

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1319

H. P. 1031

House of Representatives, March 21, 1975

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Connolly of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Creating a Correctional Policy for the State of Maine.

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

Sec. 1. 34 MRSA § 524 is enacted to read:

§ 524. Administration and correctional policy

In the administration of the programs and facilities of the Bureau of Corrections, the State of Maine establishes the policy that society is best and most effectively served by the maintenance of a correctional system designed to protect the public safety, and that it is the intention of the State of Maine to:

1. Protect the public safety. Protect the public safety by emphasizing efforts to assure that criminal offenders will not return to unlawful activity after release from the correctional system;

2. Administer individual alternatives in correctional program. Direct that all elements of the criminal justice system are so administered that an offender's individual correctional program is the least drastic measure consistent with the offender's needs and the public safety, and to direct that confinement, which is the most drastic disposition for an offender and the most expensive for the public, is the last alternative considered;

3. Emphasis on integration of offender into society. Direct the Bureau of Corrections to administer its correctional institutions and programs in a manner designed to emphasize safe and reasonable reintegration of the offender into society;

4. Right to voluntary integrational services. Create a right on the part of persons confined within State Correctional Institutions to services designed to reintegrate such persons adequately into society, and to recognize the prohibition of involuntary participation by confined persons in such services; and

5. Development of community-based programs and facilities. Direct the Bureau of Corrections and other elements of the criminal justice system to develop to the maximum extent possible community-based programs and facilities in lieu of institutionalization, utilizing all state and federal assistance possible for this purpose.

This State correctional policy is established mindful of the realities that nearly all criminal offenders eventually return to the open society, and that primary reliance upon centralized custodial institutions insulated from the larger community is self-defeating, results in unnecessarily high costs to the taxpayer, and ignores the advantages and economies of correctional treatment in the open community.

The Bureau of Corrections is directed to cooperate fully with any persons seeking enforcement of the policies enumerated in this section without stigma or retaliation against such persons who are inmates of state correctional institutions, or participants in noninstitutional correctional programs, and is directed generally to administer the correctional system of this State in consonance with the purposes and stated policy of this section.

Sec. 2. 34 MRSA § 525, as amended by PL 1969, c. 590, § 66, is further amended to read:

§ 525. Establishment; purposes

The Bureau of Corrections, as heretofore established within the department, shall be responsible for the direction and general administrative supervision of the correctional programs within the Maine State Prison, the Men's Correctional Center, the Women's Correctional Center, and the Juvenile Training Centers and the noninstitutional correctional programs for convicted persons administered entirely by employees of the Bureau of Corrections or its component parts.

STATEMENT OF FACT

This legislation establishes a correctional policy for the State of Maine. Presently, correctional administrators are operating in a vacuum of statutory policy guidance, and this measure enacts a clear policy statement declaring that it is the intent of the Legislature that correctional programs should be oriented toward the goal of protecting the public safety, through proven methods which are of the least burden to the taxpayer, and of the greatest effectiveness in reducing repeated crime.

This legislation effects recommendation #69 of the report of the Governor's Task Force on Corrections.