

To: Commission to Examine Reestablishing Parole
From: Legislative Staff
Date: September 8, 2022
Re: Timeline of Parole in Maine

In 1913 the Maine Legislature passed [Public Law 1913, Chapter 60](#), establishing parole, the State's first parole board, and replacing the State's "definite" sentencing system with what has now become known as "indeterminate" sentencing.¹ For those receiving and serving sentences, this change meant receiving a baseline sentence defined by a range between a minimum and a maximum number of years to serve, rather than a single baseline number of years.

At the time, the statutory minimum for sentences of more than two years was one-half of the sentence maximum (a 10 year maximum would have a 5 year minimum) and the statutory minimum for sentence of less than two years was set at one year (a 1.5 year maximum would have a 1 year minimum).

With the exception of those who had been convicted of two prior felonies, all inmates (the term used at the time) were eligible for parole after serving their minimum sentence, as adjusted for "good-time."² Parole was also not available to those serving life sentences.

As it was established at the time, that system worked in the following way:

1. During the sentencing stage the judge, if having decided incarceration was warranted, set a minimum and maximum term of confinement.
2. Once a person had served their minimum sentence, as adjusted for good-time credits, they would become eligible for review by the parole board.³
3. If, upon review of a person's application for parole, it was determined that parole was appropriate, the parolee would be released under the expectation of compliance with a number of conditions.⁴

A person released on parole was considered to still be serving their sentence and remained "in the legal custody and under the control of the warden or superintendent of the prison from which he is paroled and shall be subject at any time to be taken back within the enclosure of said prison for any reason that may be satisfactory to the warden or superintendent."⁵

Despite undergoing many modifications, the basic structure of parole in Maine remained the same through the recodification that resulted in the creation of MRS Title 34, in 1965.⁶ By that time numerous provisions had been added to the structure of parole in Maine, including the provision of parole for

¹ This coincided with the creation of the State Board of Charities and Corrections, which became Department of Public Welfare and the Bureau of Institutional Services in 1931, then the Department of Institutional Services in 1939, and then the Department of Mental Health and Corrections in 1959. The Bureau of Corrections was created in 1967, and it was not until 1981 that the Legislature created the Department of Corrections. See [Maine State Archives webpage](#).

² "Good time" is the practice of reducing the number of days a person is required to serve by meeting certain conditions, like good behavior or participation in rehabilitation programs.

³ For certain cases the authority to grant parole was conferred exclusively on the Governor. See Section 6 of [Public Law 1913, Chapter 60](#).

⁴ See sections 7-14 of Public Law 1913, Chapter 60.

⁵ Public Law 1913, Chapter 60, section 9.

⁶ However, the parole statutes are now located in [Title 34-A, Chapter 5](#).

certain life sentences.⁷ The Legislature had also distinguished parole from the Governor’s pardon and commutation power in statute,⁸ and further outlined the parameters of how parole functioned.⁹

In 1971, Maine’s 104th Legislature passed an "Act to Create a Commission to Prepare a Revision of the Criminal Laws" ([Private and Special Law 1971, Chapter 147](#)). The Commission completed its work in 1975, a time during which there was a nationwide movement toward determinate sentencing.¹⁰ The commission’s work eventually lead to the establishment of the criminal code in 1975 ([Public Law 1975, Chapter 499](#)),¹¹ which included a requirement that persons sentenced to imprisonment be confined for a definite period of time, rather than an indeterminate period. The preamble of the bill stated that release “will no longer depend on parole board decisions but on the willingness of the prisoner to earn the “good time” deductions authorized by law.”¹²

This marked the end of parole in Maine for sentences issued after the effective date of that law. Parole remains for those sentenced prior to 1976,¹³ it is governed by the provisions of [Title 34-A, Chapter 5](#) and administered through the State Parole Board Rules and Policy ([accessible on the bottom of the page at this link](#)).

Since 1976 and prior to the consideration of LD 842, the bill that ultimately created this commission, there have been a number of proposals to reinstate or change parole in various ways including, but not limited to, the following:

Legislature	LD Number	Title
115 th	2224	An Act to Reinstate a System of Parole
116 th	901	An Act to Reinstate a System of Parole
119 th	2531	An Act to Institute a System of Parole for Certain Maine Criminal Code Prisoners
125 th	1500	An Act To Establish Positive Reentry Parole
126 th	873	An Act To Establish Positive Reentry Parole

There have also been a number of court cases relevant to parole in Maine including, but not limited to, the following:

- **Gilbert v. State**, 505 A.2d 1326 (Me.1986)
- **Bossie v. State**, 488 A.2d 477 (Me.1985)
- **Mottram v. State**, 232 A.2d 809 (Me.1967)
- **Collins v. State**, 161 Me. 445 (Me.1965)
- **Lewis v. Robbins**, 150 Me.121 (Me.1954)
- **Ex parte Mullen**, 146 Me.191 (Me.1951)
- **Smith v. Lovell**, 146 Me.63 (Me.1950)

⁷ See page 629 in document titled: “Title 34 as of 1965 Recodification.”

⁸ See page 617 in document titled: “Title 34 as of 1965 Recodification.”

⁹ See Subchapter V, beginning on page 628 in document titled: “Title 34 as of 1965 Recodification.”

¹⁰ [Maine Rejects Indeterminacy: A Case Study of Flat Sentencing and Parole Abolition – Final Report, 1983](#), Page 20.

¹¹ See also, <https://www.maine.gov/legis/lawlib/lldl/criminalcode/index.html>.

¹² [Preamble to LD 314 from 1975](#).

¹³ [MRSA Title 34-A, section 5801](#).