

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1298

H. P. 1076

House of Representatives, March 28, 1977

On motion of Mr. Spencer of Standish, referred to Committee on Judiciary.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Tarbell of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT Relating to Eligibility of Offenders for Transfer to Correctional
Alternatives and to Authorize Prerelease Community Supervision of
Offenders.**

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

34 MRSA § 529, 1st ¶, as amended by PL 1975, c. 756, § 14, 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; including a program for which the Department of Mental Health and Corrections is hereby authorized to establish rules and regulations, of transfer to an offender's home or other appropriate community placement, for the purpose of aiding reintegration of the offender into the community for a period preceding final discharge from sentence, provided that eligibility for home placement shall consist of completion of at least $\frac{1}{2}$ of an offender's sentence and with no loss of good time and provided further that no juvenile shall be transferred to a facility or program for adult offenders.

Except as provided in this section, eligibility for consideration for transfer to a correctional institution, facility or program different from the one in which an offender may be confined or participating shall not be limited by any arbitrary requirement concerning the amount of time an offender has served or has remaining to be served. This prohibition does not apply to the furlough program of the Department of Mental Health and Corrections, but does apply to halfway house, special rehabilitation center, work and education release, and other similar programs, including transfers from more secure to less secure facilities, as provided for hereinafter.

Space permitting, and with the consent of the offender concerned, the Department of Mental Health and Corrections shall transfer inmates from the Maine State Prison to the Maine Correctional Center or other appropriate facility whenever the inmate concerned, in the judgment of the Department of Mental Health and Corrections, no longer poses a maximum security risk to the interest of public safety.

STATEMENT OF FACT

Enactment of this bill would :

1. Bar arbitrary "time-served" or "time-remaining-to-be-served" requirements for limiting eligibility for transfer to correctional alternatives;
2. Encourage transfers of offenders from unnecessarily restrictive to less restrictive facilities wherever appropriate; and
3. Authorize a program of prerelease supervision in the community.