, as amended by section 1 of chapter 375 of the public laws of 1965, is further amended to read as follows:

#### § 5. Employment on public works or service; escapes

The department may authorize the employment of able-bodied prisoners in the State Prison or inmates of the ~~Reformatory for Men~~ **Men's Correctional Center** 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~~ **Men's Correctional Center** 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. The department may further authorize the use of such prisoners or inmates to provide assistance in the improvement of property owned by charitable organizations as may be approved by the department, provided such charitable organizations pay for the transportation of such prisoners or inmates and for the transportation and per diem compensation for any guards who accompany such prisoners or inmates. 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~~ **Men's Correctional Center** shall be guilty of escape under this Title or Title 17, section 1405.

**Sec. 6. R. S., T. 34, § 138, amended.** The first sentence of section 138 of Title 34 of the Revised Statutes, as amended by section 6 of chapter 195 of the public laws of 1967, is further amended to read as follows:

The cost of committing and transporting a girl to or from the Stevens Training Center School, or a boy to or from the Boys Training Center, or of a person to or from the Pineland Hospital and Training Center, ~~or of a woman to or from the Reformatory for Women, or of a man to or from the Reformatory for Men~~ or of a man to or from the Men's Correctional Center or of a woman to or from the Women's Correctional Center, shall, when not otherwise provided for, be paid from the treasury of the county from which such person is committed as the costs of conveying prisoners to the jails are paid.

**Sec. 6-A. Effective date.** Section 6 shall become effective 91 days after the Legislature adjourns.

**Sec. 7. R. S., T. 34, § 501, amended.** Section 501 of Title 34 of the Revised Statutes is amended to read as follows:

**§ 501. Aliens; report to immigration officer**

Whenever any person shall be admitted or committed to the State Prison, the ~~State Reformatories for Men and Women~~ Men's Correctional Center, Women's Correctional Center, the county jail, or any other state, county, city or private institution which is supported wholly or in part by public funds, it shall be the duty of the warden, superintendent, sheriff or other officer in charge of such institution to inquire at once into the nationality of such person and, if it shall appear that such person is an alien, to notify immediately the United States immigration officer in charge of the district in which such prison, reformatory, jail or other institution is located, of the date of and the reason for such alien's admission or commitment, the length of time for which admitted or committed, the country of which he is a citizen and the date on which and the port at which he last entered the United States.

**Sec. 8. R. S., T. 34, § 705, amended.** The 2nd paragraph of section 705 of Title 34 of the Revised Statutes, as amended by chapter 133 of the public laws of 1967, is repealed and the following enacted in place thereof:

The warden may from time to time, as he sees fit, recommend to a Board of Transfer set up within the department, and comprising the commissioner, the warden and the superintendent of the institutions involved, the transfer of any prison first offenders under age 36 from the State Prison to the Men's Correctional Center when in his opinion such transfer is consistent with the best interest of the prisoner and the welfare of the public. Said recommendation for transfer to become effective must have the unanimous approval of the Board of Transfer and in such event shall take place forthwith. The prisoner so transferred shall serve the sentence imposed upon him by the court within the confines of the Men's Correctional Center, and shall receive during said sentence the same deductions for good time as would have been received at the State Prison, and shall be subject to the same parole and release procedures as effective at the State Prison. If the transferred prisoner is not compatible to the Correctional Center program, the Board of Transfer may return him to the prison to complete his sentence.

**Sec. 8-A. Effective date.** Section 8 shall become effective 91 days after the Legislature adjourns.

**Sec. 9. R. S., T. 34, § 710, amended.** The first sentence of section 710 of Title 34 of the Revised Statutes, as amended by section 1 of chapter 322 of the public laws of 1965, is further amended to read as follows:

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~~ **Men's Correctional Center** under sections 807 and 808, or committed thereto for safekeeping under Title 15, section 453, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts to do so, he may be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence, or upon termination of such sentence by the State Probation and Parole Board; said termination shall not take place sooner than the expiration of the parole eligibility hearing date applicable to his former sentence.

**Sec. 10. R. S., T. 34, § 801, repealed and replaced.** Section 801 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 801. Men's Correctional Center; age groups**

The Men's Correctional Center, formerly called the Reformatory for Men, located at South Windham, shall be maintained for the confinement and rehabilitation of:

1. Males between 16 and 17 years of age. Males over the age of 16 years and under the age of 17 years committed thereto after being adjudicated by the juvenile court to have committed juvenile offenses;

2. Males over 15 years of age. Males over the age of 15 years determined in accordance with Title 15, section 2717 to be incorrigible while under commitment to the Boys Training Center;

3. Males over 17 years of age. Males over the age of 17 years and under the age of 36 years who have been convicted of, or who have pleaded guilty to, crimes in the courts of the State, and who have been duly sentenced and committed thereto.

All of the males specified in subsections 1, 2 and 3 shall be detained and confined in accordance with the orders or sentences of the courts and rules and regulations of the center applicable to each such category. The provisions for the safekeeping or employment of such inmates shall be made for the purpose of teaching such inmates a useful trade or profession, and improving their mental and moral condition.

The head of the institution shall be called the superintendent, who shall have supervision and control of the inmates, employees, grounds, buildings and equipment at the center.

The Superintendent of the Men's Correctional Center is authorized, subject to the written approval of the commissioner, to contract with the Director of the Federal Bureau of Prisons acting pursuant to Title 18, U.S.C. § 4002, for the imprisonment, subsistence, care and proper employment of men convicted of crimes against the United States, and may receive and detain any such men pursuant to such contracts.

**Sec. 11. R. S., T. 34, § 801-A, additional.** Title 34 of the Revised Statutes is amended by adding a new section 801-A to read as follows:

### § 801-A. Definitions

1. Center. "Center" as used in this chapter shall mean the Men's Correctional Center located at South Windham, Maine.

2. Inmate. "Inmate" as used in this chapter shall mean any male sentenced and committed to the center, and shall include males adjudicated to have committed juvenile offenses, and males confined therein after being determined in accordance with Title 15, section 2717 to be incorrigible while under commitment to the Boys Training Center.

3. Superintendent. "Superintendent" as used in this chapter shall mean the superintendent of the Men's Correctional Center.

Sec. 12. R. S., T. 34, § 802, repealed and replaced. Section 802 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

### § 802. Commitments for less than 3 years to be indeterminate

When, before any court having jurisdiction, a male over the age of 17 years and under the age of 36 years is convicted of or has pleaded guilty to an offense punishable by imprisonment in the State Prison or in the county jail, such court may sentence him and order his commitment to the Men's Correctional Center, or sentence him to the punishment provided by law for the same offense.

When any such male or any juvenile offender over the age of 16 years and under the age of 17 years under Title 15, section 2611 is ordered committed to the center the court shall not fix the term of commitment to the center. The duration of the commitment, including time spent on parole, shall not exceed 3 years.

Any male known by the court having jurisdiction of the offense to have been previously committed to a state prison shall not be committed to the center.

If through oversight, or otherwise, any male is committed to the center for a definite period of time, said commitment for that reason shall not be void, but the person so committed shall be entitled to the benefit and subject to this section, in the same manner and to the same extent as if the commitment had been in the terms required by this section. In such case, the superintendent shall deliver to such inmate a copy of this chapter.

Sec. 13. R. S., T. 34, §§ 803-808, amended. Sections 803 to 808 of Title 34 of the Revised Statutes are amended to read as follows:

### § 803. Notice to superintendent by court; copy of record with warrant

The judge making a commitment pursuant to section 802 shall cause the superintendent of the reformatory to be notified immediately of such commitment and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offense, the last residence of such person so committed and the particulars of the offense for which he is committed. A copy of such record shall be transmitted with the warrant of commitment judgment and order of commitment to the superintendent of such reformatory, who shall cause the facts stated therein and such other facts as may be directed by the department to be recorded in such form as the department may direct.

**§ 804. Court to determine age of person committed**

~~Such~~ The judge shall, before committing any ~~such~~ person to the center inquire into and determine the age of such person at the time of commitment, and his age so determined, shall be stated in the ~~mittimus judgment and order of commitment~~. The statement as to the age of said person so committed shall be conclusive evidence as to such age in any action to recover damages for his detention or ~~imprisonment confinement~~ under such ~~mittimus judgment and order of commitment~~, and shall be presumptive evidence thereof in any other inquiry, action or proceeding relating to such detention or ~~imprisonment confinement~~.

**§ 805. Classification, conduct records**

The superintendent ~~of the reformatory~~ shall classify each person committed ~~thereto to the center~~ and keep a monthly record of his behavior and his progress in industry.

**§ 806. Parolees and discharges; record forwarded to State Police**

Whenever any person, who has been convicted of an offense under Title 17, chapter 67 or chapter 103, is ~~paroled under section 1671, or is~~ discharged according to law, the superintendent shall make and forward to the State Police a copy of the record of said inmate together with such other information as he may deem important for a full comprehension of the case.

**§ 807. Escapes; apprehension; assaults**

~~When a person sentenced to the State Reformatory for Men escapes therefrom~~ When any inmate escapes from the center, the superintendent shall take all proper measures for his apprehension.

Whenever any inmate of ~~said reformatory~~ the center escapes therefrom, or forcibly attempts to do so or assaults any officer or other person in the government thereof, the superintendent may certify that fact on the ~~original mittimus judgment and order of commitment~~, with recommendation that said person be transferred to the State Prison and present it to the commissioner for his approval. Upon approval of said recommendation by the commissioner, said inmate shall be transferred from the ~~reformatory center~~ to the State Prison, where he shall serve the remainder of the term for which he might otherwise be held at ~~said reformatory~~ the center, or he may be punished by imprisonment in the State Prison for any term of years. ~~This section as it relates to the authority to transfer shall apply only to those persons committed to the center for a felony.~~ Upon conviction under this section the term then being served at the center shall terminate and said inmate shall begin immediately to serve the sentence imposed under this section. Any prisoner transferred under section 705 who escapes from the center or forcibly attempts to do so, or assaults any officer or other person in the government thereof, shall be punished upon conviction as provided in section 710. Prosecution under this section may be instituted in any county in which said person may be arrested or in the County of Cumberland but in such cases the cost and expenses of trial shall be paid by the county from which said person was originally committed, and payment enforced as provided in the following paragraph.

Whenever any inmate of the ~~reformatory center~~, not having been sentenced thereto by a court of the county wherein such ~~reformatory center~~ is situated

and established, shall be convicted in such county of any misdemeanor or felony committed while an inmate of ~~said reformatory~~ the center, or of an escape therefrom the cost and expense of trying such convicted inmate, and of his maintenance after conviction and sentence, if to the county jail of such county, shall be paid by the county from which the said convicted inmate was sentenced. The costs and expenses of such trial shall, in the first instance, be paid by the county wherein ~~such reformatory~~ the center shall be established, whose commissioners are thereupon authorized to draw their warrant upon the treasurer of the county, from which said convicted inmate was sentenced to ~~said reformatory~~ the center, for the amount paid by said county wherein ~~said reformatory~~ the center is established, for said costs and expenses which warrant it shall be the duty of the treasurer upon whom it may be drawn to pay forthwith.

### § 808. Incurrigibles; proceedings for transfer to State Prison

Any person committed to the ~~Reformatory for Men~~ Men's Correctional Center, whose presence therein may be seriously detrimental to the well-being of the institution or who willfully and persistently refuses to obey the rules and regulations of said institution, may be deemed and declared incurrigible by the superintendent of ~~said reformatory~~ who may certify that fact upon the ~~original mittimus~~ judgment and order of commitment with recommendation that said person be transferred to the State Prison and present said recommendation to a Board of Transfer set up within the department. This board shall consist of the commissioner, the Warden of the State Prison and the Superintendent of the Augusta State Hospital. Such recommendation to become effective must have the unanimous approval of the board to transfer and in such event shall take place forthwith. Any person so transferred shall serve the remainder of the term he might otherwise have been held at the ~~reformatory~~ center or upon complaint being made to the proper officer of the District Court, having jurisdiction, said court upon hearing may bind over any person so accused to the term of the Superior Court next to be holden within such county, and if indictment is returned therefor, then upon conviction said incurrigible may be sentenced to the State Prison for not less than one year nor more than 5 years. ~~Upon conviction of such person committed to the Reformatory for Men as such incurrigible and sentence, said person shall be discharged from said Reformatory for Men and be relieved from serving the balance of his sentence in said reformatory.~~ Upon conviction as such incurrigible and sentence, the term then being served at the center shall terminate and said incurrigible shall begin immediately to serve the sentence imposed for incurrigibility. This section, as it relates to the Board of Transfer and its powers, shall apply only to those persons committed to the ~~Reformatory for men~~ center for a felony.

Sec. 14. R. S., T. 34, § 809, repealed and replaced. Section 809 of Title 34 of the Revised Statutes, as enacted by section 1 of chapter 181 of the public laws of 1965, is repealed and the following enacted in place thereof:

### § 809. Attendance at funerals

An inmate, at the discretion of the superintendent, may attend the funeral of his natural or adoptive mother, father, son or daughter, or of his wife, if the funeral is held within the State of Maine. The inmate, if able, shall pay the cost of transportation and the salary of the accompanying officer.

Sec. 15. R. S., T. 34, § 851, repealed and replaced. Section 851 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 851. Women's Correctional Center; population categories; superintendent

The Women's Correctional Center, formerly called the Reformatory for Women, located at Skowhegan, Maine, shall be maintained for the confinement and rehabilitation of:

1. Females between 16 and 17 years of age. Females over the age of 16 years and under the age of 17 years committed thereto after being adjudicated by the juvenile court to have committed juvenile offenses;

2. Females over 15 years of age. Females over the age of 15 years determined in accordance with Title 15, section 2717, to be incorrigible while under commitment to Stevens Training Center;

3. Females over 17 years of age. Females over the age of 17 years and under the age of 40 years who have been convicted of, or who have pleaded guilty to, crimes in the courts of the State, and who have been duly sentenced and committed thereto;

4. Females sentenced to State Prison. All females sentenced to the Maine State Prison who shall be committed, and transmitted directly from the place of sentence, to the center.

All of the females specified in subsections 1, 2, 3 and 4 shall be detained and confined in accordance with the orders or sentences of the courts and the rules and regulations of the center applicable to each such category.

The superintendent of the center shall be a woman, and shall have supervision and control of the inmates, prisoners, employees, grounds, buildings and equipment at the center.

The Superintendent of the Women's Correctional Center is authorized, subject to the written approval of the commissioner, to contract with the Director of the Federal Bureau of Prisons acting pursuant to Title 18, U.S.C. § 4002, for the imprisonment, subsistence, care and proper employment of women convicted of crimes against the United States, and may receive and detain any such women pursuant to such contracts.

Sec. 16. R. S., T. 34, § 851-A, additional. Title 34 of the Revised Statutes is amended by adding a new section 851-A to read as follows:

§ 851-A. Definitions

1. Center. "Center" as used in this chapter shall mean the Women's Correctional Center located at Skowhegan, Maine;

2. Inmate. "Inmate" as used in this chapter shall mean any female sentenced and committed to the center, and shall include females adjudicated to have committed juvenile offenses, and females confined therein after being determined in accordance with Title 15, section 2717 to be incorrigible while under commitment to the Stevens Training Center;

3. Prisoner. "Prisoner" as used in this chapter shall mean any woman sentenced to the Maine State Prison, committed to the center;

4. Superintendent. "Superintendent" as used in this chapter shall mean Superintendent of the Women's Correctional Center.

Sec. 17. R. S., T. 34, § 852, repealed. Section 852 of Title 34 of the Revised Statutes is repealed.

Sec. 18. R. S., T. 34, § 853, repealed and replaced. Section 853 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 853. Commitment; length of sentence; woman attendant

When before any court having jurisdiction, a woman over the age of 17 years and under the age of 40 years is convicted of, or has pleaded guilty to, an offense punishable by imprisonment in the State Prison, or in the county jail, such court may sentence her and order her commitment to the center, or sentence her to the punishment provided by law for the same offense.

When any such woman, or any juvenile offender over the age of 16 years and under the age of 17 years under Title 15, section 2611, is ordered committed to the center the court shall not fix the term of commitment to the center. The duration of the commitment, including time spent on parole shall not exceed 3 years. Upon commitment of any such woman, or any juvenile offender under Title 15, section 2611 and upon sentencing any woman to the Maine State Prison, if the officer to whom the judgment and order of commitment is addressed is not a woman, the judge shall, in all cases when feasible, designate a woman to be an attendant to accompany her to the center.

Sec. 19. R. S., T. 34, §§ 854-858, amended. Sections 854 to 858 of Title 34 of the Revised Statutes are amended to read as follows:

§ 854. Definite sentence not void

If, through oversight or otherwise, any ~~person~~ woman is sentenced to ~~imprisonment in the Reformatory for Women~~ confinement in the center for a definite period of time, said sentence shall not for that reason be void, but the ~~person~~ woman so sentenced shall be entitled to the benefit, and subject to the liabilities of this chapter, in the same manner and to the same extent as if the sentence had been in the terms required by section 853. In such case the superintendent shall deliver to such ~~offender~~ inmate a copy of said chapter.

§ 855. Record of commitments

The judge sentencing and committing a woman to the ~~reformatory~~ center shall cause the superintendent to be immediately notified of such commitment, and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offense, the last place of residence of such woman and the particulars of the offense for which she is committed. A copy of such record shall be transmitted with the ~~warrant of commitment~~ judgment and order of commitment to the superintendent ~~of such institution~~, who shall cause the facts stated therein and such other facts as may be directed by the department to be recorded in such form as the department shall determine.

§ 856. Age determined and stated in judgment and order of commitment

~~Such~~ The judge shall, before committing any such woman, inquire into and determine the age of such woman at the time of her commitment, and her age

as so determined shall be stated in the ~~mittimus judgment and order of commitment~~. The statement of the age of such woman in such ~~mittimus judgment and order of commitment~~ shall be conclusive evidence as to such age in any action to recover damages for her detention or ~~imprisonment~~ confinement under such ~~mittimus judgment and order of commitment~~, and shall be presumptive evidence thereof in any other inquiry, action or proceeding relating to such detention or ~~imprisonment~~ confinement.

#### § 857. Care of children of inmates and prisoners

If any ~~woman committed to said reformatory inmate or prisoner~~ is, at the time of her commitment to the center, pregnant with child which shall be born after such commitment, the department may commit such child to the care and custody of some relative or proper person willing to assume such care, or such child may be committed to the custody of the Department of Health and Welfare under Title 22, section 3792. If ~~such woman at the time of such commitment~~ any inmate or prisoner at the time of her commitment to the center, shall be the mother of, and have under her exclusive care, any child, which might be otherwise left without proper care or guardianship, the judge committing such woman shall cause such child to be committed to such ~~asylum children's home~~ as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care or to the custody of the Department of Health and Welfare. Any commitment of a child under this section to the custody of any ~~asylum for children children's home~~, or to any relative or other person, or to the Department of Health and Welfare shall be subject to Title 22, sections 3793 to 3795.

#### § 858. Apprehension of escapees

If ~~a woman an inmate or prisoner~~ escapes from the ~~reformatory center~~, the superintendent ~~may~~ shall order her to be rearrested and returned to the ~~reformatory center~~ by any officer of the ~~reformatory center~~ or other law enforcement officer in the State authorized to make arrests.

Sec 20. R. S., T. 34, § 859, repealed and replaced. Section 859 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

#### § 859. Escape from center; penalty

Any inmate who escapes from the center or who forcibly attempts to do so, upon conviction therefor, shall be sentenced to an additional term of confinement in the center in accordance with section 853, which sentence shall commence upon discharge from the sentence being served at the time of escape or attempted escape. Whenever it is made to appear to the State Probation and Parole Board, by the superintendent, that the interests of the inmate and of the public indicate the desirability of discharge from the sentence being served at the time of escape or attempted escape, in order to commence the sentence for escape or attempted escape, it may parole the inmate and simultaneously order that the superintendent issue to such inmate a certificate of discharge from the sentence being served at the time of escape or attempted escape.

Any prisoner who escapes from the center or who forcibly attempts to do so, upon conviction therefor, in the Superior Court, shall be sentenced to the State Prison for an additional term of not less than one year nor more than 5 years. Any sentence imposed upon a prisoner as a result of conviction on the charge

of escape or attempted escape shall begin at the expiration of the sentence being served at the time of escape or attempted escape, except that, upon recommendation of the superintendent, the State Probation and Parole Board, upon expiration of the parole eligibility hearing date applicable to the sentence being served at the time of escape or attempted escape, may enter the prisoner upon execution of the sentence for escape or attempted escape, either terminating the said former sentence or continuing execution thereof. Parole from the sentence being served at the time of escape or attempted escape, in the event of continuation of execution, shall not take place until the parole eligibility hearing date applicable to the sentence for escape or attempted escape has expired.

The superintendent shall certify the fact of each instance of escape or attempted escape to the county attorney for Somerset County, who shall prosecute such inmate or prisoner therefor. In any such case the costs and expense of trial shall be paid by the county from which said inmate or prisoner was originally committed, and payment enforced as provided in section 860.

Sec. 21. R. S., T. 34, § 859-A, repealed. Section 859-A of Title 34 of the Revised Statutes, as enacted by section 2 of chapter 322 of the public laws of 1965, is repealed.

Sec. 22. R. S., T. 34, §§ 860-862, amended. Sections 860 to 862 of Title 34 of the Revised Statutes are amended to read as follows:

#### § 860. Expense of trial for crime committed by inmate or prisoner

Whenever any inmate or prisoner of the ~~Reformatory for Women center~~, not having been sentenced committed thereto by the court of the county wherein such ~~Reformatory for Women center~~ is situated, shall be convicted in such county of any misdemeanor or felony committed while an inmate or prisoner of the ~~said reformatory center~~, the costs and expenses of trying such convicted inmate or prisoner and of her maintenance after conviction and sentence, if to the county jail of such county, shall be paid by the county from which the said convicted inmate or prisoner was originally sentenced and committed. The costs and expenses of the trial of such convicted inmate or prisoner shall, in the first instance, be paid by the county wherein ~~such Reformatory for Women the center~~ is situated, and the commissioners thereof may thereupon draw their warrant upon the treasurer of the county from which said convicted inmate or prisoner was sentenced committed to the ~~reformatory center~~ originally, for the amount so paid by the ~~said county~~ wherein ~~such reformatory the center~~, is situated for said costs and expenses, and the treasurer upon whom said warrant may be drawn shall pay it forthwith.

#### § 861. Incurrigibles; trial and sentence; discharge from center

Any ~~person inmate~~ committed to the ~~Reformatory for Women center~~ whose presence therein may be seriously detrimental to the well-being of the institution or who willfully and persistently refuses to obey the rules and regulations of ~~said institution the center~~, may be deemed and declared by the superintendent to be an incurrigible. When complaint is made to the proper officer of the District Court having jurisdiction, said court may upon hearing bind over any person so accused to the term of the Superior Court next to be holden within such county, and if indictment is returned therefor, then, upon conviction, said incurrigible may be sentenced to the State Prison for not less than one year, nor more than 5 years. Upon conviction as such incurrigible and sentence, ~~said per-~~

sons shall be discharged from said reformatory and be relieved from serving the balance of sentence in said reformatory the term then being served at the center shall terminate and said incorrigible shall begin immediately to serve the sentence imposed for incorrigibility.

#### § 862. Transfers from other penal institutions

Upon petition of the department asking for the transfer to the ~~Reformatory for Women center~~ of any woman serving a sentence in any county jail, ~~or in any house of correction~~ presented to the court having imposed sentence, the judge shall set a time for hearing, giving at least 48 hours' notice to said woman, and shall notify the custodian of said woman to bring said woman her before him for hearing. After hearing, said judge may order said woman transferred to the ~~Reformatory for Women center~~ to serve the remainder of the term of sentence under which said woman was committed to the county jail, ~~or house of correction~~. The provisions of this chapter in regard to original commitments to the reformatory shall apply to any transfer under this section, but in no case shall the time of sentence to be served in the ~~reformatory center~~ exceed the remaining time of the sentence originally imposed. A woman transferred under this section shall be subject to the provisions of this chapter relating to the ~~reformatory center~~ and to the same rules and regulations as applicable to inmates originally committed to the ~~reformatory center~~.

Sec. 23. R. S., T. 34, § 863, repealed and replaced. Section 863 of Title 34 of the Revised Statutes, as enacted by section 2 of chapter 181 of the public laws of 1965, is repealed and the following enacted in place thereof:

#### § 863. Attendance at funerals

An inmate or prisoner, at the discretion of the superintendent, may attend the funeral of her natural or adoptive mother, father, son or daughter, or of her husband, if the funeral is held within the State of Maine. The inmate or prisoner, if able, shall pay the costs of transportation and the salary of the accompanying officer.

Sec. 24. R. S., T. 34, § 864, amended. Section 864 of Title 34 of the Revised Statutes, as enacted by section 72 of chapter 513 of the public laws of 1965, is amended to read as follows:

#### § 864. Halfway house—school tuition

The department is authorized to establish a Halfway House Program, so called, to be operated on the property of the ~~Reformatory for Women center~~, in or near Skowhegan, or in other municipalities within the State, said program to provide an environment of community living controlled pursuant to rules and regulations adopted by the superintendent department. Inmates and prisoners of said reformatory of the center and females sentenced to the Maine State Prison may be paroled to participate in said Halfway House Program, in accordance with applicable provisions of chapter 121. Children transferred to said reformatory as incorrigible from the Stevens Training Center may be placed on entrustment in said program in accordance with Title 15, section 2716. Incorrigibles from the Stevens Training Center confined at the center may be authorized by the superintendent to participate in said program.

Upon recommendation of ~~said~~ the superintendent, a participant in the Halfway House Program shall be granted entrance into a public school within the

Skowhegan administrative unit, subject to Title 20, section 859. Tuition shall be paid to the Skowhegan administrative unit by ~~said~~ the superintendent from the appropriation to ~~said reformatory~~ the center. The amount of tuition to be paid for a participant attending a public school other than a secondary school, as well as the amount of tuition to be paid for a participant attending a secondary school shall not exceed the receiving school's average cost per pupil for the current fiscal year to be determined as provided in Title 20, section 1292; except that, as to a participant attending a secondary school, in no instance, shall tuition paid under this section exceed the average cost per pupil in all secondary schools of the State for the current fiscal year, and as to a participant attending a public school other than a secondary school, in no instance shall tuition paid under this section exceed the average cost per pupil in all such schools of the State for the current fiscal year.

**Sec. 25. R. S., T. 34, § 865, additional.** Title 34 of the Revised Statutes is amended by adding a new section 865 to read as follows:

**§ 865. Deduction from sentence**

Each prisoner whose record of conduct shows that she has faithfully observed all the rules and requirements of the center shall be entitled to a deduction of 7 days a month from the minimum term of her sentence, commencing on the first day of her arrival at the center. An additional 2 days a month may be deducted from the sentence of those prisoners who are assigned to work deemed by the superintendent to be of sufficient importance and responsibility to warrant such deduction. Any portion of the time deducted from the sentence of any prisoner for good behavior may be withdrawn by the superintendent for the infraction of any rule of the center, for any misconduct or for the violation of any law of the State. Such withdrawal of good time may be made at the discretion of the superintendent, who may restore any portion thereof, if the prisoner's later conduct and outstanding effort warrant such restoration. This section shall apply to the sentences of all prisoners now, or hereafter, confined within the center, and shall not be construed to prevent the allowance of good time from maximum sentences or definite sentences.

**Sec. 26. R. S., T. 34, § 1501, sub-§§ 1, 3, amended.** Subsections 1 and 3 of section 1501 of Title 34 of the Revised Statutes are amended to read as follows:

**1. Correctional institution.** "Correctional institution" means the following state institutions: ~~The State Reformatory for Men and the State Reformatory for Women~~ Men's Correctional Center and the Women's Correctional Center.

**3. Inmate.** "Inmate" means a person in execution of a sentence to a ~~reformatory~~ correctional center.

**Sec. 27. R. S., T. 34, § 1671, amended.** The first sentence of section 1671 of Title 34 of the Revised Statutes is repealed and the following enacted in place thereof:

The board may grant a parole from a penal or correctional institution, after the expiration of the period of confinement, less deductions for good behavior, or after compliance with conditions provided for in sections 1672 to 1674 applicable to the sentence being served by the prisoner or inmate.

**Sec. 28. R. S., T. 34, § 1672, amended.** The first paragraph of section 1672 of Title 34 of the Revised Statutes is amended to read as follows:

A prisoner at the Maine State Prison or at the **Women's Correctional Center** becomes eligible for a hearing by the board as follows:

**Sec. 29. R. S., T. 34, § 1672, sub-§§ 1, 2, 3 and 4, amended.** Subsections 1, 2, 3 and 4 of section 1672 of Title 34 of the Revised Statutes, as amended by section 72-A of chapter 513 of the public laws of 1965, are further amended to read as follows:

1. **Expiration of minimum term in minimum-maximum sentence.** ~~After~~ **Prior** to the expiration of ~~his~~ **the prisoner's** minimum term of imprisonment less the deduction for good behavior, when the law provides for a minimum-maximum sentence;

2. **Expiration of 1/2 of term in certain cases.** ~~After~~ **Prior** to the expiration of 1/2 of the term of imprisonment imposed by the court less the deduction for good behavior, when ~~he~~ **the prisoner** has been convicted of an offense under Title 17, sections 1951, 3151, 3152 or 3153. This subsection applies to a prisoner who has been convicted previously of an offense under Title 17, sections 1951, 3151, 3152 or 3153;

3. **Expiration of 30-year term in life imprisonment cases.** ~~After~~ **Prior** to the expiration of a 30-year term of imprisonment, less deduction for good behavior, when ~~he~~ **the prisoner** has been convicted of an offense punishable only by life imprisonment, provided ~~he~~ **the prisoner** has never been convicted of another offense punishable only by life imprisonment;

4. **Expiration of 30-year term in other cases.** ~~After~~ **Prior** to the expiration of a 30-year term of imprisonment, less deduction for good behavior, when, following conviction, ~~he~~ **the prisoner** has been sentenced to a minimum term of 30 years or more.

**Sec. 30. R. S., T. 34, § 1673, amended.** The first paragraph of section 1673 of Title 34 of the Revised Statutes is amended to read as follows:

An inmate at the ~~Reformatory for Men~~ **Men's Correctional Center** becomes eligible for a hearing by the board as follows:

**Sec. 31. R. S., T. 34, § 1673, sub-§1, amended.** The first paragraph of subsection 1 of section 1673 of Title 34 of the Revised Statutes is amended to read as follows:

~~After~~ **Prior** to the expiration of a 6-month term of commitment if convicted of a misdemeanor. ~~After~~ **Prior** to the expiration of a one-year term of commitment if convicted of a felony. At any time after date of commitment upon the recommendation of the superintendent, if adjudged a juvenile offender;

**Sec. 32. R. S., T. 34, § 1674, amended.** The first paragraph of section 1674 of Title 34 of the Revised Statutes is amended to read as follows:

An inmate at the ~~Reformatory for Women~~ **Women's Correctional Center** becomes eligible for a hearing by the board as follows:

**Sec. 33. R. S., T. 34, § 1675, amended.** The last sentence of the first paragraph of section 1675 of Title 34 of the Revised Statutes is amended to read as follows:

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; except, that when a parolee from the ~~Reformatory for Men~~ **Men's Correctional Center** violates the law and is sentenced by the court to the Maine State Prison, any length of time set by the board to be served of the unexpired portion of his ~~reformatory~~ **correctional center** sentence may be served at the Maine State Prison.

**Emergency clause.** In view of the emergency cited in the preamble, sections 27, 29 and 31 only, shall take effect when approved. — June 13, 1967.

Effective October 7, 1967

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## Chapter 392

### AN ACT Authorizing Joint Rates Between Certain Transportation Carriers.

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

R. S., T. 35, § 1554, amended. Section 1554 of Title 35 of the Revised Statutes is amended by adding after the first sentence 5 new sentences to read as follows:

When shown to be required by the public interest and consistent with the policy statement set forth in section 1551 every holder of a certificate of public convenience and necessity may establish reasonable through routes and joint rates, charges and classification with common carriers by railroad, express and water. In case of such joint rates and charges it shall be the duty of the carriers, parties thereto, to establish just and reasonable regulations and practices in connection therewith, and just, reasonable and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such participating carriers. Within 30 days after the effective date of such through routes and joint rates, charges and classifications, the commission, upon complaint and after reasonable notice to interested parties, shall hold a public hearing and make investigation as to whether such through routes, and joint rates, charges and classifications are in the public interest, and issue its order and finding within 90 days therefrom. In determining public interest, the commission shall take into consideration the effect said through routes and joint rates will have on the potential economic strength of either railroads or motor vehicle common carriers and their importance to the economy of the State, or any part thereof; the benefit to be derived by the public; whether such establishment will facilitate the movement of freight within the State; and other factors or evidence, material and relevant thereto. Such through routes and joint rates shall in no way constitute an unfair or destructive competitive practice.

Effective October 7, 1967.