

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1092

S. P. 315

In Senate, March 19, 1975

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Clifford of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Providing for Rehabilitation Program Contract Completion as a Condition Precedent to Hearing before the State Parole Board.

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

34 MRSA § 1672, sub-§ 5, is enacted to read:

5. Program contract. Upon successful execution by the prisoner of a program contract with the board. Such program contract may be entered into by a prisoner with the board upon recommendation therefor by the warden or superintendent, or the board itself, which program contract shall provide for the prisoner's participation in and completion of a rehabilitation program mutually agreed upon by the prisoner and the board. The program contracted for may include any one or more of the following but shall not be limited to them: education, employment, public service, counseling or therapy related to individual or social adjustment. The program contract in each case shall be solely rehabilitative in nature, shall not interfere with the exercise of any existing legal right or remedy on the part of any participant and shall be for a minimum term of one year. Each program contract shall make provision for withdrawal from the contract by the prisoner and for termination of the contract by the board in the event of the prisoner's breach thereof.

In the event that a prisoner shall successfully execute the program contract and upon hearing is denied parole, each subsequent program contract entered into by the prisoner with the board shall be for a term not to exceed 6 months, the successful execution thereof in each case entitling the prisoner to a parole eligibility hearing. Termination of any such subsequent program contract by the board for breach thereof by the prisoner or the prisoner's withdrawal from any such subsequent program contract, as to further program contract partici-

pation, shall operate as a termination of or withdrawal from the initial program contract, but shall not operate with prejudice against any interest of the prisoner at a subsequent hearing before the board.

This subsection may be applied to a prisoner in any of the sentence categories described in subsections 1 through 4.

STATEMENT OF FACT

This legislation amends the parole hearing eligibility law for prisoners at the Maine State Prison and for women serving state prison sentences at the Women's Correctional Center at Hallowell to allow the establishment for such persons of the so-called "contract parole" system already being initiated at the state's other correctional facilities.

This legislation effects a portion of recommendation #20 of the report of the Governor's Task Force on Corrections.