

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 492

AN ACT Relating to Transfer of Offenders Among Correctional Institutions, Residential Facilities and Programs.

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

Sec. 1. 34 MRSA § 528, 1st ¶, as enacted by PL 1973, c. 488, § 1, is amended by adding at the end a new sentence to read:

Such committed inmates, juveniles and prisoners may also be transferred to participate in the Halfway House Program in accordance with applicable provisions of this chapter.

Sec. 2. 34 MRSA § 529 is enacted to read:

§ 529. Transfer

When it appears to the Director of the Bureau of Corrections, for reasons of availability of rehabilitative programs and the most efficient administration of correctional resources, that the requirements of any person sentenced or committed to a penal, correctional or juvenile institution would be better met in a facility, institution or program other than that to which such person was originally sentenced, the Director of the Bureau of Corrections, with the consent of the person so sentenced, may transfer, after written notice of the transfer to the court which originally had jurisdiction and in the absence of any objection by the court within 14 days following the date of the notice, such person to another correctional institution, residential facility or program administered by or providing services to the Bureau of Corrections; provided that no juvenile shall be transferred to a facility or program for adult offenders.

Any person so transferred shall be subject to the general rules and regulations pertaining to persons at the institution or facility, or in the program to which he is transferred, except that the term of his original sentence or commitment shall remain the same, unless altered by the court, and such person shall become eligible for discharge from the correctional system or for hearing by the State Parole Board according to chapter 121, subchapter V or other provisions relating to the institution or facility to which he was originally sentenced or committed.

Sec. 3. 34 MRSA § 705, 2nd ¶, 1st sentence, as last repealed and replaced by PL 1969, c. 346, § 1, is amended to read:

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 safety or the security and orderly administration of the institution and would result in the most effective use of available correctional program with respect to the transferee.

Sec. 4. 34 MRSA § 710, 1st sentence, as last amended by PL 1973, c. 647, is further amended to read:

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 sections 808-A or 529 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 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 Parole Board; said termination shall not take place sooner than the expiration of the parole eligibility hearing date applicable to his former sentence.

Sec. 5. 34 MRSA § 710-A, 1st sentence, as last amended by PL 1971, c. 622, § 124, is further amended to read:

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 sections 807 ~~and 808~~, 808-A or 529, or committed thereto for safekeeping under Title 15, section 453, if armed with a firearm, 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 Parole Board.

Sec. 6. 34 MRSA § 807, 3rd sentence, as last repealed and replaced by PL 1969, c. 541, is amended to read:

Any prisoner transferred to the center, under section 529 or 705, who violates this section shall be subject to section 710.

Effective October 1, 1975

CHAPTER 493

AN ACT Relating to Weekly Compensation Paid Under the Workmen's Compensation Law.

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

Sec. 1. 39 MRSA § 54, first and 3rd sentences, as last amended by PL 1973, c. 543, § 1, are further amended to read:

While the incapacity for work resulting from the injury is total, the employer shall pay the injured employee a weekly compensation equal to $\frac{2}{3}$ his average gross weekly wages, earnings or salary, but not more than the average weekly wage in the State of Maine as computed by the Employment Security Commission ~~nor less than \$25 weekly~~; $133\frac{1}{3}\%$ of such average weekly wage as of July 1, 1977; $166\frac{2}{3}\%$ of such average weekly wage as of July 1, 1979; and 200% of such average weekly wage as of July 1, 1981; ~~nor less than \$25 weekly~~; and such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship