

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 698, L.D. 880, Bill, "AN ACT Relating to Private Visitation and Rehabilitation Process at Correctional Institutions."

Amend the Bill in section 1 by striking out the amending clause and inserting in its place the following:

'34 MRSA §508 is enacted to read:'

Further amend the Bill in section 1 in that part designated "§508." in subsection 1 by striking out the first sentence and inserting in its place the following:

The policy of this State shall be to permit and encourage private visitation for those inmates sentenced to the Maine State Prison and for other inmates at the discretion of the Department of Mental Health and Corrections, between those inmates < _____ > 18 years of age and older who are not participating in a furlough or work release program, and their family, friends, medical and legal advocates.'

Further amend the Bill in section 1 in that part designated "§508." by striking out all of subsection 2 and inserting in its place the following:

2. Private visitations. Subject to the provisions of this section, all inmates sentenced to the Maine State Prison < _____ > 18 years of age and older, who are not participating in a furlough or work release program shall be permitted and encouraged to have private

visitation with their family, friends, medical and legal advocates.
The warden shall ^{establish} written regulations, designating the time
and place of the visitation. With respect to family of the inmates,
the officials, employees and agents of the prison shall not impose
upon the privacy of the visitation, unless the visit would present a
clear and imminent escape threat or present a clear and imminent
danger of violence to the visitors or the inmates. With respect to
friends, medical personnel and legal advocates, the prison and
correctional authorities may monitor and supervise the visits under rules
and regulations promulgated by the Department of Mental Health and
Corrections. Conjugal visitation rights shall be limited to relations
between husband and wife.

In no case shall any visitation be withheld from any person for
more than ⁸ consecutive weeks/ unless otherwise authorized by the department for disciplinary reason
minimum time limit of ³ hours. Unless waived in writing by
the inmate, all inmates affected by this statute shall receive
written notice in each instance of his private visitation at least
one ¹ week prior to the actual date of the private visitation. If
a person is given a visitation at a time or place different from that
previously established, he shall be notified in writing of the change
in advance of the visit. This section shall in no way restrict an
inmate's right to have private and confidential visits with his
attorney, or with medical personnel, or with the agents of those
persons, or with other professional persons or to have supervised
visits with family and friends. ' 1

Further amend the Bill by striking out all of section 2.

FISCAL NOTE

The original draft of L.D. 880 included an appropriation of \$19,000. It has now been ascertained that any required appropriation for the implementation of this legislation will be met by the inmates themselves. Therefore, no appropriation from the State Treasury is required.

STATEMENT OF FACT

The purposes of this amendment are:

1. To limit the private visitation rights to the State Prison inmates, with discretion granted to the Department to extend it to other institutions;
2. To limit the right of having private visitations to inmates over the age of $\longleftrightarrow 18\frac{1}{2}$, except at the discretion of the department for disciplinary reasons
3. To limit the right of having private visitations to inmates who are not participating in a furlough or work release program;
4. To limit the private visits to one visit every $\longleftrightarrow 2$ months rather than one \longleftrightarrow every month as provided in the original bill; and
5. To limit conjugal rights to inmates who are married.

Reported by the Majority of the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.
6/17/77

(Filing No. H-687)