

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1727

H.P. 1229

House of Representatives, May 14, 2019

An Act To Correct Various Statutes Related to the Department of Corrections

Submitted by the Department of Corrections pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COREY of Windham.

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

2 **Sec. 1. 15 MRSA §3203-A, sub-§7, ¶A**, as amended by PL 2013, c. 28, §3, is
3 further amended to read:

4 A. A juvenile may be detained in a jail or other secure detention facility intended for
5 use or primarily used for the detention of adults for which the Department of
6 Corrections has established standards pursuant to Title 34-A, section 1208 only when
7 the serving facility:

8 (1) Contains an area where juveniles are under direct staff observation at all
9 times, in a separate section for juveniles that complies with mandatory sight and
10 sound separation standards established by the Department of Corrections
11 pursuant to Title 34-A, section 1208;

12 (2) Provides for no regular contact between the juveniles with the adult detainees
13 or inmates; and

14 (3) Has an adequate staff to provide direct observation and supervise the
15 juvenile's activities at all times during emergency detention.

16 Juveniles detained in adult-serving facilities may be placed only in the separate
17 juvenile sections that comply with mandatory separation standards established by the
18 Department of Corrections pursuant to Title 34-A, section 1208, unless the juvenile is
19 held in an adult section of a facility under section 3205, subsection 2 or is bound over
20 as an adult and held in an adult section of a facility pursuant to section 3101,
21 subsection 4, paragraph E-2.

22 **Sec. 2. 15 MRSA §3203-A, sub-§7, ¶B**, as amended by PL 1991, c. 493, §11, is
23 further amended to read:

24 B. A juvenile may be held in custody or detention in any detention facility approved
25 or operated by the Department of Corrections exclusively for juveniles; any facility
26 operated by the Department of Corrections for both adults and juveniles as long as
27 the housing units for adults are fully separated from the housing units for juveniles
28 and the Department of Corrections maintains at all times full compliance with
29 mandatory sight and sound separation standards established by federal law; or a
30 temporary holding resource that provides secure supervision approved by the
31 Department of Corrections, pending the juvenile's release or hearing in the Juvenile
32 Court.

33 **Sec. 3. 17-A MRSA §1326-F**, as amended by PL 2011, c. 464, §25, is further
34 amended to read:

35 **§1326-F. Former Department of Corrections clients owing restitution**

36 An offender is responsible for paying any restitution outstanding at the time the term
37 of commitment to the Department of Corrections or period of probation is completed. An
38 offender who has complied with the time and method of payment of monetary
39 compensation determined by the Department of Corrections during the period of
40 probation or determined by the court at the time of sentencing shall continue to make

1 payments to the Department of Corrections in accordance with that payment schedule
2 unless modified by the court pursuant to section 1328-A or 1329. An offender who has
3 not complied with the time and method of payment of monetary compensation
4 determined by the Department of Corrections during the period of probation or
5 determined by the court at the time of sentencing must be returned to the court for further
6 disposition pursuant to section 1329. An offender who is unconditionally released and
7 discharged from institutional confinement with the Department of Corrections upon the
8 expiration of the sentence must, upon application of the office of the attorney for the
9 State, be returned to the court for specification by the court of the time and method of
10 payment of monetary compensation, which may be ordered paid to the office of the
11 attorney for the State who prosecuted the case or to the clerk of the court. Prior to the
12 offender's release and discharge, the Department of Corrections shall provide the office of
13 the attorney for the State who prosecuted the case written notice as to the amount of
14 restitution outstanding. An income withholding order issued pursuant to section 1326-B
15 remains effective and enforceable until the restitution is paid in full, even after an
16 offender is no longer in the custody or under the supervision of the Department of
17 Corrections.

18 **Sec. 4. 34-A MRSA §3035, first ¶**, as amended by PL 1991, c. 314, §40, is
19 further amended to read:

20 The commissioner may adopt, implement and establish rules for rehabilitative
21 programs, including work release, restitution and furlough, ~~as authorized by Title 17-A,~~
22 ~~chapter 54,~~ within the facilities under the commissioner's control.

23 **Sec. 5. 34-A MRSA §3036-A, sub-§2**, as amended by PL 2007, c. 240, Pt. ZZZ,
24 §2, is further amended to read:

25 **2. Participation.** The commissioner may transfer any prisoner committed to the
26 department ~~to be transferred~~ from a correctional facility to supervised community
27 confinement subject to the following restrictions.

28 A. A transfer to supervised community confinement may only be granted subject to
29 rules adopted by the commissioner.

30 B. A prisoner may not be transferred to supervised community confinement until the
31 prisoner has served at least 2/3 of the term of imprisonment imposed or, in the case of
32 a split sentence, at least 2/3 of the unsuspended portion, after consideration of any
33 deductions that the prisoner has received and retained under Title 17-A, section 1253
34 if the term of imprisonment or, in the case of a split sentence, the unsuspended
35 portion is more than 5 years. A prisoner may not be transferred to supervised
36 community confinement until the prisoner has served at least 1/2 of the term of
37 imprisonment imposed or, in the case of a split sentence, at least 1/2 of the
38 unsuspended portion after consideration of any deductions that the prisoner has
39 received and retained under Title 17-A, section 1253 if the term of imprisonment or,
40 in the case of a split sentence, the unsuspended portion is 5 years or less.

41 C. Except as provided in paragraph C-1, a prisoner may not be transferred to
42 supervised community confinement unless the prisoner has no more than 18 months
43 remaining on the term of imprisonment or, in the case of a split sentence, on the

