

# MAINE STATE LEGISLATURE

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New Draft of H. P. 1786, L. D. 1904  
SECOND REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 2006**

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H. P. 1956

House of Representatives, January 25, 1980

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

EDWIN H. PERT, Clerk of the House

Presented by Mrs. Prescott of Hampden.

Cosponsors: Mr. Cloutier of South Portland, Mr. Gray of Thomaston and Mr. Hughes of Auburn.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

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**AN ACT to Reorganize the Department of Mental Health and Corrections.**

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

Sec. 1. 34 MRSA c. 2 is enacted to read:

**CHAPTER 2**

**DEPARTMENT OF CORRECTIONS**

§ 31. Legislative intent

It is the intent of the Legislature that a Department of Corrections be created to improve the administration of correctional institutions, programs and services for individuals sentenced to a state institution or placed on probation. The Department of Corrections shall be a cabinet level department, the commissioner of which is directly accountable to the Governor.

§ 32. Department of Corrections

There is created and established the Department of Corrections to supervise, guide and plan adult and juvenile correctional institutions and programs within the State. Correctional institutions include, without limitation, the Maine Youth

Center, the State Prison and the Maine Correctional Center. Correctional programs include, without limitation, probation and parole, court intake and jail inspection.

The department shall be under the control and supervision of the Commissioner of Corrections, who shall be appointed by the Governor, subject to review by the Joint Standing Committee of the Legislature which is assigned jurisdiction over the subject of health and institutional services and confirmation by the Legislature. The commissioner shall serve at the pleasure of the Governor.

### § 33. Powers and duties

All laws, powers, duties and responsibilities of the Department of Mental Health and Corrections and the Commissioner of Mental Health and Corrections prior to the effective date of this chapter, which pertain to corrections' programs and institutions as set forth in section 32, shall be assigned and delegated to the Department of Corrections and Commissioner of Corrections.

**Sec. 2. Revision clause.** Wherever in the Revised Statutes the words "Department of Mental Health and Corrections" or "Commissioner of Mental Health and Corrections" or words of similar reference appear or reference is made to that name, they shall be amended to read and mean "Department of Mental Health and Mental Retardation" or "Commissioner of Mental Health and Mental Retardation" respectively, unless otherwise indicated by other provisions of this Act.

**Sec. 3. Revision clause.** Wherever in the Revised Statutes the words "Bureau of Corrections" or "Director of Corrections" or words of similar reference appear or reference is made to that name, they shall be amended to read and mean "Department of Corrections" or "Commissioner of Corrections" respectively.

### **Sec. 4. Transition provisions.**

**1. Administrative acts.** All existing administrative acts currently in effect and operation in the Department of Mental Health and Corrections shall continue in effect, except to the extent they conflict with this Act, until rescinded, amended or changed consistent with other law. Those administrative acts of the Department of Mental Health and Corrections which pertain to the functions and programs for the Department of Corrections, as created by the Maine Revised Statutes, Title 34, chapter 2, shall be considered to be administrative acts of the Department of Corrections. For the purposes of this subsection, "administrative acts" means, but is not limited to, any rule, order, administrative procedure, determination, directive, authorization, permit, license, privilege, requirement designation or agreement.

**2. Funds and equipment transferred.** Notwithstanding the Revised Statutes, Title 5, sections 1585 and 1586, all accrued expenditures, assets, liabilities, balances or appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of the Department of Mental Health and

Corrections to be reallocated to the Department of Corrections strictly as the result of the department reorganization contained in this Act, shall be transferred to the proper place in the new department by the State Controller, upon recommendation of the Commissioner of Mental Health and Mental Retardation, the Commissioner of Corrections and the State Budget Officer, and upon approval by the Governor.

**3. Personnel transferred.** Personnel shall be transferred to the new Department of Corrections as follows:

**A.** All personnel from the following institutions and programs shall be transferred to the new department:

- (1) Correctional Services;
- (2) Maine Youth Center;
- (3) Maine Correctional Center;
- (4) State Prison;
- (5) State Parole Board;
- (6) Probation and Parole; and
- (7) Department Operations - Court Intake Program;

**B.** From the following positions and incumbent personnel funded by Department Operations:

(1) Four positions and personnel not part of the Bureau of Corrections whose duties partially involve the bureau:

- (a) Planning Associate II;
- (b) Accountant II;
- (c) Account Clerk I; and
- (d) Training Center Caseworker; and

(2) Four positions from Bureau of Corrections:

- (a) Director, Bureau of Corrections;
- (b) Clerk Stenographer II;
- (c) Jail Inspector;
- (d) Correctional Plans Coordinator;

**C.** The following vacant positions funded by the Maine Youth Center, to be transferred to Department Operations:

- (1) Two Training School Counselors; and

**D.** One vacant position funded by the State Parole Board, to be transferred to Department of Operations.

**4. Legislation for the 110th Legislature.** The Department of Corrections shall prepare legislation for presentation to the First Regular Session of the 110th Legislature to amend, repeal and rearrange statutes as necessary to reflect the powers, responsibilities and organization of the Department of Corrections created by the Revised Statutes, Title 34, chapter 2.

**Sec. 5 Appropriation.** The following funds are transferred within and appropriated from the General Fund to carry out the purposes of this Act.

**1. Transfers from Department of Mental Health and Corrections to Department of Corrections.**

**1980-81**

**MENTAL HEALTH AND CORRECTIONS,  
DEPARTMENT OF**

Departmental Operations

Positions	(-34)
Personal Services	\$ (559,811)
All Other	(141,740)
Capitol	( -0- )
Food for Institutions	
All Other	(736,150)
Fuel for Institutions	
All Other	(364,000)
Unemployment Compensation	
Personal Services	(22,000)
Correctional Services	
Positions	(-2)
Personal Services	(37,123)
All Other	(805,000)
Maine Youth Center	
Positions	(-238)
Personal Services	(3,335,346)
All Other	(354,565)

Capital	(27,681)
Maine Correctional Center	
Positions	(-148)
Personal Services	(2,071,350)
All Other	(320,001)
Capital	(14,568)
State Prison	
Positions	(-206)
Personal Services	(2,935,813)
All Other	(734,576)
Capital	(22,242)
State Parole Board	
Positions	(-2)
Personal Services	(36,015)
All Other	(8,535)
Probation and Parole	
Positions	(-67)
Personal Services	(1,132,814)
All Other	(191,905)
Capital	(1,171)
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Total, transferred out:	
Positions	(-697)
Funds	(\$13,852,406)
Departmental Operations	
Positions	(11)
Personal Services	\$ 174,994
All Other	46,940
Capital	-0-
Food for Institutions	

All Other	736,150
Fuel for Institutions	
All Other	364,000
Unemployment Compensation	
Personal Services	22,000
Correctional Services	
Positions	(2)
Personal Services	37,123
All Other	805,000
Maine Youth Center	
Positions	(236)
Personal Services	3,312,795
All Other	354,565
Capital	27,681
Maine Correctional Center	
Positions	(148)
Personal Services	2,071,350
All Other	320,001
Capital	14,568
State Prison	
Positions	(206)
Personal Services	2,935,813
All Other	734,576
Capital	22,242
State Parole Board	
Positions	(1)
Personal Services	26,608
All Other	8,535
Probation and Parole	
Positions	(67)

Personal Services	1,132,814
All Other	191,905
Capital	1,171
Court Intake Program	
Positions	(26)
Personal Services	416,775
All Other	94,800
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Total, transferred in:	
Positions	(697)
Funds	\$13,852,406

**2. New appropriation to Department of Corrections.**

**1980-81**

**CORRECTIONS, DEPARTMENT OF**

Positions	(1)
Personal Services	\$41,338
All Other	13,700
Capital Expenditures	1,200
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Total	\$56,238

The personal services amount includes \$25,844 in salaries and benefits for the new position, Director of Community Services, and \$15,494 for reclassification of existing positions that will be transferred to the Department of Corrections.

**STATEMENT OF FACT**

This new draft makes 2 changes to the bill.

First, language in the bill conflicting with the statutory definition for the word "rule" is corrected.

Second, the new draft details the funds and personnel authorized from the General Fund for fiscal year 1980-81. In summary they are:



	<b>Positions</b>	<b>Funds</b>
Transfers from existing authorizations	697	\$13,852,406
New authority in this bill	1	56,238
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Total	698	\$13,908,644