

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to S.P. 732, L.D. 2281, Bill, "AN ACT to Reorganize the Bureau of Corrections."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Sec. 1. 5 MRSA §1507, sub-§1, first sentence, as repealed and replaced by PL 1969, c. 455, §1, is amended to read:
\$120,000 to provide relief, when need exists, ~~and-on-a-commodity basis-only~~, to those institutions where actual average population in a fiscal year exceeds the basic estimates of population upon which the budget was approved and where such relief cannot be absorbed within regular legislative appropriations.

Sec. 2. 15 MRSA §2611, sub-§4, ¶B, as last amended by PL 1967, c. 195, §1, is repealed and the following enacted in place thereof:

B. Commit to the Maine Youth Center, if the juvenile is of the proper age;

Sec. 3. 15 MRSA §2611, sub-§5, as last repealed and replaced by PL 1975, c. 538, §7, is amended to read:

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5. Dispositions after return to a juvenile court. In instances of commitment of a juvenile to the ~~Boys-Training-Center-or-to-the-Stevens-School~~ Maine Youth Center, the superintendent thereof following such commitment may for good cause petition the juvenile court having original jurisdiction in the case for a judicial review of disposition. In all cases in which a juvenile is returned to a juvenile court from the ~~Boys-Training-Center-or-Stevens-School~~ Maine Youth Center, the juvenile court may make any of the dispositions otherwise provided in this section.

Sec. 4. 15 MRSA §2611, last ¶, as enacted by PL 1973, c. 522, §1, is amended to read:

The juvenile court shall not commit a juvenile to the ~~Men's Correctional-Center, the Women's Correctional-Center, the Boys Training-Center-or-the-Stevens-School~~ Maine Youth Center if the offense or act committed by the juvenile would not be an offense under the criminal statutes of this State, if committed by a person 18 years of age or over.

Sec. 5. 15 MRSA §2711, sub-§§1 and 2, as last amended by PL 1967, c. 195, §2, are repealed and the following enacted in place thereof:

1. Center. "Center" means the Maine Youth Center.
2. Child or children. "Child" or "children" means a juvenile committed to the Maine Youth Center.

Sec. 6. 15 MRSA §2712, as last amended by PL 1975, c. 482,
is repealed and the following enacted in place thereof:

§ 2712. Establishment; location; personnel

The State shall maintain the institution located at South Portland, heretofore known as the Boys Training Center, and hereby renamed the Maine Youth Center, to rehabilitate children committed thereto as juvenile offenders by the courts of the State. Toward this end, the disciplines of education, casework, group work, psychology, psychiatry, medicine, nursing, vocational training and religion related to human relations and personality development shall be employed. The center shall be coeducational and shall fully separate the housing facilities for boys and girls.

The Commissioner of Mental Health and Corrections may, with the approval of the Governor, authorize the use of any available facilities at the location in Hallowell, formerly known as the Stevens School and Women's Correctional Center, whenever the superintendent reports that overcrowding exists at the center.

The director of the center shall be called the superintendent. The superintendent of the center may appoint 2 assistant superintendents, subject to the Personnel Law. An assistant superintendent designated by the superintendent, or such other employee designated by the superintendent in the event that there are no assistant superintendents, shall have the powers, perform the duties and

be subject to all the obligations and liabilities of the superintendent when the superintendent is absent from the center or unable to perform the duties of the office or when the office of superintendent is vacant.

Sec. 7. 15 MRSA §2714, first sentence, as repealed and replaced by PL 1975, c. 538, §9, is amended to read:

Only a juvenile as defined in section 2502, subsection 5, who is 11 years of age or older at the time of the court's disposition of the case may be committed to a the center pursuant to chapters 401 to 409.

Sec. 8. 15 MRSA §2715 is amended to read:

§2715. Certification by committing judge

When any child is ordered to be committed to a the center, the court by which such commitment is made shall certify on the mittimus provided the child's birthdate, birthplace, parentage and legal residence.

Sec. 9. 15 MRSA §2716, 2nd ¶, last sentence, as enacted by PL 1975, c. 106, is repealed and the following enacted in place thereof:

The center shall provide aftercare and entrustment services to juveniles committed thereto.

Sec. 10. 34 MRSA §1, first ¶, as last amended by PL 1975, c. 495, §1, is amended to read:

The Department of Mental Health and Corrections, as heretofore established, hereinafter in this Title called the "department," shall have general supervision, management and control of the research and planning, grounds, buildings and property, officers and employees, and patients and inmates of all of the following state institutions: The hospitals for the mentally ill, Pineland Center, the State Prison, ~~the Men's Correctional Center and the Women's Correctional Center~~ Maine Correctional Center, the ~~juvenile institutions~~ Maine Youth Center, ~~the Governor Baxter State School for the Deaf~~, the Military and Naval Children's Home and such other charitable and correctional state institutions as may be created from time to time.

Sec. 11. 34 MRSA §1, 2nd ¶, as last amended by PL 1973, c. 553, §3, is amended by adding at the end a new sentence to read:

Notwithstanding any other provisions of law, the Commissioner may delegate an employee of the department to serve as the acting head of any bureau or any institution of the department for a period not to exceed 180 days in the event of a vacancy in a bureau or institution. Service as the acting head of a bureau or institution shall be considered as temporary additional duty for the individual so delegated.

Sec. 12. 34 MRSA §501, as last amended by PL 1967, c. 391, §7, is further amended to read:

§501. Aliens; report to immigration officer

Whenever any person shall be admitted or committed to the State Prison, ~~the Men's-Correctional-Center, Women's-Correctional Center~~ Maine Correctional Center, the county jail, or any other state, county, city or private institution which is supported wholly or in part by public funds, it shall be the duty of the warden, superintendent, sheriff or other officer in charge of such institution to inquire at once into the nationality of such person and, if it shall appear that such person is an alien, to notify immediately the United States immigration officer in charge of the district in which such prison, reformatory, jail or other institution is located, of the date of and the reason for such alien's admission or commitment, the length of time for which admitted or committed, the country of which he is a citizen and the date on which and the port at which he last entered the United States.

Sec. 13. 34 MRSA §525, as last 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~~ Maine Correctional Center and the ~~Juvenile Training-Centers~~ Maine Youth Center.

Sec. 14. 34 MRSA §529, first ¶, as enacted by PL 1975, c. 492, §2, and as amended by PL 1975, c. 623, §51-H, is further amended to read:

When it appears to the Director of the Bureau of Corrections, for reasons of availability of rehabilitative programs and the most efficient administration of correctional resources, that the requirements of any person sentenced or committed to a penal, correctional or juvenile institution would be better met in a facility, institution or program other than that to which such person was originally sentenced, the Director of the Bureau of Corrections, with the written consent of the person so sentenced, may transfer, after written notice of the transfer to the court which originally had jurisdiction and in the absence of any objection by the court within 14 days following the date of the notice, such person to another correctional institution, residential facility or program administered by or providing services to the Bureau of Corrections; provided that no juvenile shall be transferred to a facility or program for adult offenders ~~and that no male juvenile shall be transferred to the Stevens School at Hallowell.~~

Sec. 15. 34 MRSA §529, as enacted by PL 1975, c. 193, is repealed.

Sec. 16. 34 MRSA §529, as enacted by PL 1975, c. 553, §3, is repealed.

Sec. 17. 34 MRSA §§530 and 531 are enacted to read:

§530. Reallocation of institutional appropriations

In administering the policy and purposes of this chapter, the Bureau of Corrections is authorized to expend correctional institutional appropriations on persons within that portion of its sentenced or committed population participating in halfway house, prerelease, vocational training, educational, drug treatment or other correctional programs being administered physically apart from the institutions to which such persons were originally sentenced or committed, for the purpose of defraying the direct and related costs of such persons' participation in such programs.

§531. Disciplinary action; conditions of solitary confinement and segregation

Punishments for violations of the rules of the institutions under the general administrative supervision of the Bureau of Corrections may be imposed in accordance with the procedures set forth in the rules and regulations governing such institutions.

As to the Maine Correctional Center,

and the Maine State Prison, punishment may consist of warnings, loss of privileges, confinement to a cell and segregation or solitary confinement or a combination thereof and at the Maine State Prison may include loss of earned good conduct time. In no event shall corporal punishment be imposed. As to the Maine Youth Center, <—, punishment may consist of warnings and loss of

privileges. All punishments involving solitary confinement, segregation or loss of earned good time shall be first approved by the head of the institution.

The bureau shall develop and described in writing a fair and orderly procedure for processing disciplinary complaints against persons in any of the institutions under its general administrative supervision and shall establish rules, regulations and procedures to insure the maintenance of a high standard of fairness and equity. The rules shall describe offenses and the punishments for them that may be imposed. Any punishment that may affect the term of commitment, sentence and parole eligibility and any complaint, the disposition of which may include the imposition of segregation or solitary confinement of a person in such an institution, shall not be imposed without an impartial hearing at which the resident shall have the right to be present, to present evidence on his own behalf, to call one or more witnesses, which right shall not be unreasonably withheld or restricted, to question any witness who testifies at the hearing, which right shall not be unreasonably withheld or restricted and to be represented by counsel substitute as prescribed in the regulations. The person shall be informed in writing of the specific nature of his alleged misconduct and a record shall be maintained of all disciplinary complaints, hearings, proceedings and the disposition thereof. In all cases, the person charged shall have the right to appeal final disposition prior to imposition to the head of the institution and if at any stage of the proceedings

the resident is cleared of the charges within a complaint or the complaint is withdrawn, all documentation to the complaint shall be expunged.

The imposition of segregation and solitary confinement shall be subject to the following conditions:

1. Diet. The person shall be provided with a sufficient quantity of wholesome and nutritious food.

2. Sanitary and other conditions. Adequate sanitary and other conditions required for the health of the person shall be maintained.

3. Confinement exceeding 24 hours. When solitary confinement or segregation exceeds 24 hours, the head of the institution shall cause the institution physician or a member of the institution's medical staff to visit the person forthwith, and at least once in each succeeding 24-hour period in such confinement thereafter, to examine into the state of health of the person. The head of the institution shall give full consideration to recommendations of the physician or medical staff member as to the person's dietary needs and the conditions of his confinement required to maintain the health of the person. Such confinement shall be discontinued if the physician states that it is harmful to the mental or physical health of the person.

4. Reports. In the event that any person shall be held in such confinement for a period in excess of 5 days, the head of the institution shall forward a report thereof to the Director of ^{the Bureau of}

Corrections giving the reasons therefor. A written report shall be forwarded by the head of the institution to the Director of the Bureau of Corrections when the recommendations of the physician or medical staff member regarding any person's dietary or other health needs while in such confinement are not carried out.

Sec. 18. 34 MRSA §708, 3rd sentence is amended to read:

When the warden believes that there are more convicts in the State Prison than can be confined there securely, he shall certify the fact to the ~~Governor and Council~~ Commissioner, who may authorize him to transfer them, so far as is necessary, to some jail.

Sec. 19. 34 MRSA c. 65, as amended, is repealed.

Sec. 20. 34 MRSA c. 66 is enacted to read:

CHAPTER 66

MAINE CORRECTIONAL CENTER

§ 811. Establishment

The State shall maintain the institution located at South Windham, heretofore known as the Men's Correctional Center and hereby renamed the Maine Correctional Center, for the confinement and rehabilitation of persons under the age of 18 years with respect to whom probable cause has been found under Title 15, section 2611, subsection 3, who have pleaded guilty to, or have been tried and convicted of, crimes in the Superior Court and persons over the age of 18 years and of not more than 26 years of age who have been

convicted of, or who have pleaded guilty to, crimes in the courts of the State, and who have been duly sentenced and committed thereto, and women sentenced to the Maine State Prison and committed to the center.

If after reviewing alternative resources, including county jails, community halfway houses and existing prerelease centers, the commissioner deems it necessary, the facility in Skowhegan heretofore known as the Women's Reformatory may, with the approval of the Governor, be used as a location of the Maine Correctional Center for a period ending no later than January 1, 1978, in order to alleviate overcrowded conditions in any adult correctional institution.

All persons committed to the center shall be detained and confined in accordance with the sentences of the courts and rules and regulations of the center. Provisions for the safekeeping or employment of such inmates shall be made for the purpose of teaching such inmates a useful trade or profession and improving their mental and moral condition.

The head of the center shall be called the superintendent, who shall have supervision and control of the inmates, employees, grounds, buildings and equipment at the center. The superintendent of the center may appoint an assistant superintendent, subject to the Personnel Law, for each location of the center. An assistant superintendent designated by the superintendent, or such other employee designated by the superintendent in the event that there is no assistant superintendent, shall have the powers, perform the duties, and

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be subject to all the obligations and liabilities of the superintendent when the superintendent is absent from the center location or unable to perform the duties of the office or when the office of superintendent is vacant.

The superintendent of the center is authorized, subject to the written approval of the commissioner, to contract with the Director of the Federal Bureau of Prisons acting pursuant to Title 18, U.S.C. § 4002, for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States, and may receive and detain any such persons pursuant to such contracts.

§ 812. Placement; separation of sexes

At the time of sentencing to the center, the court shall cause inquiry to be made of the department as to the center location to which the sentenced person shall be delivered by the sheriff or his deputies. Commitment in each case shall be to the Maine Correctional Center and it shall be within the discretion of the department to determine the initial place of delivery of the sentenced person and to transfer from time to time between center locations as the needs of the sentenced person and of the public may require.

At each center location, housing facilities for men and women shall be separated.

§ 813. Transfer of felons for security reasons, overcrowding or effective programming

Any man convicted of a felony and committed to the center may be transferred to the State Prison for reasons of security, or as

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overcrowding at the center so requires, or in the interest of the inmate and of the public and if the result is the most effective use of available correctional programs with respect to the inmate, upon joint recommendation of the superintendent and of the Warden of the State Prison, approved in writing, by the commissioner or ^{the Bureau of} his delegate, the Director of/Corrections. Any inmate so transferred shall serve the sentence imposed upon him by the court at the State Prison. When in the case of any transferred inmate the reasons for transfer no longer obtain, he may be returned to the center, upon joint written recommendation of the superintendent and of the Warden of the State Prison, approved in writing, by the commissioner or his delegate, ^{the Bureau of} the Director of/Corrections, to continue in execution of his sentence.

When the superintendent believes that there are more convicts in the center than can be confined there securely, he shall certify the fact to the commissioner, who may authorize him to transfer them, so far as is necessary, to some jail. The jailer thereof shall receive such compensation from the State Treasury as he and the superintendent agree upon. When the accommodations of the center shall be so increased that the convicts can be safely confined therein, the superintendent shall remove them from such jail to the center. The time during which the convicts were so confined in jail shall be deducted from their sentences.

§ 814. Powers of officers; uniforms

Employees of the center shall have the same power and authority as sheriffs in their respective counties, only insofar as searching for and apprehending escapees from the center are concerned, when so authorized by the superintendent. Employees of the center may be provided, at the expense of the State, with distinctive uniforms for use when requisite to the performance of their official duties, all of which shall remain the property of the State, or may be provided with an equivalent clothing allowance when the private purchase of special clothing is similarly requisite to the performance of their official duties.

§ 815. Care of children of inmates and prisoners

If any woman is, at the time of her commitment to the center, pregnant with child which will be born after such commitment, the custody of the child at instance of the department shall be determined in accordance with Title 22, chapter 1055.

§ 816. Land grants to the Department of Conservation

The following lands of the former Women's Correctional Center at Skowhegan are granted to the bureaus of the Department of Conservation, as follows.

1. Land grant to Bureau of Public Lands. All of the open land and timberland north of Norridgewock Avenue, excluding the land immediately adjacent to the institutional buildings, shall be transferred to the Bureau of Public Lands, which shall actively manage the timberlands as a working forest.

2. Land grant to Bureau of Parks and Recreation. All the land lying between Norridgewock Avenue and the Kennebec River belonging to the former Women's Correctional Center, with the exception of the sewerage treatment plant and access thereto, shall be transferred to the Bureau of Parks and Recreation to be managed by the bureau.

Sec. 21. 34 MRSA c. 67, as amended, is repealed.

Sec. 22. 34 MRSA §1552, sub-§2, as repealed and replaced by PL 1969, c. 319, §2, is amended by adding at the end a new sentence to read:

All information obtained under this subsection, and any report furnished to the Governor with respect thereto, is confidential.

Sec. 23. 34 MRSA c. 257 is enacted to read:

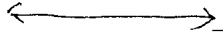
CHAPTER 257

SERVICES FOR CHILDREN

§ 3051. Residential facility for children

1. Establishment authorized. The Department of Mental Health and Corrections shall have control over the facility formerly known as the Stevens School located at Hallowell.

The commissioner, after consulting with the Commissioner of Human Services, the Commissioner of Educational and Cultural Services and other public and private agencies, including community mental health centers, is authorized to make any arrangements he may deem necessary for the establishment of a residential facility providing a broad range of educational, psychological and other related services to children with severe emotional, mental and behavioral disturbances. This facility, when established, may be located on the site of the institution formerly known as the Stevens School. The commissioner is, with the approval of the Governor, authorized to provide for the establishment and maintenance of this facility from any funds available to the department.

2. Budget report required. Annually, prior to January 15th after any facility has been established under subsection 1,  the commissioner shall make a budget report for the facility to the Legislature which shall include for the current, past and next fiscal year:


- A. Revenues. Actual and estimated amount of all revenues available to the facility, by sources;
- B. Expenditures. Actual and estimated amounts of expenditures, shown by object of expenditure and by program;
- C. Program information. A list of programs and the objectives of each and a description and evaluation of activities to attain such objectives, including the number of clients served;

D. Contractor. The name and address of any contractor and subcontractor, or for contracts not yet entered into, a description of the nature of the contractor's or subcontractor's business and the services to be provided by each may be substituted, if the names and addresses are not known;

E. Description. A description of the terms of any contract, including a description of services to be provided, indicating when they are to be performed, and to whom the final product or services have been or will be provided; and

F. Financing. A listing of the total amount to be paid under any contract, and the times and conditions of payment.

Sec. 24. Transitional provision. Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of any account, belonging to or intended for the institutions heretofore known as the Men's Correction Center and the Boys Training Center shall be used for the Maine Correctional Center, located in South Windham, and the Maine Youth Center, respectively. Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of any account, belonging to or intended for the institutions heretofore known as the Women's Correctional Center and the Stevens School may be transferred as specified in Section 29 of this Act.

Sec. 25. Employee status. All personnel employed by the institutions heretofore known as the Men's Correctional Center and the Boys Training Center shall be considered employees of the Maine Correctional Center at South Windham and the Maine Youth Center, respectively. The renamed organizational units shall remain the same and  all seniority accrued by such personnel within the organizational units heretofore named Men's Correctional Center and Boys Training Center shall be retained.

The Commissioner of Mental Health and Corrections may designate such personnel as may be necessary to remain in service at the Stevens School and the Women's Correctional Center in Hallowell during the 90-day transitional period provided for in ~~section~~ 26. Funding for such positions and transitional services shall be from funds appropriated to the Stevens School and the Women's Correctional Center. During the transitional period, employees remaining at Stevens School and the Women's Correctional Center may apply for and be appointed to positions at the Maine Youth Center or the Maine Correctional Center and remain on temporary duty at the Stevens School and the Women's Correctional Center.

All personnel employed at the institutions heretofore known as the Stevens School and the Women's Correctional Center shall have preference under the Personnel Law over all other applicants for positions at the Maine Youth Center and at the Maine Correctional Center, or any other institution within the Department of Mental Health and Corrections, for a period of 90 days from the effective date of their actual layoff, providing such preference shall only attach to those applicants who are otherwise qualified for th

position for which application is made. In addition, upon appointment within 90 days, for purposes of the retirement system, as specified in Title 5, Chapter 101, benefits shall be computed as if there had been no break in state service. In the event any such personnel are appointed from layoff status to positions at the Maine Youth Center or Maine Correctional Center within 3 years of the effective date of their actual layoff, all seniority accrued by such personnel within the organizational unit formerly known as Women's Correctional Center or the Stevens School shall be retained by such personnel in their new organizational unit.

Notwithstanding any special preference afforded by this section to personnel of the institutions heretofore known as the Women's Correctional Center and the Stevens School, such employees shall maintain all rights and privileges under the Personnel Laws and Rules.

The superintendent of the institution heretofore known as the Men's Correctional Center shall be considered the superintendent of the Maine Correctional Center located at South Windham upon the effective date of this Act. The superintendent of the institution heretofore known as the Boys Training Center shall be considered the superintendent of the Maine Youth Center upon the effective date of this Act.

All provisions of this Act which affect the seniority and reemployment rights of employees shall apply equally to classified and unclassified employees.

Sec. 26. Effect on existing commitments. No provisions of this Act shall be construed as terminating any commitments to either the Stevens School or the Boys Training Center on the effective date of this Act and each such commitment shall be considered to be to

the Maine Youth Center on the effective date of this Act. No provision of this Act shall be construed as terminating any commitments to either the Women's Correctional Center or the Men's Correctional Center on the effective date of this Act and each such commitment shall be considered to be to the Maine Correctional Center on the effective date of this Act and the Commissioner of Mental Health and Corrections shall have discretion to determine in which location of the Maine Correctional Center a committed person shall be placed.

The transfer of services and functions of the Stevens School and the Women's Correctional Center to the Maine Youth Center and the Maine Correctional Center, respectively, shall be completed no later than 90 days after the effective date of this Act. The Commissioner of Mental Health and Corrections shall give notice to the District and Superior courts (seven) days prior to the date on which juvenile and adult female offenders can actually be received in the physical location of the Maine Youth Center and the Maine Correctional Center, respectively. Until such operative date, such female offenders shall be caused to be delivered to the facility formerly or the known as the Stevens School/Women's Correctional Center.

Sec. 27. Correctional services plan. Prior to January 15, 1977, the commissioner shall present to the Legislature a correctional services plan which shall include, but not be limited to, the following:

1. A reassessment of the need for additional area correctional centers;
2. The requirements for the completion of any existing centers;
3. An implementation schedule based on any recommendations

4. Recommendations relating to permanent correctional facilities and community facilities for women inmates;
5. Recommendations relating to the State's role in providing correctional services to inmates from other states;
6. Recommendations relating to the management and treatment of severely disturbed and disruptive inmates at the State Prison; and
7. An examination and reassessment of existing policies relating to pre-release and work-release.

Sec. 28. Limitations on transfer of funds. Notwithstanding any other provision of law, funds appropriated to the Bureau of Corrections shall be used only for that bureau and shall not be transferred to any other bureau. Notwithstanding any other provision of law, any funds appropriated to the Skowhegan location of the Maine Correctional Center and not obligated as of December 31, 1976, shall be transferred to the Correctional Program Improvement Fund, described in Title 34, chapter 62-A. Any of these funds transferred to the Correctional Program Improvement Fund unexpended at the end of the fiscal year shall not lapse but shall ^{carry} forward into subsequent fiscal years to be expended for the purposes of chapter 62-A.

Sec. 29. Adjustments of appropriations. The following adjustments shall be made in the appropriations authorized in the Private and Special Laws of 1975, chapter 78.

Stevens School/Women's Correctional Center

Personal Services	(-87)	(\$868,379)
All Other		(81,988)
Capital Expenditures		(4,650)

Maine Youth Center, So. Portland

Personal Services	(10)	\$ 97,153
All Other		15,000

Maine Correctional Center, So. Windham

Personal Services	(6)	\$ 57,822
All Other		-0-

Division of Probation^{and}/Parole

Personal Services	(8)	\$ 92,984
All Other		-0-

Maine Correctional Center, Skowhegan

Personal Services	(39)	\$414,920
All Other		49,500
Capital Expenditures		4,650

Maine State Prison

Personal Services	(13)	\$ 94,717
All Other		-0-

Hallowell Campus

Personal Services	(11)	\$110,783
All Other		17,488

Boys Training Center

Personal Services	(-2)	(\$ 15,100)
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Maine State Prison

Personal Services	(2)	\$ 15,100
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Emergency clause. In view of the emergency cited in the

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Statement of Fact

REORGANIZATION

This amendment reorganizes the Bureau of Corrections in the following ways:

1. The Stevens School in Hallowell is abolished. The Boys Training Center in South Portland is renamed the Maine Youth Center, and will serve both male and female juvenile offenders. The commissioner is also authorized to use buildings at the former Stevens School in the event that the Maine Youth Center becomes overcrowded.

2. The Women's Correctional Center is abolished and the Men's Correctional Center in South Windham is renamed the Maine Correctional Center.

For a period ending January 1, 1978, the site of the former Women's Reformatory in Skowhegan may be used as a site of the Maine Correctional Center in order to alleviate overcrowding in correctional institutions. The Skowhegan site of the Maine Correctional Center may be used as a minimum security facility. It is intended that the population of the Maine State Prison will be decreased by transferring inmates to the Skowhegan site.

Both locations of the Maine Correctional Center may serve male and female adult offenders. All women sentenced to the Maine State Prison will be committed to this center.

It is anticipated that prior to January 1, 1977, the department will develop appropriate facilities for the placement of women inmates who may not require a minimum or maximum security setting.

3. Any available funds from the Boys Training Center will be used by the Maine Youth Center.

4. Any available funds from the Men's Correctional Center will be used by the Maine Correctional Center.

5. Any available funds from the facilities formerly known as the Stevens School and the Women's Correctional Center will be used to provide:

- A. Additional personnel at the Maine State Prison;
- B. Personnel and minor renovations at the Skowhegan site of the Maine Correctional Center; and
- C. Partial funding for the establishment of a Behavioral Stabilization Unit for severely disturbed children at the site of the former Stevens School.

6. The commissioner is authorized to make any arrangements necessary for the creation of a Behavioral Stabilization Unit at the site of the former Stevens School in Hallowell. This unit will serve a maximum of 24 children at any one time with severe emotional, mental and behavioral disturbances. This unit will be funded by the State, but will not be a State agency. Rather, the commissioner is authorized to contract with private agencies to actually administer and provide the services at the unit.

The unit will be funded in part from moneys generated by the closing of ^{the} Stevens School and the Women's Correctional Center and in part from the Mental Health Improvement Fund. The cost of the unit for a part year's operation during 1976-77 will be roughly \$550,000. A full year's operation during 1977-78 will cost roughly \$670,000.

OTHER CHANGES

The amendment also makes the following changes:

1. The amendment provides that the Institutional Reserve Fund can be used for any needs of any state insitutions. Presently, the funds can be used only for commodities at the state institutions. Use of the fund would continue to require the approval of the Governor and Council.

2. The amendment makes information furnished relating to pardons and commutations confidential. Recent controversy has arisen as to the confidentiality of reports furnished to the Governor and Council concerning applicants for pardon or commutation. Such reports often contain highly sensitive information secured from informants. The information and reports require clear statutory confidential status.

3. The amendment permits the commissioner to make arrangements to use available jail space when either the prison or correctional center is so overcrowded that security is endangered.

Reported by Committee on Health and Institutional Services in "Report B"

Reproduced and distributed pursuant to Senate Rule 11-A.

April 7, 1976.

(Filing No. S-544).