

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

examinations, issue certificates and to charge a reasonable fee for such examinations and for such certificates.

Any person violating this section may be punished by a fine of not more than \$100.

Sec. 2. R. S., T. 26, § 243, amended. The last paragraph of section 243 of Title 26 of the Revised Statutes is amended to read as follows:

In case an insurance company cancels insurance upon any ~~steam~~ boiler carrying over 15 pounds gauge pressure requiring inspection under section 244 not exempt by section 142 or the policy expires and is not renewed, notice shall immediately be given the department. Any insurance company shall likewise notify said department immediately upon the placing of insurance on such boiler.

Effective October 1, 1969

Chapter 346

AN ACT Relating to the Men's and Women's Correctional Centers.

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

Sec. 1. R. S., T. 34, § 705, amended. The 2nd paragraph of section 705 of Title 34 of the Revised Statutes, as last repealed and replaced by section 8 of chapter 391 of the public laws of 1967, is repealed and the following enacted in place thereof:

A prisoner in execution of sentence at the State Prison may be transferred to the Men's Correctional Center upon the joint recommendation of the Warden of the State Prison and the Superintendent of the Men's Correctional Center, approved by the commissioner or his delegate, the Director of Corrections, when such transfer would be in the best interest of the prisoner and in the best interest of the public, and would result in the most effective use of available correctional program with respect to the transferee. The prisoner so transferred shall serve the sentence imposed upon him by the court at the Men's Correctional Center and shall receive during such execution of sentence the same deductions for good time as he would have received at the State Prison. If the transferred prisoner is not compatible to the correctional center program he may be returned to the State Prison upon joint recommendation of the Warden of the State Prison and the Superintendent of the Men's Correctional Center, approved by the commissioner or his delegate, the Director of Corrections, to continue in execution of his sentence.

Sec. 2. R. S., T. 34, § 710, amended. The first sentence of section 710 of Title 34 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

If a convict sentenced to the State Prison for life or for a limited term of years or transferred thereto from the Men's Correctional Center under section 808-A 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. 3. R. S., T. 34, § 801, sub-§3, repealed and replaced. Subsection 3 of section 801 of Title 34 of the Revised Statutes, as repealed and replaced by section 10 of chapter 391 of the public laws of 1967, is repealed and the following enacted in place thereof:

3. Males of not less than 17 years of age. Males of not less than 17 years of age and of not more than 26 years of age 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.

Sec. 4. R. S., T. 34, § 802, amended. The first and 2nd paragraphs of section 802 of Title 34 of the Revised Statutes, as repealed and replaced by section 12 of chapter 391 of the public laws of 1967, are amended to read as follows:

When, before any court having jurisdiction, a male ~~over the age of~~ of not less than 17 years ~~and under the age of 36~~ of age and of not more than 26 years of age 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.

Sec. 5. R. S., T. 34, § 807, repealed and replaced. Section 807 of Title 34 of the Revised Statutes, as amended by section 13 of chapter 391 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 807. Escapes, apprehension, assaults

Any inmate of the center or prisoner transferred under section 705 who assaults any officer or other person employed in the government of the center or who breaks or escapes therefrom or forcibly attempts to do so, upon conviction therefor, shall be punished by imprisonment in accordance with Title 17, section 1405. Such sentence shall commence upon 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. The superintendent shall certify the fact of the violation of this section to the county attorney for Cumberland County who shall prosecute any such inmate or prisoner therefor.

The superintendent shall take all proper measures for the apprehension of any escapees from the center.

Sec. 6. R. S., T. 34, § 808, repealed. Section 808 of Title 34 of the Revised Statutes, as amended by section 13 of chapter 391 of the public laws of 1967, is repealed.

Sec. 7. R. S., T. 34, § 808-A, additional. Title 34 of the Revised Statutes is amended by adding a new section 808-A, to read as follows:

§ 808-A. Transfer of felons for security reasons, overcrowding, or effective programming

Any person convicted of a felony committed to the center may be transferred to the State Prison, for reasons of security, or any overcrowding at the center so requires, or in the interest of the inmate and of the public and the result is the most effective use of available correctional program with respect to the inmate, upon joint recommendation of the superintendent and of the Warden of the State Prison, approved in writing, by the commissioner or his delegate, the Director of Corrections. Any inmate so transferred shall serve the sentence imposed upon him by the court at the State Prison, and shall receive during said sentence the same deductions for good time as he would have received at the center, and shall be subject to the provisions of law relating to the parole of inmates of the center. When in the case of any transferred inmate the reasons for transfer no longer obtain he may be returned to the center, upon joint written recommendation of the superintendent and of the Warden of the State Prison, approved in writing, by the commissioner or his delegate, the Director of Corrections, to continue in execution of his sentence. Any inmate transferred under this section shall not be subject to confinement at hard labor as provided in section 701, but shall be entitled to treatment consistent with the purposes of the center.

Sec. 8. R. S., T. 34, § 810, additional. Title 34 of the Revised Statutes is amended by adding a new section 810, to read as follows:

§ 810. Powers of officers; uniforms

Employees of the center shall have the same power and authority as sheriffs in their respective counties, only insofar as searching for, and apprehending escapees from the center are concerned, when so authorized by the superintendent. Employees of the center may be provided, at the expense of the State, with distinctive uniforms, for use when requisite to the performance of their official duties, all of which shall remain the property of the State. All inmates are required to obey all orders of employees of the center, whether those employees are in uniform or not.

Sec. 9. R. S., T. 34, § 1673, sub-§ 1, ¶ A, amended. Paragraph A of subsection 1 of section 1673 of Title 34 of the Revised Statutes is amended to read as follows:

A. A deduction of 7 days for each month served from the date of commitment may be allowed by the superintendent when the conduct of the inmate justifies it; an additional ~~day~~ 2 days a month may be deducted from the sentence of those inmates who are assigned by the superintendent to work deemed to be of sufficient importance and responsibility to merit such deduction;

Sec. 10. Effect on existing commitments. Amendments contained in this Act relating to the reduction of the upper age limit for men committed to the Men's Correctional Center from 36 years to 26 years, shall not terminate nor affect in any other way the commitment of any person falling within such deleted age group in execution of such commitment upon the effective date of this Act.

Effective October 1, 1969

Chapter 347

AN ACT to Prohibit Possession of Machine Guns.

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

Sec. 1. R. S., T. 17, c. 82, additional. Title 17 of the Revised Statutes is amended by adding a new chapter 82, to read as follows:

CHAPTER 82

MACHINE GUNS

§ 2321. Crime

It shall be unlawful for any person to possess a machine gun within the geographical boundaries of the State of Maine.

§ 2322. Definition

Machine gun shall be a weapon of any description, by whatever name known, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanisms.

§ 2323. Right to possess, carry or transport

Any law enforcement officer of the State of Maine, any law enforcement officer of another state or a territory of the United States, members of the Armed Forces, Maine National Guard and Maine State Guard may possess a machine gun if the possession or carrying of such weapon is in the discharge of his official duties and has been authorized by his appointing authority.

Machine guns manufactured, acquired, transferred or possessed in accordance with The National Firearms Act, as amended, shall be exempt from this chapter.