

CHAPTER 5

PROBATION AND PAROLE

SUBCHAPTER 1

GENERAL PROVISIONS

§5001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 459, §6 (NEW).]

1. Board. "Board" means the State Parole Board.
[PL 1983, c. 459, §6 (NEW).]

2. Director.
[PL 1995, c. 502, Pt. F, §30 (RP).]

3. Division.
[PL 1995, c. 502, Pt. F, §30 (RP).]

4. Fine. "Fine" includes court costs whenever applicable.
[PL 1983, c. 459, §6 (NEW).]

5. Juvenile. "Juvenile" means a person under the age of 18 years or a person who is alleged to have committed, while under the age of 18 years, any acts or offenses covered by Title 15, Part 6, regardless of whether, at the time of the proceeding, the person is of the age of 18 years or over.
[PL 1983, c. 459, §6 (NEW).]

6. Parole. "Parole" is a release procedure by which a person may be released from a correctional facility by the State Parole Board prior to the expiration of the person's maximum term, parole status being in effect under Title 17-A, section 2314, subsection 2, with all provisions of prior laws governing parole continuing in effect.
[PL 2019, c. 113, Pt. C, §102 (AMD).]

7. Probation. "Probation" means a procedure under which a person found guilty of an offense is released by the court, without being committed to a correctional facility, or with or without commitment to jail or fine, subject to conditions imposed by the court.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, §F30 (AMD). PL 2019, c. 113, Pt. C, §102 (AMD).

§5002. Pardons by the Governor

This chapter does not deprive the Governor of the power to grant a pardon or commutation to any person sentenced to a correctional facility. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5003. Prohibited acts

1. Interference with probation. A person 18 years of age or older is guilty of interference with probation if that person willfully obstructs, intimidates or otherwise abets a probationer under the

supervision and control of the department and thereby causes or contributes to causing the probationer to violate the conditions of that person's probation, after having been warned in writing by the commissioner to end that person's relationship or association with the probationer.

A. Interference with probation is a Class E crime, except that, notwithstanding Title 17-A, it is punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both. [PL 1995, c. 502, Pt. F, §31 (AMD).]

B. This subsection applies to interferences with the probation of probationers who are under the supervision and control of the department at the request of other states under terms of the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles. [PL 2003, c. 706, Pt. B, §3 (AMD).]

[PL 2003, c. 706, Pt. B, §3 (AMD).]

2. Interference with parole. A person 18 years of age or older is guilty of interference with parole if that person willfully obstructs, intimidates or otherwise abets a parolee under the supervision and control of the department and thereby causes or contributes to causing the parolee to violate the conditions of parole, after having been warned in writing by the commissioner to end that person's relationship or association with the parolee.

A. Notwithstanding Title 17-A, section 4-A, interference with parole is punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both. [PL 1995, c. 502, Pt. F, §31 (AMD).]

B. This subsection applies to interferences with the parole of parolees who are under the supervision and control of the department at the request of other states under terms of the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles. [PL 2003, c. 706, Pt. B, §4 (AMD).]

[PL 2003, c. 706, Pt. B, §4 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, §F31 (AMD). PL 2003, c. 706, §§B3,4 (AMD).

SUBCHAPTER 2

PAROLE BOARD

§5201. Establishment

There is established, by Title 5, section 12004-G, subsection 7, within the Department of Corrections, a State Parole Board consisting of 5 members. [PL 1989, c. 503, Pt. B, §160 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 812, §259 (AMD). PL 1989, c. 503, §B160 (AMD).

§5202. Appointment

The Governor shall appoint as the 5 members of the board persons who: [PL 1983, c. 459, §6 (NEW).]

1. Citizens and residents. Are citizens and residents of the State; and [PL 1983, c. 459, §6 (NEW).]

2. Training or experience. Have special training or experience in law, sociology, psychology or related branches of social science.

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5203. Terms

The terms of the members of the board are: [PL 1983, c. 459, §6 (NEW).]

1. Four years. Four years plus the time period until their successors have been appointed and qualified; or

[PL 1983, c. 459, §6 (NEW).]

2. Pleasure of Governor. During the pleasure of the Governor.

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5204. Vacancy

A vacancy on the board shall be filled for the unexpired term in the same manner in which an appointment is made. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5205. Expenses

The members of the board shall be compensated according to the provisions of Title 5, chapter 379. [PL 1983, c. 812, §260 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§54,59 (AMD). PL 1983, c. 812, §260 (AMD).

§5206. Meetings

1. Chairman. The members of the board shall elect a chairman who shall preside at all meetings of the board when he is present.

[PL 1983, c. 459, §6 (NEW).]

2. Frequency. The board shall meet at least once every 2 months and may meet as often as necessary, at such times and places as the chairman may designate.

[PL 1983, c. 459, §6 (NEW).]

3. Quorum. Any 3 members constitute a quorum for the exercise of all powers of the board.

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5207. Cooperation

The Department of Health and Human Services, Department of Corrections and officers and staffs of correctional facilities and law enforcement agencies in the State shall cooperate with the board in exercising its powers and duties. [PL 1983, c. 459, §6 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 689, §B6 (REV).

§5208. Annual report

1. Preparation of report. After June 30th of each year, the commissioner shall prepare a detailed report of the work of the board and of probation and parole activities for the preceding fiscal year. [PL 1995, c. 502, Pt. F, §32 (AMD).]

2. Commissioner's duty. The commissioner shall send the annual report to the Governor for submission to the Legislature. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, §F32 (AMD).

§5209. Administrative assistant

1. Appointment. The board shall appoint a full-time administrative assistant to serve at the pleasure of the board. [PL 1983, c. 459, §6 (NEW).]

2. Compensation. The administrative assistant is entitled to compensation in an amount to be determined by the Governor. [PL 1983, c. 459, §6 (NEW).]

3. Duties. The administrative assistant shall perform those duties assigned to him by the board. [PL 1983, c. 459, §6 (NEW).]

4. Powers. The administrative assistant may, subject to the rules of the board, conduct a preliminary hearing with a committed offender at any correctional facility and make written recommendations to the board concerning disposition. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5210. Duties

The board shall: [PL 1983, c. 459, §6 (NEW).]

1. Time of parole. Determine the time of parole for each committed offender; [PL 1983, c. 459, §6 (NEW).]

2. Parole revocation. Revoke parole when warranted due to a parole violation; [PL 1983, c. 459, §6 (NEW).]

3. Discharge from parole. Determine the time of discharge of parolees from parole supervision; and [PL 1983, c. 459, §6 (NEW).]

4. Advice to Governor. When requested by the Governor, advise him concerning applications for pardon, reprieve or commutation.

A. The board shall hold hearings, cause an investigation to be made and collect records to determine the facts and circumstances of a committed offender's crime, his past criminal record, his social history and his physical and mental condition as may bear on the application. [PL 1983, c. 459, §6 (NEW).]

B. The board shall make recommendations regarding action by the Governor on the application. [PL 1983, c. 459, §6 (NEW).]

C. All information obtained under this subsection, and any report furnished to the Governor under this subsection, is confidential. [PL 1983, c. 459, §6 (NEW).]
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5211. Powers

1. Rules. The board may promulgate rules, in accordance with the Administrative Procedure Act, Title 5, chapter 375, pertaining to its functions set out in this chapter.

[PL 1983, c. 459, §6 (NEW).]

2. Restitution. The board may authorize and impose as a condition of parole that the person make restitution to the person's victim or other authorized claimant in accordance with Title 17-A, chapter 69.

[PL 2019, c. 113, Pt. C, §103 (AMD).]

3. Quasi-judicial powers. The board, or any member of the board, may, in the performance of official duties:

A. Issue subpoenas; [PL 1983, c. 459, §6 (NEW).]

B. Compel the attendance of witnesses; [PL 1983, c. 459, §6 (NEW).]

C. Compel the production of books, papers and other documents pertinent to the subject of its inquiry; and [PL 1983, c. 459, §6 (NEW).]

D. Administer oaths and take the testimony of persons under oath. [PL 1983, c. 459, §6 (NEW).]
[PL 1983, c. 459, §6 (NEW).]

4. Grant or denial of parole. The board may grant or deny parole in accordance with the following procedures.

A. If the recommendation of the administrative assistant under section 5209, subsection 4, is to grant parole, the board may make a final decision granting parole without a hearing. [PL 1983, c. 459, §6 (NEW).]

B. If the recommendation of the administrative assistant is to deny parole, the board shall afford the committed offender a hearing before the board and the board may not deny parole without affording the committed offender a hearing. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2019, c. 113, Pt. C, §103 (AMD).

SUBCHAPTER 3

ADMINISTRATION OF PROBATION AND PAROLE

§5401. Administration of probation and parole services

The Department of Corrections is charged with the administration of probation and parole services within the State. [PL 2013, c. 133, §26 (AMD).]

1. Director.

[PL 1995, c. 502, Pt. F, §33 (RP).]

2. Employees.

[PL 1995, c. 502, Pt. F, §33 (RP).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 821, §27 (AMD). PL 1995, c. 502, §F33 (RPR). PL 2013, c. 133, §26 (AMD).

§5402. Duties and powers of the commissioner with respect to probation and parole services

1. Appointment.

[PL 1995, c. 502, Pt. F, §34 (RP).]

2. Duties. The commissioner shall:

A. Adopt and enforce rules for field probation and parole officers, juvenile community corrections officers and parole officers in correctional facilities; [PL 2013, c. 133, §27 (AMD).]

B. Appoint, subject to the Civil Service Law, field probation and parole officers, juvenile community corrections officers and such other employees as may be required to carry out adequate supervision of all probationers, parolees from the correctional facilities and other persons placed under the supervision of an employee listed in this paragraph; [PL 2013, c. 491, §6 (AMD).]

C. Prescribe the powers and duties of persons appointed under paragraph B; [PL 1983, c. 459, §6 (NEW).]

D. Provide necessary investigation of any criminal case or matter, including presentence investigation, when requested by the court having jurisdiction; [PL 2013, c. 133, §29 (AMD).]

E. Provide investigation when requested by the board; [PL 1983, c. 459, §6 (NEW).]

F. Cooperate closely with the board, the criminal and juvenile courts, the chief administrative officers of correctional facilities and other correctional facility personnel; [PL 1983, c. 459, §6 (NEW).]

G. Make recommendations to the board in cases of violations of the conditions of parole; [PL 1983, c. 459, §6 (NEW).]

H. Issue warrants for the arrest of parole violators and juveniles who violate conditions of placement on community reintegration status pursuant to section 3810 and former section 4112; [PL 2017, c. 148, §28 (AMD).]

I. Notify the chief administrative officers of correctional facilities of determinations made by the board; [PL 1983, c. 459, §6 (NEW).]

J. Divide the State into administrative districts and staff the districts; [PL 1983, c. 459, §6 (NEW).]

K. Provide instruction and training courses for probation and parole officers and for juvenile community corrections officers; [PL 2013, c. 133, §30 (AMD).]

L. Be executive officer and secretary of the board; and [PL 1989, c. 417, §2 (AMD).]

M. Aggregate the statistics contained in any reports the department receives on individual probationers and make the aggregated statistics available to other state agencies provided the data is aggregated in such a way that statistics pertaining to any individual probationer can not be disaggregated. [PL 1995, c. 502, Pt. F, §34 (AMD).]

[PL 2017, c. 148, §28 (AMD).]

3. Powers. The commissioner may:

A. Provide necessary specialized services and procedures for the constructive rehabilitation of juveniles; [PL 1983, c. 459, §6 (NEW).]

A-1. Appoint regional correctional administrators as necessary for the proper performance of the functions of the department, subject to the Civil Service Law.

(1) To be eligible for appointment as a regional correctional administrator, a person must be experienced in correctional management.

(2) A regional correctional administrator shall report directly to the commissioner or to the deputy commissioner or an associate commissioner if so directed by the commissioner. [PL 2015, c. 291, §6 (AMD).]

B. Obtain psychiatric, psychological and other necessary services; [PL 2005, c. 265, §20 (AMD).]

C. Sign documents, including warrants and extradition papers, for the board when so instructed by the board; and [PL 2005, c. 265, §20 (AMD).]

D. [PL 1995, c. 502, Pt. F, §34 (RP).]

E. [PL 1995, c. 502, Pt. F, §34 (RP).]

F. Provide for necessary assessment and supervision procedures and direct the use of adult probation resources and staff to the management of adult probationers with a high risk of reoffending. [PL 2005, c. 265, §21 (NEW).]

[PL 2015, c. 291, §6 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 785, §§B160,161 (AMD). PL 1985, c. 821, §28 (AMD). PL 1987, c. 402, §A176 (AMD). PL 1989, c. 127, §§12,13 (AMD). PL 1989, c. 417, §§1-3 (AMD). PL 1995, c. 502, §F34 (AMD). PL 2005, c. 265, §§20,21 (AMD). PL 2005, c. 328, §25 (AMD). PL 2005, c. 488, §§19-21 (AMD). PL 2013, c. 133, §§27-30 (AMD). PL 2013, c. 491, §§6, 7 (AMD). PL 2015, c. 291, §6 (AMD). PL 2017, c. 148, §28 (AMD).

§5403. Assistant director

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, §F35 (RP).

§5404. Probation and parole officers

In addition to duties prescribed by the commissioner and by the court having jurisdiction, a probation and parole officer shall: [PL 2013, c. 133, §31 (AMD).]

1. Investigation. Investigate any criminal case or matter concerning probation, supervised release for sex offenders or parole referred to the officer for investigation and report the result of the investigation;

[PL 2013, c. 133, §31 (AMD).]

2. Arrest. Arrest, after completing the entry level and orientation training course prescribed by the commissioner, in the following circumstances:

A. Arrest violators of probation or supervised release for sex offenders and parole violators and return parole violators upon request of the commissioner; [PL 2005, c. 488, §23 (AMD).]

B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035 or transferred from the facility under section 3036-A; [PL 2015, c. 291, §7 (AMD).]

C. If the officer has probable cause to believe that a person under the supervision of the department has violated a condition of that person's probation, supervised release for sex offenders or parole, the officer may arrest that person; and [PL 2015, c. 291, §7 (AMD).]

D. Arrest and return to a correctional or detention facility persons who have escaped from the official custody of the department. For the purposes of this paragraph, "official custody" has the same meaning as set out in Title 17-A, section 755, subsection 3; [PL 2015, c. 291, §7 (NEW).]

[PL 2015, c. 291, §7 (AMD).]

3. Supervision. Supervise persons as follows:

A. Supervise the probation, supervised release for sex offenders or parole of each person placed under the officer's supervision to ensure that departmental resources are directed to the management of persons with a high risk of reoffending; [PL 2013, c. 133, §31 (AMD).]

B. Supervise persons released from a correctional facility under section 3035 and supervise persons transferred to supervised community confinement under section 3036-A if the commissioner directs; [PL 2003, c. 205, §15 (AMD).]

C. Keep informed of the conduct and condition of each person placed under the officer's supervision and use suitable methods to encourage the person to improve that person's conduct and condition; and [PL 1995, c. 502, Pt. F, §39 (AMD).]

D. [PL 1989, c. 127, §14 (RP).]

E. Supervise the transition from institutional confinement for persons residing in a prerelease center if the commissioner directs; [PL 2011, c. 680, §7 (AMD).]

[PL 2013, c. 133, §31 (AMD).]

3-A. Risk assessment; immunity from liability. Make a good faith effort to supplement any assessment tool for all domestic violence offenders with a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety. A probation and parole officer shall implement protocols to override risk assessment scores based on the presence of domestic violence risk factors that indicate a higher risk.

Notwithstanding any other law to the contrary, the administration of the domestic violence risk assessment pursuant to this subsection or the failure to administer the assessment does not subject any state, municipal or county official or employee to liability in a civil action; and [PL 2013, c. 133, §31 (AMD).]

4. Records and reports. Keep records of each case and make reports as required. [PL 2005, c. 389, §7 (AMD).]

5. Money.
[PL 2005, c. 389, §8 (RP).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 735, §2 (AMD). PL 1987, c. 315, §2 (AMD). PL 1989, c. 127, §14 (AMD). PL 1989, c. 521, §§15,17 (AMD). PL 1991, c. 27 (AMD). PL 1991, c. 845, §§6,7 (AMD). PL 1995, c. 502, §§F36-40 (AMD). PL 2003, c. 205, §§14,15 (AMD). PL 2005, c. 265, §22 (AMD). PL 2005, c. 389, §§5-8 (AMD). PL 2005, c. 488, §§22-25 (AMD). PL 2011, c. 680, §§7, 8 (AMD). PL 2013, c. 133, §31 (AMD). PL 2015, c. 291, §7 (AMD).

§5405. Indigency screening units for court-appointed counsel; pilot program

(REPEALED)

SECTION HISTORY

PL 1987, c. 154, §1 (NEW). PL 1995, c. 502, §F41 (RP).

SUBCHAPTER 4

JUVENILE PROBATION SERVICES

§5601. Interagency agreements

The department may enter into agreements with state agencies, other public agencies and private nonprofit agencies to provide supervision or other services to juveniles placed on probation by the Juvenile Court. [PL 1983, c. 459, §6 (NEW).]

1. Terms. The terms of the agreements, including any payments to be made by the department for the services provided, shall be set forth in writing. [PL 1983, c. 459, §6 (NEW).]

2. Termination. Any agreement made under this section may be terminated upon 90 days' written notice by either party to the agreement. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5602. Juvenile community corrections officer

1. Departmental employees. A juvenile community corrections officer is an employee of the Department of Corrections. [PL 1999, c. 583, §46 (AMD).]

2. Juvenile community corrections officer's functions. A juvenile community corrections officer's functions are:

A. To serve as a juvenile probation officer; [PL 1985, c. 439, §22 (NEW).]

B. To carry out all functions of a juvenile community corrections officer delineated in the Maine Juvenile Code, Title 15, Part 6; and [PL 1999, c. 583, §46 (AMD).]

C. To provide appropriate services to juveniles committed to a juvenile correctional facility who are in the community on community reintegration status. [PL 2003, c. 410, §23 (AMD).]
[PL 2003, c. 410, §23 (AMD).]

3. Juvenile community corrections officer's duties. A juvenile community corrections officer shall:

A. When directed, provide information to a juvenile correctional facility on juveniles committed to the juvenile correctional facility; [PL 1999, c. 583, §46 (AMD).]

B. Make such investigations as the Juvenile Court may direct and shall keep written records of the investigations as the Juvenile Court may direct; [PL 1985, c. 439, §22 (RPR).]

C. Use all suitable means, including counseling, to aid each juvenile under the juvenile community corrections officer's supervision and shall perform such duties in connection with the care and custody of juveniles as the court may direct; [PL 1999, c. 583, §46 (AMD).]

D. Keep informed as to the condition and conduct of each juvenile placed under the juvenile community corrections officer's supervision and shall report on the condition and conduct to the court and to the department as the court or department may direct; [PL 1999, c. 583, §46 (AMD).]

E. When a juvenile is placed under the juvenile community corrections officer's supervision, give the juvenile a written statement of the conditions of the supervision and shall fully explain the conditions to the juvenile; and [PL 1999, c. 583, §46 (AMD).]

F. Keep complete records of all work done. [PL 1985, c. 439, §22 (NEW).]
[PL 1999, c. 583, §46 (AMD).]

4. Juvenile community corrections officer's powers. Juvenile community corrections officers have the same arrest powers as other law enforcement officers with respect to juveniles placed under their supervision.

[PL 1999, c. 583, §46 (AMD).]

5. Investigations.

[PL 1985, c. 439, §22 (RP).]

6. Care and custody of juveniles.

[PL 1985, c. 439, §22 (RP).]

7. Arrest.

[PL 1985, c. 439, §22 (RP).]

8. Written statement of probation conditions.

[PL 1985, c. 439, §22 (RP).]

9. Keeping informed.

[PL 1985, c. 439, §22 (RP).]

10. Records.

[PL 1985, c. 439, §22 (RP).]

11. Change of residence.

[PL 1985, c. 439, §22 (RP).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 439, §22 (RPR). PL 1997, c. 464, §16 (AMD). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 583, §46 (AMD). PL 2003, c. 410, §23 (AMD).

SUBCHAPTER 5

PAROLE LAWS FOR PRECRIMINAL CODE PRISONERS

§5801. Applicability

This subchapter applies only to those persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect prior to May 1, 1976. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5802. Parole by board

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 section 5803 applicable to the sentence being served by the prisoner or inmate. It may revoke a parole when a condition of the parole is violated. [PL 2013, c. 508, §8 (AMD).]

1. Duration and conditions of parole. When the board grants a parole, upon release, the parolee shall serve the unexpired portion of his sentence, less deductions for good behavior, unless otherwise discharged therefrom by the board.

[PL 1983, c. 459, §6 (NEW).]

2. Custody and control. While on parole, the parolee is under the custody of the warden of the institution from which the parolee was released, but under the immediate supervision of and subject to the rules of the department or any special conditions of parole imposed by the board.

[PL 2015, c. 329, Pt. A, §20 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §§8, 9 (AMD). PL 2015, c. 329, Pt. A, §20 (AMD).

§5803. Eligibility for hearing; State Prison

A prisoner at the Maine State Prison or Maine Correctional Center becomes eligible for a hearing by the board as follows: [PL 1983, c. 459, §6 (NEW).]

1. Expiration of minimum term in minimum-maximum sentence. Prior to the expiration of the prisoner's minimum term of imprisonment, less the deduction for good behavior, when the law provides for a minimum-maximum sentence;
[PL 1983, c. 459, §6 (NEW).]

2. Expiration of 1/2 of term in certain cases. Prior to the expiration of 1/2 of the term of imprisonment imposed by the court, less the deduction for good behavior, when the prisoner has been convicted of an offense under Title 17, section 1951, 3151, 3152 or 3153. This subsection applies to a prisoner who has been convicted previously of an offense under Title 17, section 1951, 3151, 3152 or 3153;
[PL 1983, c. 459, §6 (NEW).]

3. Expiration of 15-year term in life imprisonment cases. Prior to the expiration of a 15-year term of imprisonment, less deduction for good behavior, when the prisoner has been convicted of an offense punishable only by life imprisonment; and
[PL 1983, c. 459, §6 (NEW).]

4. Expiration of 15-year term in other cases. Prior to the expiration of a 15-year term of imprisonment, less deduction for good behavior, when, following conviction, the prisoner has been sentenced to a minimum term of 15 years or more.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5804. Maine Correctional Center

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §10 (RP).

§5805. Women's reformatory

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §11 (RP).

§5806. Violations of parole

A probation-parole officer may arrest and charge a parolee with violation of parole and take him into his custody in any place he may be found, detain the parolee in any jail, pending the issuance of a parole violation warrant, which detention shall not extend beyond the next business day of the office of the director. In the event a warrant is not issued in that time, the parolee shall be released from arrest and detention forthwith. A parolee so arrested and detained shall have no right of action against the probation-parole officer or any other persons because of that arrest and detention. [PL 1983, c. 459, §6 (NEW).]

When a parolee violates a condition of his parole or violates the law, the director may issue a warrant for his arrest. A probation-parole officer, or any other law enforcement officer within the State authorized to make arrests, may arrest the parolee on the warrant and return him to the institution from which he was paroled. At its next meeting at that institution, the board shall hold a hearing. The parolee is entitled to appear and be heard. 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 Maine 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 correctional center sentence may be served at the Maine State Prison. [PL 1983, c. 459, §6 (NEW).]

1. Forfeits deductions. Upon revocation of parole by the board, the prisoner forfeits any deductions for good behavior earned while on parole. [PL 1983, c. 459, §6 (NEW).]

2. May earn deductions. While serving the unexpired portion of his sentence after parole has been revoked, the prisoner may earn deductions for good conduct. [PL 1983, c. 459, §6 (NEW).]

Whenever a warrant is issued under this section for the arrest of a parolee, the running of the parolee's sentence shall be interrupted and shall remain interrupted until the parolee is returned to the institution from which he was paroled. Interruption of the running of his sentence shall include any time served prior to such return, after conviction for a crime committed while on parole. [PL 1983, c. 459, §6 (NEW).]

In the event of the withdrawal of the warrant by authority of the director, or in the event that the board at the hearing on the alleged violation finds that the parolee did not violate the conditions of his parole, or the law, he shall be credited with the time lost by the interruption of the running of his sentence. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5807. Sentence for crime committed by parolee

Any parolee who commits an offense while on parole where the offense is punishable by imprisonment for one year or more and who is sentenced to the Department of Corrections shall serve the 2nd sentence beginning on the date of termination of the first sentence, unless the first sentence is otherwise terminated by the board. [PL 1985, c. 203 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 203 (AMD).

§5808. Discharge from parole

Any parolee who faithfully performs all the conditions of parole and completes the parolee's sentence is entitled to a certificate of discharge to be issued by the warden of the institution to which the parolee was committed. [PL 2013, c. 508, §12 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §12 (AMD).

§5809. Certificate of discharge

Whenever it appears to the board that a person on parole is no longer in need of supervision, it may order the warden of the institution from which the parolee was released to issue the parolee a certificate

of discharge, except in the case of persons serving a life sentence who may not be discharged from parole in less than 10 years after release on parole. [PL 2013, c. 508, §13 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §13 (AMD).

§5810. Records forwarded to State Police

When a person who has been convicted under Title 17, former section 1951, 3151, 3152 or 3153 is paroled, the warden of the institution shall forward to the State Police a copy of the person's record and a statement of facts necessary for full comprehension of the case. Whenever any prisoner who has been convicted of an offense under Title 17, former section 1951, 3151, 3152 or 3153 is discharged in full execution of the prisoner's sentence, the warden shall make and forward to the State Police a copy of the prison record of that prisoner together with a statement of any fact or facts that the warden may consider necessary for a full comprehension of the case. [PL 2013, c. 508, §14 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §14 (AMD).

§5811. Community reparations boards

(REPEALED)

SECTION HISTORY

PL 1997, c. 421, §B3 (NEW). MRSA T. 34-A §5811, sub-§8 (RP).

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