

# MAINE STATE LEGISLATURE

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Date: 3/18/14

L.D. 1588

Majority

(Filing No. H-696)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1159, L.D. 1588, Bill, "An Act To Amend the Laws Regarding the Maine Correctional Center"

Amend the bill by striking out the title and substituting the following:

**'An Act To Amend the Laws Regarding the Maine Correctional Center and To Establish the Bolduc Correctional Facility in Statute'**

Amend the bill by striking out all of section 1.

Amend the bill by inserting after section 7 the following:

'Sec. 8. 34-A MRSA c. 3, sub-c. 9 is enacted to read:

**SUBCHAPTER 9**

**BOLDUC CORRECTIONAL FACILITY**

**§4201. Establishment**

There is established the Bolduc Correctional Facility, referred to in this subchapter as "the facility," located in Warren in Knox County for the confinement and rehabilitation of persons who have been duly convicted and sentenced to the Department of Corrections.

**§4202. Purposes**

The purposes of the facility include, but are not limited to, vocational and academic education and rehabilitative programs, including work release and work involving public restitution.

**§4203. Director**

1. Chief administrative officer. The chief administrative officer of the facility is called the director and is responsible to the commissioner.

**COMMITTEE AMENDMENT**

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2. Duties. In addition to other duties set out in this Title, the director has the following duties.

A. The director shall exercise proper supervision over the employees, grounds, buildings and equipment at the facility.

B. The director shall supervise and control the prisoners at the facility in accordance with departmental rules.

3. Powers. In addition to other powers granted in this Title, the director may appoint one assistant director, subject to the Civil Service Law; the assistant director has the powers, duties, obligations and liabilities of the director when the director is absent or unable to perform the director's duties.

**§4204. Prisoners generally**

1. Confinement of prisoners transferred to facility. All prisoners transferred to the facility must be detained and confined in accordance with the sentences of the court and the rules of the department.

2. Education. The director shall maintain suitable courses for academic and career and technical education of the prisoners. The director shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the facility's programs.

3. Employment. The commissioner may authorize the employment of prisoners of the facility on public works with any department, agency or entity of state, county or local government and may authorize the use of prisoners to provide assistance in the improvement of property owned by nonprofit organizations.

A. The commissioner shall adopt those rules as the commissioner considers proper to ensure the care and treatment of the prisoners and the safe working conditions of prisoners and departmental employees. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. The purpose of the employment authorized in this subsection is to provide training to the prisoner and to be a form of public restitution for the crime or crimes committed by the prisoner.

C. The prisoners employed under this subsection may not be compensated monetarily for work performed.

D. The commissioner may request that nonprofit organizations pay for the transportation of the prisoners and pay the per diem compensation of correctional officers or instructors who must accompany the prisoners or oversee the work to be performed.

4. Escape. Any prisoner who escapes from the facility, or from any assignment beyond the grounds of the facility, including assignment with community-rehabilitative programs, is guilty of escape under Title 17-A, section 755.'

Amend the bill in section 8 in the first paragraph in the 3rd and 4th lines (page 3, lines 3 and 4 in L.D.) by striking out the following: "and former sections 5804 and 5805" and inserting the following: '5805'

1 Amend the bill in section 14 in §5810 in the first paragraph in the 6th line (page 3,  
2 line 36 in L.D.) by striking out the following: "Warden of the Maine State Prison" and  
3 inserting the following: Warden of the Maine State Prison warden'

4 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
5 section number to read consecutively.

### 6 SUMMARY

7 This amendment is the majority report of the committee and does the following:

8 1. It removes the provisions of the bill that authorize a corrections officer at the  
9 Maine Correctional Center to use deadly force against an inmate;

10 2. It establishes the existing Bolduc Correctional Facility in statute following the  
11 language that established the Charleston Correctional Facility and the Downeast  
12 Correctional Facility; and

13 3. It makes technical changes to the bill.