

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 880**

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H. P. 698

House of Representatives, March 9, 1977

On motion of Mr. Goodwin of South Berwick, referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Connolly of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT Relating to Private Visitation and Rehabilitation Process at  
Correctional Institutions.

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

Sec. 1. 34 MRSA § 508 is enacted to read:

§ 508. Private visitation; rehabilitation

1. Policy. The policy of this State shall be to permit and encourage private visitation within all its institutions, between all inmates confined to its institutions and particularly those inmates who are not participating in a furlough or work release program, and their family, friends, medical and legal advocates. Only in this way can these inmates develop and strengthen their social, community and family responsibility, and maximize their rehabilitative process.

2. Private visitation. Subject to the provisions of this section, all inmates of a prison, reformatory or institution within this State shall be permitted and encouraged to have private visitation with their family, friends, medical and legal advocates for the purpose of counsel and emotional support. This private visitation shall take place within the prison, reformatory or institution. The head of such place shall write written regulations designating the time and place of the visitation. With respect to family and friends of the inmates, the officials, employees and agents of the prison, institution or reformatory, 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. In no case shall any visita-

tion be withheld from any person for more than 4 consecutive weeks. All visitation shall have a 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 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.

Sec. 2. **Appropriation.** There is appropriated to the Department of Mental Health and Corrections from the General Fund the sum of \$19,000 for the purpose of hiring a female officer whose duties include searching of the female visitors. The breakdown shall be as follows:

	1977-78	1978-79
MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF		
Personal Services	(1) \$8,000	(1) \$11,000

#### STATEMENT OF FACT

The intent of this bill is to secure the right of private visitation to inmates of Maine's correctional institutions. It is further intended to perpetuate the rehabilitative process by maximizing the opportunity for the strengthening of social, community and family responsibility.