

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 832

7 H.P. 583

House of Representatives, February 22, 1983

8 Reported by Representative Manning from the Transitional Committee of  
9 the Department of Corrections. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Reported from the Transitional Committee of the Legislature under Joint Rule  
18, pursuant to Public Laws of 1981, Chapter 493, §5.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Recodify the Statutes  
18 Relating to Corrections and Mental Health  
19 and Mental Retardation.  
20

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

23 Sec. 1. 15 MRSA c. 409, as amended, is repealed.

24 Sec. 2. 22 MRSA c. 404 is enacted to read:

25 CHAPTER 404

26 PRIVATE MENTAL HOSPITALS

27 §1781. License; visitation; penalty

28 The Department of Human Services may license any  
29 suitable person to establish and keep a private  
30 hospital or private house for the reception and

1 treatment of patients who are mentally deranged. The  
2 hospital or private house shall be subject to visita-  
3 tion by the department or any member thereof.

4 Whoever establishes or keeps the private hospital  
5 or private house without a license, or after revoca-  
6 tion or during suspension of the license, shall be  
7 fined not more than \$500.

8 §1782. Visitation

9 Each of the licensed hospitals or houses shall be  
10 visited at least once a year, and oftener if the Com-  
11 missioner of Human Services so directs, by a member  
12 of the Department of Human Services, who shall care-  
13 fully inspect every part of the hospital or house  
14 visited with reference to its cleanliness and sani-  
15 tary conditions and who shall make a report to the  
16 department with such recommendations to improve con-  
17 ditions as the department deems necessary.

18 §1783. Revocation or suspension of license after  
19 hearing

20 When the Department of Human Services believes a  
21 license should be suspended or revoked, it shall file  
22 a statement or complaint with the Administrative  
23 Court Judge, designated in the Maine Administrative  
24 Procedure Act, Title 5, chapter 375. A person  
25 aggrieved by the refusal of the department to issue a  
26 license may file a statement or complaint with the  
27 Administrative Court Judge.

28 Sec. 3. 22 MRSA c. 405-B is enacted to read:

29 CHAPTER 405-B

30 TUBERCULOSIS SANATORIUMS

31 §1871. Establishment and maintenance

32 The State shall maintain by building, lease or by  
33 purchase one or more sanatoriums in such districts of  
34 the State as seems best to serve the needs of the  
35 people for the care and treatment of persons affected  
36 with tuberculosis. If at any time the number of per-  
37 sons requiring such care and treatment in these sana-

1     toriums decreases to a level which, in the judgment  
2     of the Commissioner of Human Services, makes contin-  
3     ued operation and maintenance of a sanatorium imprac-  
4     ticable, the commissioner, with the advice and con-  
5     sent of the Governor, may close any or all sana-  
6     toriums. In the event that all sanatoriums are  
7     closed as provided, any funds from the sanatorium ac-  
8     counts and appropriations may, with the advice and  
9     consent of the Governor, be made available to the  
10    Commissioner of Human Services for the purpose of  
11    providing alternative treatment and care for those  
12    patients needing treatment and care. Where lease or  
13    purchase is made, the State shall have the right to  
14    enlarge or otherwise adapt the property to meet the  
15    needs of the situation. These additions or improve-  
16    ments shall be considered permanent. At the expira-  
17    tion of the original lease of any property for use as  
18    a tuberculosis sanatorium, the State shall have the  
19    right of renewal or of purchase.

20           Without regard to the matter of sanatorium clo-  
21    sure, the commissioner also may purchase care for  
22    tuberculosis patients from private practitioners and  
23    private medical institutions. In making payments for  
24    care, he shall take into consideration payments that  
25    may be available through insurance or other 3rd par-  
26    ties.

27    §1872. Admission; charges

28           Patients may be admitted to these sanatoriums  
29    upon application to the Department of Human Services,  
30    if found to be suffering from tuberculosis or if sus-  
31    pected of having tuberculosis. All patients in the  
32    sanatoriums, the parents of minor children or the  
33    spouse, shall pay to the State for treatment, includ-  
34    ing board, supplies and incidentals necessary to the  
35    prescribed medical and surgical treatment both for  
36    inpatient and outpatient services, the amount deter-  
37    mined by the department. The department may, if it  
38    finds that the patient or relatives liable by law are  
39    unable to pay the amount determined, in whole or in  
40    part, waive payment or so much thereof as the circum-  
41    stances appear to warrant.

42           All funds collected from this source shall be  
43    credited to the General Fund. No pauper disabilities

1 shall be created by reason of any aid or assistance  
2 given under this section.

3 This section does not apply to persons who may be  
4 committed under section 1022.

5 Sec. 4. 30 MRSA c. 13 is enacted to read:

6 CHAPTER 13

7 COUNTY JAILS AND JAILERS

8 SUBCHAPTER I

9 OFFICIALS AND PERSONNEL

10 §1701. Custody of jail and prisoners; jailer

11 The sheriff has the custody and charge of the  
12 jail in his county and of all prisoners therein and  
13 shall keep it himself, or by his deputy as jailer,  
14 master or keeper. The jailer, master or keeper shall  
15 appoint, subject to the requirements of section 64-A,  
16 all subordinate assistants and employees. Subordi-  
17 nate assistants and employees shall be appointed for  
18 the same period that is provided for deputy sheriffs  
19 under section 951. The professional qualifications  
20 required of them shall emphasize training or experi-  
21 ence in or knowledge of corrections. The pay of the  
22 jailer, master or keeper and all subordinate assis-  
23 stants and employees shall be fixed by the county com-  
24 missioners and paid by their several counties, except  
25 when otherwise provided by law. The jailer and his  
26 subordinate assistants and employees may be deputy  
27 sheriffs.

28 §1702. Jailer's duties when office of sheriff vacant

29 When a vacancy occurs in the office of sheriff,  
30 the jailer lawfully acting continues in office and  
31 shall retain charge of the jail and of all prisoners  
32 therein or committed thereto, and his official  
33 neglects and misdoings are a breach of his  
34 principal's official bond until a new sheriff is  
35 qualified, or the Governor removes that jailer and  
36 appoints another, which he may do. The jailer so  
37 appointed shall give bond in the manner required of a  
38 sheriff for the faithful discharge of his duties.

1     §1703. Offices of jailer and sheriff vacant;  
2         appointment by county commissioners

3         If the office of jailer becomes vacant while the  
4         office of sheriff is vacant, the county commissioners  
5         may appoint a jailer, who shall give bond as a  
6         sheriff is required to do and continue in office, if  
7         his appointment is confirmed at the commissioners'  
8         next meeting, during the vacancy in the office of  
9         sheriff or until he is removed and a new jailer  
10        appointed.

11     §1704. Jailer to return list of prisoners at each  
12         criminal session of court

13         Every jailer, at the opening of every criminal  
14         term of the Superior Court for his county, shall  
15         return a list of prisoners in his custody and after-  
16         wards a list of all committed during the session,  
17         certifying the cause for which and the person by whom  
18         committed, and shall have the calendar of prisoners  
19         in court for its inspection. For neglecting to do  
20         so, the court may impose a reasonable fine.

21     §1705. Official papers filed and kept with calendar  
22         and delivered to successor

23         All warrants, mittimus, processes and other  
24         official papers by which any prisoner is committed or  
25         liberated, or attested copies thereof, shall be regu-  
26         larly filed in order of time and with the calendar  
27         safely kept and when the sheriff vacates his office,  
28         they shall be, by the sheriff or his personal repre-  
29         sentative, delivered to his successor on penalty of  
30         forfeiting \$200 to the county.

31     §1706. Sheriff answerable for delivery of prisoners  
32         to successors

33         Every sheriff is answerable for the delivery to  
34         his successor of all prisoners in his custody at the  
35         time of his removal, and for that purpose shall  
36         retain the keeping of the jail in his county and the  
37         prisoners therein until his successor enters on the  
38         duties of his office.

39     §1707. Liability of sheriff for escape

1        When a prisoner escapes through the insufficiency  
2 of the jail or the negligence of the sheriff or  
3 jailer, the sheriff is chargeable to the creditor or  
4 other person at whose suit he was committed or to  
5 whose use any forfeiture was adjudged against that  
6 prisoner.

7        §1708. Escape through insufficiency of jail; sum  
8 paid; reimbursed

9        When an escape happens through the insufficiency  
10 of the jail, the county commissioners may order the  
11 county treasurer to pay to the sheriff the amount  
12 paid by him to that party. If they do not make an  
13 order within 6 months after the demand is laid before  
14 them, the sheriff may bring his action against the  
15 inhabitants of that county, to be tried therein or in  
16 an adjoining county, and service shall be made as in  
17 other actions.

18        §1709. Appointment of agent to defend county; execu-  
19 tion

20        The commissioners may appoint an agent to appear  
21 and defend the action. If they have no meeting  
22 between the time of service and the time within which  
23 the answer is required to be served, it shall be con-  
24 tinued for such time as the court directs, saving all  
25 advantages to the defendants. If judgment is  
26 rendered against the county, the execution may be  
27 levied on the estate of any inhabitant who has his  
28 remedy against the county to recover the amount so  
29 levied.

30        §1710. Liability of keeper and sheriff for escape

31        If any jail keeper, through negligence, suffers a  
32 prisoner charged with an offense to escape, he shall  
33 be fined according to the nature of the offense  
34 charged against the escaped prisoner, but if a person  
35 committed for debt escapes from jail and the sheriff  
36 or jail keeper, within 3 months thereafter, returns  
37 him thereto, the sheriff is liable only for the costs  
38 of any action commenced against him therefor.

39        §1711. Administration of medication

1       1. Administration of medication by sheriff or  
2 deputy. The sheriff of any county may administer to  
3 any prisoner in his custody and charge any oral or  
4 topical medication as prescribed by a licensed physi-  
5 cian or dentist or, if requested by a prisoner, any  
6 nonprescription medication in accordance with the  
7 directions on its container. The sheriff may dele-  
8 gate this authority to administer medication to his  
9 deputy who is in charge of the county jail or to the  
10 master or keeper of the county jail.

11       2. Limitations on administration of medica-  
12 tion. The sheriff or his delegate shall not adminis-  
13 ter any prescription or nonprescription medication to  
14 any prisoner who has been incarcerated in the county  
15 jail for less than 24 hours, unless the sheriff or  
16 his delegate has consulted with and received permis-  
17 sion to administer that medication from a licensed  
18 physician.

19       3. Insulin injections. No provision under this  
20 section may prevent any prisoner from  
21 self-administering insulin injections, provided that:

22       A. A duly licensed physician has authorized that  
23 self-administration; and

24       B. That self-administration takes place in the  
25 presence of the sheriff or his delegate.

26       4. Statement by prisoner. Before administering  
27 any nonprescription medication to any prisoner who  
28 has been incarcerated in the county jail for 24 hours  
29 or longer, the sheriff or his delegate shall secure a  
30 written statement signed by the prisoner, which  
31 states that the prisoner has requested that medica-  
32 tion and had no previous adverse allergic reaction to  
33 that medication.

34       5. Records of medication administered. Every  
35 sheriff or his delegate shall maintain for at least 2  
36 years a record which shall include a description of  
37 each prescription and nonprescription medication ad-  
38 ministered in the county jail and the identity of  
39 each person to whom that medication is administered.



1       6. Administration of medication not a viola-  
2 tion. The administration of medication to prisoners,  
3 as provided in this section, shall not be a violation  
4 of Title 32, section 2102, subsection 2, paragraph D,  
5 or Title 32, section 3270, or any other law.

## 6                               SUBCHAPTER II

### 7                               PRISONERS AND THEIR CONDUCT

8       §1751. Pay for labor of prisoners before sentence

9               Any person charged with crime or awaiting sen-  
10 tence who, while confined in any jail where provision  
11 for labor has been made, chooses to labor as provided  
12 for persons under sentence, shall receive therefor  
13 such sum as, in the judgment of the commissioners of  
14 that county, he has earned.

15       §1752. Positions of trust for certain prisoners

16               Positions of trust may be granted by a sheriff  
17 only to a prisoner confined in a jail who was sen-  
18 tenced to serve his term in that particular jail.

19       §1753. Treatment of prisoners for debt and minors

20               Every jail keeper shall keep prisoners committed  
21 for debt separate from prisoners charged with felony  
22 or infamous crimes, and shall keep all minors so com-  
23 mitted and all prisoners upon a first charge, before  
24 or after conviction, separate from notorious offend-  
25 ers and those convicted more than once of felony or  
26 infamous crimes, so far as the construction or state  
27 of the jail admits.

28       §1754. Violations or furnishing liquor to prisoners

29               If any jail keeper violates section 953 or volun-  
30 tarily or negligently suffers any prisoner in his  
31 custody, charged with or convicted of any offense, to  
32 have any intoxicating liquor, unless the physician  
33 authorized to attend the sick in that jail in writing  
34 certifies that the prisoner's health requires it and  
35 prescribes the quantity, he forfeits in each case,  
36 for the first offense, \$25; and for the 2nd offense,

1     \$50; to be recovered for the county by indictment, or  
2     by any person suing therefor, to his own use; and  
3     shall be removed from office and shall be incapable  
4     of holding the office of sheriff, deputy sheriff or  
5     jailer for 5 years.

6     §1755. Federal prisoners

7             The keepers of the several jails shall receive  
8     and safely keep all prisoners committed under author-  
9     ity of the United States until discharged, under the  
10    penalties provided for the safekeeping of prisoners  
11    under the laws of this State.

12    §1756. Prisoners to attend funerals

13            Prisoners at the several county jails may, at the  
14    discretion of the sheriff, attend funerals of their  
15    legally considered mother, father, husband, wife, son  
16    or daughter, if the funeral is held within the State.  
17    A prisoner shall pay the cost of transportation and  
18    the fee and expenses of the officer who takes him to  
19    the funeral.

20    §1757. Disposal of body of person who died in jail

21            When a person dies in jail, the jailer or sheriff  
22    shall deliver the body to his friends, if requested.  
23    Otherwise, he shall dispose of it for anatomical pur-  
24    poses, as provided in Title 22, chapter 709, unless  
25    the deceased at any time requested to be buried, in  
26    which case he shall bury the body in the common bury-  
27    ing ground and the expenses thereof shall be paid by  
28    the town in which he had a settlement, if he had any  
29    in the State and, if not, by the State.

30    §1758. Record of persons committed

31            Every sheriff shall keep in a suitable bound book  
32    a true and exact calendar containing, distinctly and  
33    fairly registered, the names of all prisoners commit-  
34    ted to the jail under his charge, their places of  
35    abode, additions, time of their commitments, for what  
36    cause and by what authority, and a particular de-  
37    scription of the persons of those committed for  
38    offenses. He shall register in that book the name  
39    and description, the time when and the authority by

1 which any prisoner was discharged, and the time and  
2 manner of any prisoner's escape.

3 §1759. Assistance to discharged prisoners

4 The sheriff or his deputy keeping the jail may,  
5 at the expense of the county, give a prisoner about  
6 to be discharged from jail a sum of money not exceed-  
7 ing \$2 and wearing apparel to the value of not  
8 exceeding \$10 and may furnish to that discharged  
9 prisoner a railroad ticket, nontransferable, to any  
10 place to which the fare does not exceed \$8. All sums  
11 so expended by the sheriff or jailer shall be repaid  
12 to him from the county treasury after the account  
13 thereof has been audited and the amount found correct  
14 by the county commissioners.

15 SUBCHAPTER III

16 PRISON LABOR

17 §1801. Employment of prisoners generally

18 The county commissioners may authorize the  
19 employment, for the benefit of the county or of  
20 dependent families of prisoners committed for crime,  
21 in some suitable manner not inconsistent with their  
22 security and the discipline of the prison, and may  
23 pay the proceeds of that labor, less a reasonable sum  
24 to be deducted therefrom for the cost of maintenance  
25 of those prisoners, to the families of such person or  
26 persons as may be dependent upon them for support.

27 This section does not apply to sections 1802 and  
28 1803.

29 §1802. Charitable organizations

30 The county commissioners may authorize the use of  
31 such prisoners to provide assistance in the improve-  
32 ment of property owned by charitable organizations as  
33 may be approved by the county commissioners, provided  
34 that the charitable organizations pay for the trans-  
35 portation of the prisoners and for the transportation  
36 and per diem compensation for any guards who accompa-  
37 ny the prisoners.

1     §1803. Contracts subject to cancellation or suspen-  
2             sion

3             Any contract for the employment of prisoners not  
4     provided for in section 1802, which may be made by  
5     the county commissioners of any county with any  
6     person, firm or corporation, shall be made subject to  
7     the right of the county commissioners to withdraw,  
8     cancel or suspend the contract in whole or in part.

9     §1804. Employment of county jail prisoners

10            1. Order of release; purpose. Any person sen-  
11     tenced or committed to a county jail for crime, non-  
12     payment of a fine or forfeiture or court order, or  
13     criminal or civil contempt of court, may be granted  
14     the privilege of leaving the jail during necessary  
15     and reasonable hours for any of the following pur-  
16     poses:

17            A. Employment;

18            B. Conducting his or her own business or occupa-  
19     tion, including, in the case of a person prima-  
20     riarily responsible for the housekeeping and domes-  
21     tic needs of his or her family, housekeeping and  
22     attending the needs of his or her family;

23            C. Attendance at a weekly religious service;

24            D. Attendance at an educational institution;

25            E. Medical treatment;

26            F. Voluntary services within the county in which  
27     the jail is located; or

28            G. To work or provide service to the victim of  
29     his crime in accordance with Title 17-A, chapter  
30     54, but only with the express approval of the  
31     victim.

32            2. Petition; withdrawal. Unless a privilege is  
33     expressly granted by the court, the prisoner is sen-  
34     tenced to ordinary confinement. The court may grant  
35     that privilege at the time of sentence or commitment  
36     or thereafter. The court may withdraw the privilege

1 at any time by order entered with or without notice  
2 of hearing.

3 3. Wages, self-employment income; collec-  
4 tion. If a prisoner is employed for wages or salary,  
5 the sheriff shall collect the wages or salary or re-  
6 quire the prisoner to turn over his wages or salary  
7 in full when received and, if the prisoner is self-  
8 employed, his self-employment income shall be turned  
9 over to the sheriff as may be ordered by the court,  
10 and the sheriff shall deposit the income in a trust  
11 checking account and shall keep a ledger showing the  
12 status of the account of each prisoner. The wages or  
13 salary is not subject to trustee process in the hands  
14 of either the employer or the sheriff, and the self-  
15 employment income is not subject to trustee process  
16 in the hands of the sheriff during the prisoner's  
17 term and shall be disbursed only as provided in this  
18 section, but for tax purposes it is income of the  
19 prisoner.

20 4. Board; transportation. Every prisoner gain-  
21 fully employed is liable for the cost of his board in  
22 the jail, as fixed by the county commissioners. If  
23 necessarily absent from jail at a mealtime, he shall  
24 at his request be furnished with an adequate nour-  
25 ishing lunch to carry to work. The sheriff shall  
26 charge his account, if he has one, for his board.

27 If the prisoner is gainfully self-employed, he shall  
28 pay the sheriff for his board, in default of which  
29 his privilege under this section is automatically  
30 forfeited.

31 If the jail food is furnished directly by the county,  
32 the sheriff shall account for and pay over these  
33 board payments to the county treasurer. The county  
34 commissioners may provide that the county furnish or  
35 pay for the transportation of prisoners employed  
36 under this section to and from the place of employ-  
37 ment.

38 5. Disbursements. By order of the court, the  
39 wages or salaries of employed prisoners and employ-  
40 ment income of self-employed prisoners shall be dis-  
41 bursed by the sheriff for the following purposes, in  
42 the order stated:

1           A. The board of the prisoner;  
2           B. Necessary travel expense to and from work and  
3           other incidental expenses of the prisoner;  
4           C. Support of the prisoner's dependents, if any;  
5           D. Payment, either in full or ratably, of resti-  
6           tution, and of the prisoner's obligations, ac-  
7           knowledgeed by him in writing, in accordance with  
8           Title 17-A, chapter 54, or which have been  
9           reduced to judgment; and  
10          E. The balance, if any, to the prisoner upon his  
11          release.  
12          6. Employment in other county. The court may by  
13          order authorize the sheriff, to whom the prisoner is  
14          committed, to arrange with another sheriff for the  
15          employment of the prisoner in the other's county, and  
16          while so employed to be in the other's custody, but  
17          in other respects to be and continue subject to the  
18          commitment.  
19          7. Dependents evaluation of need. The welfare  
20          director or the overseers of the poor of the munici-  
21          pality in which the prisoner's dependents reside, or  
22          the Department of Human Services, shall at the  
23          request of the court investigate and report to the  
24          court the amount necessary for the support of the  
25          prisoner's dependents.  
26          8. Denial of privilege. The sheriff may refuse  
27          to permit the prisoner to exercise his privilege to  
28          leave the jail, as provided in subsection 1, for any  
29          breach of discipline or other violation of jail regu-  
30          lations. Any prisoner so disciplined may petition  
31          either the District Court or the Superior Court for a  
32          review of that disciplinary action. The court, after  
33          review, shall make such order as it deems appropri-  
34          ate.  
35          9. Violations. Any person who willfully vio-  
36          lates the terms of his release in relation to the  
37          time for reporting to his place of employment or to  
38          any other place to which he is authorized to be  
39          released under subsection 1, paragraphs A to E, or

1 for reporting back to the county jail may be punished  
2 by imprisonment for not more than 60 days. If the  
3 prisoner does not return to the county jail within 48  
4 hours from the time scheduled to return, he shall be  
5 guilty of escape under Title 17-A, section 755.

6 10. Rules of procedure. Proceedings under this  
7 section shall be subject to the rules of procedure  
8 adopted under Title 4, section 9.

9 §1805. Furloughs

10 The sheriff may establish regulations for and  
11 permit a prisoner under the final sentence of a court  
12 a furlough from the county jail in which he is con-  
13 finied. Furloughs may be granted for not more than 3  
14 days at one time in order to permit the prisoner to  
15 visit a dying relative or to obtain medical services,  
16 which may be for a period of longer than 3 days if  
17 medically required.

18 Any such prisoner permitted furlough under this  
19 section from the county jail shall be furnished a  
20 copy of the regulations of the county jail applicable  
21 to his furlough and receipt of the copy shall be  
22 attested by the prisoner.

23 Any such prisoner who willfully violates the  
24 terms of his release under this section in relation  
25 to the time for reporting to his place of furlough,  
26 the activities he is authorized to conduct while on  
27 furlough, or his time of reporting back to the county  
28 jail, may be punished by imprisonment for not more  
29 than 60 days; except that any prisoner who does not  
30 return to the county jail within 24 hours from the  
31 time he is scheduled to return may be prosecuted for  
32 escape under Title 17-A, section 755. He shall be  
33 prosecuted therefor in the county in which the jail  
34 to which he was sentenced is located.

35 Any person over the age of 18 years who willfully  
36 obstructs, intimidates or otherwise abets any pris-  
37 oner on furlough under this section, and thereby con-  
38 tributes to or causes the prisoner's violation of the  
39 terms and conditions of his furlough, after having  
40 been warned by the sheriff to cease and desist in  
41 that relationship or association with the prisoner,

1 shall be punished by a fine of not more than \$500 or  
2 by imprisonment for not more than 11 months, or by  
3 both.

4 §1806. Prisoner participation in municipal public  
5 work projects

6 The sheriff in charge of a county jail may, in  
7 his discretion, permit certain inmates of that jail  
8 to participate in public work-related projects in the  
9 county where the jail is located. Before an inmate  
10 is permitted to participate in this type of project,  
11 the judge or justice who originally sentenced the  
12 inmate to the county jail shall sign his approval to  
13 the inmate's participation.

14 Any inmate participating in a public work-related  
15 project under this section shall have his sentence to  
16 the jail prorated at the rate of one day removed from  
17 the sentence for ever 16 hours of participation in  
18 the project.

19 Participation in this type of project shall not  
20 be deemed employment under section 1804, subsections  
21 3 to 7.

22 SUBCHAPTER IV

23 MISCELLANEOUS PROVISIONS

24 §1851. Examination of jails

25 At the commencement of each session required by  
26 law, the county commissioners shall examine the  
27 prison, take necessary precaution for the security of  
28 prisoners, for the prevention of infection and sick-  
29 ness and for their accommodations.

30 §1852. Jails to be clean and healthful

31 The sheriff shall see that the jail in his county  
32 is kept as clean and healthful as may be, cause the  
33 walls to be whitewashed in April or May annually and  
34 as often as the county commissioners order, at the  
35 expense of the county, and pay strict attention to  
36 the personal cleanliness of the prisoners.



1     §1853. Bible, books and instruction for prisoners

2         The jailer, at the expense of the county, shall  
3     furnish to each prisoner who is able to read a copy  
4     of the Bible, and to all, on Sundays, such religious  
5     instruction as he may be able to obtain without  
6     expense, and to such as may be benefited hereby,  
7     instruction in reading, writing and arithmetic one  
8     hour every evening except on Sunday. It shall be his  
9     duty to receive for their use from whatever source,  
10    by loan or contribution, any books or literature of a  
11    moral or religious tone and to exclude those of oppo-  
12    site tendencies.

13    §1854. Supplies for jails; accounts audited

14        The county commissioners of the several counties  
15    shall, without extra charge or commission to them-  
16    selves or to any other person, procure all necessary  
17    supplies, including necessary food, fuel, bedding and  
18    clothing for the jails and the prisoners therein, to  
19    be furnished and purchased under their direction and  
20    at the expense of the counties. No county commis-  
21    sioner may be interested directly or indirectly in  
22    the purchase of any such supplies or in any contract  
23    therefor made by the board of which and while he is a  
24    member thereof, and all contracts made in violation  
25    hereof are void. A suitable person shall be employed  
26    to prepare the foods of the prisoner in each county  
27    at the expense of the county, and the service of the  
28    food to the prisoners shall be under the general  
29    direction of the jailer, master or keeper. The  
30    person employed to prepare the food of the prisoners  
31    shall be appointed by the sheriff in each county,  
32    subject to the approval of the county commissioners.  
33    The county commissioners may at any time direct spe-  
34    cific rations or articles of food, clothing, soap,  
35    fuel or other necessities to be furnished and served  
36    to the prisoners. The bills and accounts for sup-  
37    plies furnished and the items of expense incurred in  
38    preparing and serving the same shall be audited by  
39    the Department of Audit, as provided by Title 5,  
40    section 243, subsection 2.

41    §1855. Cumberland commissioners annually advertise  
42    for supplies

1       The county commissioners of the County of Cumber-  
2 land may each year, as soon after January 1st as may  
3 be, make an estimate of the amount of food, fuel,  
4 clothing and supplies as far as practicable which  
5 will be required by the county jail and for the sup-  
6 port of the prisoners therein for the current year,  
7 and advertise for sealed proposals for furnishing the  
8 same according to specifications furnished by them,  
9 in the daily papers of the City of Portland, 3 days  
10 successively, at least 14 days before the time  
11 limited for the reception of those proposals, at  
12 which time they shall examine all the proposals and  
13 award the contract to the lowest responsible bidder.  
14 The county commissioners shall procure such other  
15 necessary supplies and articles for the foregoing  
16 purposes as may not be furnished by contract and ac-  
17 count for the same in the manner provided for in  
18 section 1854.

19       §1856. Transfer of prisoners when jail unfit or  
20       insecure

21       Whenever complaint on oath is made to a Justice  
22 of the Superior Court that any jail is unfit for  
23 occupation or is insufficient for the secure keeping  
24 of any person charged with crime and committed to  
25 await trial or under sentence, he shall cause not  
26 less than 3 days' notice of that complaint to be  
27 given to the jailer or sheriff of the county and to  
28 the warden or chief administrative officer of the  
29 state correctional facility, if transfer to a state  
30 facility is anticipated, to appear at the time and  
31 place fixed in that notice. If on examination the  
32 matter complained of is found to be true, and the  
33 proposed transfer is to a county jail, he may issue  
34 his warrant for the transfer of that prisoner at the  
35 expense of the county to any jail. If the complaint  
36 is found true and the proposed transfer is to a state  
37 correctional facility, the Justice of the Superior  
38 Court may issue a warrant for the transfer of the  
39 prisoner at the expense of the county to a state cor-  
40 rectional facility, provided that he also finds that  
41 the transfer is for the good of the inmate, the  
42 receiving institution is able to resolve the problem  
43 causing the need to transfer, the nature of the  
44 offense committed by the prisoner is so severe that  
45 it requires sending to the receiving institution and

1 the security of the sending facility is inadequate to  
2 handle the problem. If by fire or other casualty any  
3 jail is destroyed or rendered unfit for use, any Jus-  
4 tice of the Superior Court may, upon being notified  
5 by the district attorney of the county where that  
6 jail was or is located, issue his order to the  
7 sheriff and his deputies and constables of that  
8 county to cause all prisoners who might be liable to  
9 imprisonment in that county to be imprisoned in the  
10 jail of some adjoining county or in any other place  
11 of confinement, the order to be printed in the news-  
12 papers of that county.

13 §1857. Fines applied to building and repair of jail

14 All fines imposed by this chapter and chapter 1,  
15 subchapter VI; Title 14, section 555; and Title 14,  
16 chapter 203, subchapter VI, not otherwise appropri-  
17 ated, shall be applied to building and repairing the  
18 jails in the county where the offense is committed.

19 §1858. Additional accommodations

20 The county commissioners may make such additions  
21 in workshops, fences and other suitable accommoda-  
22 tions in, adjoining or appurtenant to the jails in  
23 the several counties as may be found necessary for  
24 the safekeeping, governing and employing of offenders  
25 committed thereto by authority of the State or the  
26 United States. For the better employing of these  
27 offenders, they may lease or purchase necessary lands  
28 or buildings anywhere within their respective coun-  
29 ties and may authorize the employment on those lands  
30 for the benefit of the county or of dependent fam-  
31 ilies of prisoners committed for crime, as provided  
32 in section 1801. Whenever the county commissioners  
33 shall determine that the use of these land and build-  
34 ings is unnecessary for that use, they may sell and  
35 dispose of the land and buildings in the manner re-  
36 quired by law. The county commissioners may raise by  
37 loan of their several counties, or otherwise, a total  
38 sum not exceeding \$5,000 to make those purchases,  
39 alterations and improvements, and may expend so much  
40 thereof as is necessary.

41 Sec. 5. 34 MRSA, as amended, is repealed.

1           Sec. 6.   34-A MRSA is enacted to read:

2                           TITLE 34-A

3                           CORRECTIONS

4                           CHAPTER 1

5                           GENERAL PROVISIONS

6                           SUBCHAPTER I

7                           DEFINITIONS

8       §1001.   Definitions

9           As used in this Title, unless the context other-  
10 wise indicates, the following terms have the follow-  
11 ing meanings.

12           1. Chief administrative officer of a correc-  
13 tional facility. "Chief administrative officer of a  
14 correctional facility" means the head of a correc-  
15 tional facility, including, but not limited to:

16           A. The Warden of the Maine State Prison;

17           B. The Superintendent of the Maine Correctional  
18 Center;

19           C. The Director of the Charleston Correctional  
20 Facility; and

21           D. The Superintendent of the Maine Youth Center.

22           2. Commissioner. "Commissioner" means the Com-  
23 missioner of Corrections or his designee, except  
24 that, when the term "commissioner and only the com-  
25 missioner" is used, the term applies only to the  
26 person appointed Commissioner of Corrections and not  
27 to any designee.

28           3. Committed offender. "Committed offender"  
29 means a prisoner, juvenile client, probationer or  
30 parolee.

1           4. Contract agency. "Contract agency" means a  
2 facility or program outside the jurisdiction of the  
3 department, providing services under contract to the  
4 department.

5           5. Contract client. "Contract client" means a  
6 committed offender residing in a facility or parti-  
7 cipating in a program outside the jurisdiction of the  
8 department under an agreement between the department  
9 and the contract agency.

10          6. Correctional facility. "Correctional facil-  
11 ity" means the Maine State Prison, Maine Correctional  
12 Center, Charleston Correctional Facility, Maine Youth  
13 Center or any other entity which falls under the  
14 jurisdiction of the department, but does not include  
15 a county jail, holding facility or short-term deten-  
16 tion area.

17          7. Correctional program. "Correctional program"  
18 includes, but is not limited to, probation and  
19 parole, court intake and jail inspection.

20          8. Department. "Department" means the Depart-  
21 ment of Corrections.

22          9. Holding facility. "Holding facility" means a  
23 facility, or part of a building, used for the tempo-  
24 rary detention of pretrial detainees prior to  
25 arraignment, release or transfer to another facility  
26 or authority, but not for the serving of sentences.  
27 Holding facilities are classified as follows:

28           A. Those in which the maximum time of detention  
29 is 12 hours; and

30           B. Those in which the maximum time of detention  
31 is 48 hours.

32          10. Informally adjusted juvenile. "Informally  
33 adjusted juvenile" means a juvenile participating in  
34 a program of informal adjustment, as defined in Title  
35 15, section 3003, subsection 10.

36          11. Juvenile client. "Juvenile client" means a  
37 juvenile committed to the Maine Youth Center who is  
38 either residing at the center or is under aftercare  
39 supervision.

1        12. Parking area. "Parking area" means land  
2 maintained by the State at the correctional facili-  
3 ties which may be designated as parking areas by the  
4 chief administrative officers of the correctional  
5 facilities.

6        13. Prison. "Prison" means the Maine State  
7 Prison.

8        14. Prisoner. "Prisoner" means an adult person  
9 committed to any correctional facility, county jail,  
10 holding facility or short-term detention area,  
11 except the Maine Youth Center.

12        15. Public way. "Public way" means a road or  
13 driveway on land maintained by the State at the cor-  
14 rectional facilities.

15        16. Segregation. "Segregation" means the sepa-  
16 ration of a committed offender from the general popu-  
17 lation of a correctional facility for administrative  
18 or punitive reasons.

19        17. Short-term detention area. "Short-term  
20 detention area" means a section of a building used  
21 for the detention of pretrial detainees for periods  
22 of up to 4 hours.

23        18. Written political material. "Written polit-  
24 ical material" means flyers, handbills or other  
25 nonperiodical publications, which are subject to the  
26 restrictions of Title 21, chapter 35.

27                    SUBCHAPTER II

28                    DEPARTMENT

29        §1201. Legislative intent

30        Recognizing the need to firmly control all of the  
31 state's correctional facilities, provide for the  
32 safety of guards and committed offenders, undertake  
33 appropriate programming for the classification, edu-  
34 cation, rehabilitation and maintenance of committed  
35 offenders and assure an effective system for the  
36 supervision of parolees and probationers, it is the  
37 intent of the Legislature to create a Department of

1 Corrections to improve the administration of correc-  
2 tional facilities, programs and services for commit-  
3 ted offenders.

4 §1202. Establishment

5 There is established a Department of Corrections  
6 to be responsible for the direction and general  
7 administrative supervision, guidance and planning of  
8 adult and juvenile correctional facilities and pro-  
9 grams within the State.

10 1. Cabinet level. The department is a  
11 cabinet-level department.

12 2. Commissioner. The department is under the  
13 control and supervision of the Commissioner of Cor-  
14 rections.

15 §1203. Office of Advocacy

16 1. Establishment. The Office of Advocacy is  
17 established within the department to investigate the  
18 claims and grievances of committed offenders, infor-  
19 mally adjusted juveniles and contract clients and to  
20 advocate for compliance by the department, any cor-  
21 rectional facility or any contract agency with all  
22 laws, administrative rules and institutional and  
23 other policies relating to the rights and dignity of  
24 committed offenders, informally adjusted juveniles  
25 and contract clients.

26 2. Chief advocate. A chief advocate shall  
27 direct and coordinate the program of the office.

28 A. The chief advocate shall report only to the  
29 commissioner.

30 B. The chief advocate shall, with the approval  
31 of the commissioner, select other advocates  
32 needed to carry out the intent of this section  
33 and who shall report only to the chief advocate.

34 C. The chief advocate and all other advocates  
35 shall be classified state employees.

36 3. Duties. The Office of Advocacy, through the  
37 chief advocate and the other advocates, shall:

1       A. Receive or refer complaints made by committed  
2       offenders, informally adjusted juveniles and con-  
3       tract clients;

4       B. Intercede on behalf of these persons with  
5       officials of the department, any correctional  
6       facility or any contract agency or assist these  
7       persons in the initiation of grievance proceed-  
8       ings established by the commissioner under  
9       section 1402, subsection 5;

10       C. As an information source regarding the rights  
11       of these persons, keep informed about all laws,  
12       administrative rules and institutional and other  
13       policies relating to the rights and dignity of  
14       these persons and about relevant legal decisions  
15       and other developments related to the field of  
16       corrections, both in this State and in other  
17       parts of the country; and

18       D. Make and publish reports necessary to the  
19       performance of the duties described in this  
20       section, except that only the chief advocate may  
21       report any findings of the office to groups out-  
22       side the department, such as legislative bodies,  
23       advisory committees to the Governor, boards of  
24       visitors, law enforcement agencies and the press.

25       4. Powers. The Office of Advocacy, through the  
26       chief advocate and the other advocates, may:

27       A. Take action only on complaints which it deems  
28       not to be trivial or moot or for which there is  
29       clearly not another remedy available; and

30       B. Have access, limited only by the law, to the  
31       files, records and personnel of the department,  
32       any correctional facility or any contract agency.

33       5. Confidentiality. Requests for action by the  
34       office shall be treated confidentially as follows.

35       A. Any request by a committed offender, infor-  
36       mally adjusted juvenile or contract client for  
37       action by the office and all written records or  
38       accounts related to the request shall be confi-  
39       dential as to the identity of the requesting  
40       person.



1        B. The records and accounts may be released only  
2        as provided in section 3003.

3        §1204. Maine Correctional Advisory Commission

4        There is established the Maine Correctional Advi-  
5        sory Commission.

6        1. Composition. The commission shall consist of  
7        12 members to be appointed as follows:

8        A. One member from the House of Representatives  
9        appointed by the Speaker of the House;

10       B. One member from the Senate appointed by the  
11       President of the Senate; and

12       C. Ten representative citizens appointed by the  
13       Governor, including at least one full-time nonad-  
14       ministrative employee from the correctional sys-  
15       tem and at least one former inmate of the correc-  
16       tional system.

17       2. Chairman. The Governor shall designate the  
18       chairman of the commission.

19       3. Duration of appointments. The duration of  
20       appointments is determined as follows.

21       A. Of the first gubernatorial appointments, 4  
22       shall be for terms of 3 years, 3 shall be for  
23       terms of 2 years and 3 shall be for terms of one  
24       year.

25       B. Appointments after the first gubernatorial  
26       appointments shall be for terms of 3 years, plus  
27       the time period until a successor is appointed.

28       C. Legislative appointments shall be for the  
29       legislative term of office of the person  
30       appointed.

31       4. Expenses. Commission expenses shall be  
32       treated as follows.

33       A. Each member of the commission may receive his  
34       actual and necessary expenses incurred in the

1        performance of duties pertaining to his office.

2        B. The commission may receive public and private  
3        grants to aid in defraying the expenses of its  
4        operation.

5        5. Duties. The commission shall:

6        A. Act in an advisory capacity to the commis-  
7        sioner in assessing present programs, in planning  
8        future programs and in developing ongoing poli-  
9        cies to meet the correctional needs of the State;

10       B. Regularly advise the executive, legislative  
11       and judicial branches of government concerning  
12       correctional policy;

13       C. Issue a report containing the results of its  
14       studies to the Legislature, the Governor and the  
15       commissioner on December 31st of each year;

16       D. Meet as often as necessary, at the discretion  
17       of its chairman; and

18       E. Adopt its own rules of procedure necessary to  
19       carry out its duties.

20       §1205. Statewide correctional program improvement

21       1. Purpose. The purpose of this section is to  
22       provide the means for the development, expansion and  
23       improvement of correctional programs throughout the  
24       State and to encourage participation in correctional  
25       programs by persons, unincorporated associations,  
26       charitable nonstock corporations, local and county  
27       governmental units and state agencies.

28       2. Commissioner's powers. The commissioner has  
29       the following powers.

30       A. The commissioner may provide or assist in the  
31       provision of correctional services relating to  
32       all facets of rehabilitation and community life  
33       adjustment, but the services shall be limited to:

34       (1) Services to the courts;

1           (2) Predelinquency services;

2           (3) Diversionary services;

3           (4) Prerelease and halfway house services;  
4           and

5           (5) Aftercare and post-release services.

6       B. To accomplish the purpose of paragraph A, the  
7       commissioner may cooperate with persons, unincor-  
8       porated associations, charitable nonstock corpo-  
9       rations, municipalities, other governmental units  
10       and state agencies.

11       C. The commissioner may promulgate and enforce  
12       rules, in accordance with the Maine Administra-  
13       tive Procedure Act, Title 5, chapter 375, for the  
14       administration of all services delivered and  
15       funded under this section.

16       D. The commissioner may receive and use, for the  
17       purposes of this section, money appropriated by  
18       the State, grants from the United States and  
19       funds from any other sources.

20       E. The commissioner may make grants of funds to  
21       any person or entity described in this section  
22       who applies for the funds, to be used in the man-  
23       agement and delivery of correctional services,  
24       programs approved by, or approved and supervised  
25       by, the commissioner.

26       F. The commissioner may, by contract, purchase  
27       professional and other specialized services when  
28       necessary to the provision of direct services  
29       under this section.

30       3. Correctional Program Improvement Fund. All  
31       funds appropriated for the purposes of this section  
32       and all grants and other funds received by the  
33       department for the purposes of this section shall be  
34       credited to a special revenue account in the depart-  
35       ment to be known as the Correctional Program Improve-  
36       ment Fund.

1       A. Any state funds appropriated to this special  
2 revenue account unexpended at the end of the  
3 fiscal year for which the funds are appropriated  
4 do not lapse, but shall carry forward into subse-  
5 quent fiscal years to be expended for the pur-  
6 poses of this section.

7       B. No funds appropriated or received under this  
8 section may be used for the construction of new  
9 facilities or for the reconstruction, renovation  
10 or expansion of any existing facilities, except  
11 that the funds may be used for minor renovations  
12 necessary to meet state or local licensing re-  
13 quirements.

14   §1206. Agreements with community agencies

15       1. Definitions. As used in this section, unless  
16 the context otherwise indicates, the following terms  
17 have the following meanings.

18       A. "Agreement" means a legally binding document  
19 between 2 parties, including documents commonly  
20 referred to as accepted application, proposal,  
21 prospectus, contract, grant, joint or cooperative  
22 agreement or purchase of service.

23       B. "Community agency" means a person, a state  
24 governmental or private nonprofit organization or  
25 a firm, partnership or business corporation oper-  
26 ated for profit, which:

27               (1) Operates a human service program at the  
28 community level; and

29               (2) Is not an administrative unit of the  
30 Federal Government or State Government.

31       C. "Funds" means any and all general funds, ded-  
32 icated funds, fees, special revenue funds, 3rd  
33 party reimbursements, vendor payments or other  
34 funds available for expenditure by the department  
35 in support of the provision of human service.

36       D. "Human service" means any alcoholism, chil-  
37 dren's community action, corrections, criminal  
38 justice, developmental disability, donated food,

1 education, elderly, food stamp, income mainte-  
2 nance, health, juvenile, law enforcement, legal,  
3 medical care, mental health, mental retardation,  
4 poverty, public assistance, rehabilitation,  
5 social, substance abuse, transportation, welfare  
6 or youth service operated by a community agency  
7 under an agreement financially supporting the  
8 service, wholly or in part, by funds authorized  
9 for expenditure for the department.

10 E. "Nonprofit organization" means any agency,  
11 institution or organization which is, or is owned  
12 and operated by, one or more corporations or  
13 associations, no part of the net earnings of  
14 which inures, or may lawfully inure, to the bene-  
15 fit of any private shareholder or individual and  
16 which has a territory of operations that may  
17 extend to a neighborhood, community, region or  
18 the State.

19 2. Commissioner's powers. The commissioner may  
20 disburse funds to a community agency for the purpose  
21 of financially supporting human service, only if the  
22 disbursement is covered by a written agreement  
23 between the department and the agency, specifying at  
24 least the following:

25 A. The human service to be provided by the com-  
26 munity agency;

27 B. The method of payment by the department to  
28 the community agency; and

29 C. The criteria for monitoring and evaluating  
30 the performance of the community agency in the  
31 provision of the human service.

32 3. Commissioner's duties. The commissioner's  
33 duties are as follows.

34 A. The commissioner shall promulgate rules, in  
35 accordance with the Maine Administrative Proce-  
36 dure Act, Title 5, chapter 375, consistent with  
37 and necessary for the effective administration of  
38 this section.

1        B. When making agreements with community agen-  
2        cies for the provision of a human service, the  
3        commissioner shall use uniform agreement forms  
4        and shall develop uniform procedures.

5        C. When disbursing funds pursuant to an agree-  
6        ment, the commissioner shall require uniform ac-  
7        counts payable forms or uniform supporting docu-  
8        mentation and information.

9        D. When accounting for funds disbursed under an  
10       agreement, the commissioner shall use uniform ac-  
11       counting principles, policies and procedures.

12       §1207. Out-of-state prison-made goods

13       1. Purpose. The purpose of this section is to  
14       take advantage of the so-called Hawes-Cooper bill,  
15       entitled "AN ACT to Divest Goods, Wares, and Merchan-  
16       dise Manufactured, Produced, or Mined by Convicts or  
17       Prisoners of Their Interstate Character in Certain  
18       Cases" and to prohibit the sale or use within the  
19       State of any goods, wares or merchandise produced in  
20       penal institutions outside of the State and trans-  
21       ported into the State.

22       2. Prohibited acts. Prohibited acts under this  
23       section are governed as follows.

24       A. A person commits the civil violation of sale  
25       of out-of-state prison-made goods if he sells  
26       within this State any goods, wares or merchandise  
27       manufactured, produced or mined, wholly or in  
28       part, by nonparoled convicts or prisoners, or in  
29       any penal or reformatory institution, in another  
30       state and transported into this State.

31       B. A person commits the civil violation of use  
32       of out-of-state prison-made goods if he uses,  
33       consumes or stores within this State any goods,  
34       wares or merchandise manufactured, produced or  
35       mined, wholly or in part, by nonparoled convicts  
36       or prisoners, or in any penal or reformatory  
37       institution, in another state and transported  
38       into this State.

39       SUBCHAPTER III

1 COMMISSIONER

2 §1401. Office

3 1. Appointment. The Governor shall appoint the  
4 Commissioner of Corrections, subject to review by the  
5 joint standing committee of the Legislature having  
6 jurisdiction over health and institutional services  
7 and to confirmation by the Senate, to serve at the  
8 pleasure of the Governor.

9 2. Vacancy. Vacancies in the office of the com-  
10 missioner shall be filled as follows.

11 A. Any vacancy in the office of commissioner  
12 shall be filled by appointment under subsection  
13 1.

14 B. If the office of the commissioner is vacant  
15 or if the commissioner is absent or disabled, the  
16 associate commissioner shall perform the duties  
17 and have the powers provided by law for the com-  
18 missioner.

19 3. Qualifications. To qualify for appointment  
20 as commissioner, a person must have training and  
21 experience in correctional administration or satis-  
22 factory experience in the direction of work of a com-  
23 parable nature.

24 §1402. Duties

25 In addition to other duties set out in this  
26 Title, the commissioner has the following duties.

27 1. General. The commissioner shall have general  
28 supervision, management and control of the research  
29 and planning, grounds, buildings, property, officers,  
30 employees and committed offenders of any correctional  
31 facility or correctional program.

32 2. Enforcement of laws. The commissioner shall  
33 enforce all laws concerning correctional facilities,  
34 unless specific law enforcement duties are given by  
35 law to other persons.

36 3. Rules. Rules shall be established as fol-  
37 lows.

1       A. The commissioner shall establish, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, such rules as he determines appropriate or necessary for the care and management of the property of all correctional facilities, for the production and distribution of industrial products of the correctional facilities and for the execution of the statutory purposes and functions of correctional facilities or correctional programs.

11       B. The central principle underlying all rules relating to committed offenders is that the committed offenders shall retain all rights of an ordinary citizen, except those expressly or by necessary implication taken from them by law.

16       4. Vocational education. Establishment of vocational education shall be as follows.

18       A. The commissioner shall establish and maintain suitable courses for vocational education in the correctional facilities.

21               (1) The commissioner shall install equipment necessary to carry out this duty.

23               (2) The commissioner shall employ suitable and qualified instructors necessary to carry out this duty, subject to the approval of the Associate Commissioner of the Bureau of Vocational Education.

28       B. The expenses of carrying out this subsection shall be paid from the appropriations for the correctional facilities.

31       5. Grievance procedures. The commissioner shall establish procedures for hearing grievances of committed offenders, informally adjusted juveniles and contract clients under section 1203, subsection 3.

35       6. County jail, holding facility and short-term detention area standards. County jail, holding facility and short-term detention area standards are governed as follows.



1       A. The commissioner shall establish standards  
2 for all county jails, holding facilities and  
3 short-term detention areas which shall approxi-  
4 mate, insofar as possible, the standards estab-  
5 lished by the Inspector of Jails of the Federal  
6 Bureau of Prisons.

7       B. The commissioner shall inspect all county  
8 jails, holding facilities and short-term deten-  
9 tion areas at least once a year and may make more  
10 frequent inspections.

11           (1) The commissioner shall report to the  
12 Governor before December 1st of each year on  
13 the condition of the county jails, holding  
14 facilities and short-term detention areas.

15           (2) The commissioner may contract with any  
16 qualified person to serve as a consultant to  
17 the department for the purpose of inspec-  
18 tions under this section and to inspect the  
19 county jails, holding facilities and short-  
20 term detention areas and, any law to the  
21 contrary notwithstanding, the qualified  
22 person may be an officer or employee of the  
23 department.

24       C. If a failure of the county commissioners to  
25 maintain the standards established under this  
26 section is discovered during a jail inspection  
27 conducted under this section, the commissioner  
28 shall report in writing to the county commis-  
29 sioners of the county in which the jail is located,  
30 specifying deficiencies and departures from the  
31 standards and ordering their correction.

32           (1) The county commissioners shall cause  
33 the deficiencies to be corrected and the  
34 standards to be restored within 6 months  
35 from the receipt of the report and order of  
36 the commissioner.

37           (2) If the county commissioners fail to  
38 comply with the order, the commissioner may  
39 order the county jail to be closed and the  
40 prisoners transferred to the nearest county  
41 jail or jails meeting the prescribed stan-

1                   dards and having available room for the  
2                   prisoners.

3                   (3) The cost of transfer, support and  
4                   return of the prisoners shall be paid by the  
5                   county from whose jail the prisoners are  
6                   transferred, as provided in section 3068.

7                   §1403. Powers

8                   In addition to other powers granted in this  
9                   Title, the commissioner has the following powers.

10                  1. General powers. The commissioner may perform  
11                  any legal act relating to the care, custody, treat-  
12                  ment, relief and improvement of committed offenders  
13                  or may purchase residential services when the depart-  
14                  ment's correctional facilities do not provide the  
15                  appropriate services for the committed offender.

16                  2. Appointments. The commissioner's appointment  
17                  powers are as follows.

18                  A. The commissioner may appoint, subject to the  
19                  Personnel Law and except as otherwise provided,  
20                  any employees who may be necessary.

21                  B. The commissioner may appoint and set the  
22                  salary for an associate commissioner to assist in  
23                  carrying out the responsibilities of the depart-  
24                  ment.

25                         (1) The appointment shall be for an inde-  
26                         terminate term and until a successor is  
27                         appointed and qualified or during the pleas-  
28                         ure of the commissioner.

29                         (2) To be eligible for appointment as an  
30                         associate commissioner, a person must have  
31                         training and experience in general manage-  
32                         ment.

33                  3. Delegation. The commissioner's delegation  
34                  powers are as follows.

35                  A. Unless a specific statute otherwise directs,  
36                  the commissioner may delegate powers and duties

1 given under this Title to the associate commis-  
2 sioner and to chief administrative officers of  
3 correctional facilities.

4 B. The commissioner may empower the associate  
5 commissioner and chief administrative officers of  
6 correctional facilities to further delegate  
7 powers and duties delegated to them by the com-  
8 missioner.

9 4. Funding sources. The commissioner may use  
10 the following funding sources.

11 A. The commissioner may accept for the State any  
12 federal funds appropriated under federal law  
13 relating to the juvenile offender and may do  
14 whatever is necessary to carry out the federal  
15 law.

16 B. The commissioner may accept, from any other  
17 agency of government, person, group or corpora-  
18 tion, any funds which may be available in carry-  
19 ing out this Title.

20 C. The commissioner may apply for and receive  
21 federal funds under the United States Housing Act  
22 of 1954, Public Law 560, Title 7.

23 5. Lease of unused buildings. The commissioner  
24 may, with the approval of the Director of Public  
25 Improvements, lease unused buildings at the correc-  
26 tional facilities for the purposes of providing ser-  
27 vices to committed offenders.

28 A. The leases shall be for a period not to  
29 exceed one year.

30 B. The commissioner shall submit a plan of the  
31 proposed leases and their impact on the correc-  
32 tional facilities and committed offenders to the  
33 joint standing committee of the Legislature hav-  
34 ing jurisdiction over health and institutional  
35 services no later than January 31st of each year.

36 CHAPTER 3

1                                    CORRECTIONAL FACILITIES

2                                    SUBCHAPTER I

3                                    GENERAL PROVISIONS

4                                    ARTICLE I

5                                    ADMINISTRATIVE PROVISIONS

6    §3001. Chief administrative officers

7            1. Appointment. The commissioner may appoint  
8 chief administrative officers of correctional facilities  
9 as necessary for the proper performance of the  
10 functions of the department.

11            A. To be eligible for appointment as a chief  
12 administrative officer of a correctional facility,  
13 a person must be experienced in the manage-  
14 ment of the particular type of correctional  
15 facility to which he is assigned.

16            B. Chief administrative officers of correctional  
17 facilities shall report directly to the commis-  
18 sioner.

19            2. Acting chief administrative offi-  
20 cer. Notwithstanding any other provision of law, the  
21 commissioner may delegate any employee of the depart-  
22 ment to serve as the acting chief administrative  
23 officer of any correctional facility, if the office  
24 of the chief administrative officer of the facility  
25 is vacant.

26            A. The acting chief administrative officer shall  
27 serve for a period not to exceed 180 days.

28            B. Service as the acting chief administrative  
29 officer of a correctional facility is considered  
30 a temporary additional duty for the person so  
31 delegated.

32    §3002. Boards of visitors

33            1. Appointment. The Governor shall appoint a  
34 board of 5 visitors for each correctional facility

1 under the department and for the Governor Baxter  
2 School for the Deaf within the Department of Educa-  
3 tional and Cultural Services.

4 A. The terms of the members of the boards of  
5 visitors are for one year.

6 B. Members of the boards of visitors are eligi-  
7 ble for reappointment at the expiration of their  
8 terms.

9 C. No member of the Legislature may serve on any  
10 board of visitors.

11 D. Members of the boards of visitors are not  
12 entitled to compensation.

13 2. Powers. Each board of visitors may inspect  
14 the correctional facility to which it is assigned and  
15 may make recommendations on the management of the  
16 facility to the commissioner.

17 3. Duties. Boards of visitors have the follow-  
18 ing duties.

19 A. Boards of visitors shall send copies of all  
20 recommendations to the members of the joint  
21 standing committee of the Legislature having  
22 jurisdiction over health and institutional ser-  
23 vices.

24 B. Each board of visitors shall appear before  
25 the joint standing committee of the Legislature  
26 having jurisdiction over health and institutional  
27 services upon request.

28 §3003. Confidentiality of information

29 1. Limited disclosure. All orders of commit-  
30 ment, medical and administrative records, applica-  
31 tions and reports, and facts contained in them, per-  
32 taining to any person receiving services from the  
33 department, shall be kept confidential and may not be  
34 disclosed by any person, except that:

35 A. A person receiving services, his legal  
36 guardian, if any, or, if he is a minor, his

1 parent or legal guardian may give his informed  
2 written consent to the disclosure of information,  
3 if he has been given the opportunity to review  
4 the information sought to be disclosed;

5 B. Information may be disclosed if necessary to  
6 carry out any of the statutory functions of the  
7 department; and

8 C. Information may be disclosed if ordered by a  
9 court of record, subject to any limitation in the  
10 Maine Rules of Evidence, Rule 503.

11 2. Prohibited acts. Prohibited acts under this  
12 section are governed as follows.

13 A. A person is guilty of unlawful disclosure of  
14 information if he discloses information in viola-  
15 tion of this section.

16 B. Unlawful disclosure of information is a Class  
17 D crime.

18 §3004. Legal actions

19 1. Contract actions. Actions founded on any  
20 contract made with the State Purchasing Agent, or  
21 with any official of the department under the author-  
22 ity granted by the State Purchasing Agent, on behalf  
23 of a correctional facility may be brought by the  
24 official making the contract or his successor in  
25 office.

26 2. Actions for injuries to property. Actions  
27 for injuries to the real or personal property of the  
28 State, used by any correctional facility and under  
29 the management of an officer of the facility, may be  
30 prosecuted in the name of the officer or his succes-  
31 sor in office.

32 §3005. Emergencies

33 When emergency situations are certified by the  
34 chief administrative officer to exist at a correc-  
35 tional facility, the commissioner may, with the  
36 approval of the Governor, assign personnel as may be  
37 necessary from another facility or division of the

1 department to assist in controlling the emergency  
2 situation.

3 1. Temporary assignment. The assignment of per-  
4 sonnel shall be only for the period during which the  
5 emergency exists.

6 2. Compensation. Any personnel transferred are  
7 entitled to receive compensation as required by the  
8 Personnel Law, rules and contract terms.

9 §3006. Improper conduct of correctional facility  
10 officers

11 The commissioner may inquire into any improper  
12 conduct imputed to correctional facility officers in  
13 relation to the concerns of their facilities and for  
14 that purpose may:

15 1. Subpoenas. Issue subpoenas for witnesses and  
16 compel their attendance and the production of papers  
17 and writings by punishment for contempt in case of  
18 willful failure, neglect or refusal;

19 2. Examination of witnesses. Examine witnesses  
20 under oath; and

21 3. Adjudication. Adjudicate cases of alleged  
22 improper conduct in a manner similar to and with  
23 similar effect as cases of arbitration.

24 §3007. Posting of political material

25 The chief administrative officer of each correc-  
26 tional facility shall provide in at least one acces-  
27 sible area in each facility an appropriate space for  
28 the posting of written political material sent for  
29 that purpose to the chief administrative officer by  
30 candidates for state or federal office.

31 1. One item limit. No more than one item of  
32 written political material may be posted in one place  
33 on behalf of any one candidate.

34 2. Removal. Written political material shall be  
35 removed after the elections for which it is intended  
36 for use.

1        3. Voting place. If there is a voting place  
2 within the facility, the posting place may not be  
3 located within 250 feet of the entrance to the voting  
4 place.

5        4. Violation. The posting of written political  
6 material under this section is not a violation of  
7 Title 21, section 1575-A, or Title 21, section 1579,  
8 subsection 7.

9        §3008. Reallocation of correctional facility appro-  
10 priations

11        In administering the policy and purposes of this  
12 Title, the commissioner may expend correctional  
13 facility appropriations on committed offenders parti-  
14 cipating in halfway house, prerelease, vocational  
15 training, educational, drug treatment or other cor-  
16 rectional programs being administered physically  
17 apart from the facilities to which the persons were  
18 originally sentenced or committed to defray the costs  
19 of the persons' participation in the programs.

20        §3009. Public ways and parking areas

21        1. Rules. The chief administrative officers of  
22 correctional facilities may promulgate and enforce  
23 rules, subject to the approval of the commissioner,  
24 governing the use of public ways and parking areas  
25 maintained by the State at the facilities.

26        A. The rules shall be promulgated in accordance  
27 with the Maine Administrative Procedure Act,  
28 Title 5, chapter 375.

29        B. The Secretary of State shall forward a copy  
30 of the rules, attested under the Great Seal of  
31 the State of Maine, to the District Court in the  
32 area of jurisdiction.

33        2. Special police officers. The chief adminis-  
34 trative officers of correctional facilities may  
35 appoint and employ, subject to the Personnel Law,  
36 special police officers for the purpose of enforcing  
37 rules promulgated under subsection 1.

38        A. The special police officers shall:



1           (1) Patrol all the public ways and parking  
2           areas subject to this section;

3           (2) Enforce rules promulgated under this  
4           section; and

5           (3) Arrest and prosecute violators of the  
6           rules.

7           B. The State Police, sheriffs, deputy sheriffs,  
8           police officers and constables who have jurisdic-  
9           tion over the areas in which the correctional  
10           facilities are located shall, insofar as pos-  
11           sible, cooperate with the special police officers  
12           in the enforcement of the rules promulgated under  
13           subsection 1.

14           3. Court procedure. The District Court, in the  
15           areas in which the correctional facilities are locat-  
16           ed, has jurisdiction in all proceedings brought under  
17           this section.

18           A. The District Court shall take judicial notice  
19           of all rules promulgated under subsection 1.

20           B. In any prosecution for a violation of the  
21           rules, the complaint may allege the offense as in  
22           prosecutions under a general statute and need not  
23           recite the rule.

24           4. Prohibited acts. Prohibited acts under this  
25           section are governed as follows.

26           A. A person is guilty of a public ways or park-  
27           ing violation if he violates any rule promulgated  
28           pursuant to this section.

29           B. Upon conviction of a public ways or parking  
30           violation, a person shall pay a fine as follows:

31           (1) For the first offense in any calendar  
32           year, a fine of \$1;

33           (2) For the 2nd offense in any calendar  
34           year, a fine of \$2; and

35           (3) For each offense in excess of 2 in any  
36           calendar year, a fine of \$5.

1        C. Notwithstanding any other law, the fines and  
2        costs of court paid under this section shall  
3        inure to the municipality in which the proceed-  
4        ings take place.

5        D. Offenses not covered by the rules promulgated  
6        under subsection 1 shall be dealt with as other-  
7        wise provided by law.

8                    ARTICLE II

9                    COMMITTED OFFENDERS GENERALLY

10        §3031. Rights

11        Any person residing in a correctional facility  
12        has a right to:

13        1. Food. Nutritious food in adequate quan-  
14        tities;

15        2. Medical care. Adequate professional medical  
16        care;

17        3. Living conditions. An acceptable level of  
18        sanitation, ventilation and light;

19        4. Sleeping space. A reasonable amount of space  
20        per person in any sleeping area;

21        5. Exercise and recreation. A reasonable oppor-  
22        tunity for physical exercise and recreational activi-  
23        ties;

24        6. Protection from abuse. Protection against  
25        any physical or psychological abuse; and

26        7. Area for personal effects. A reasonable  
27        secure area for the maintenance of permitted personal  
28        effects.

29        §3032. Disciplinary action

30        The commissioner shall promulgate rules describ-  
31        ing disciplinary offenses and punishments in correc-  
32        tional facilities under the general administrative  
33        supervision of the department and establishing a fair

1 and orderly procedure for processing disciplinary  
2 complaints. The rules shall conform to the following  
3 requirements.

4 1. Fairness and equity. The rules shall ensure  
5 the maintenance of a high standard of fairness and  
6 equity.

7 2. Corporal punishment. Corporal punishment may  
8 not be imposed.

9 3. Segregation. The imposition of segregation  
10 at all correctional facilities, except the Maine  
11 Youth Center, shall be subject to the following con-  
12 ditions.

13 A. All punishments involving segregation shall  
14 be first approved by the chief administrative  
15 officer of the correctional facility.

16 B. The prisoner shall be provided with a suffi-  
17 cient quantity of wholesome and nutritious food.

18 C. Adequate sanitary and other conditions re-  
19 quired for the health of the prisoner shall be  
20 maintained.

21 D. When segregation exceeds 24 hours, the chief  
22 administrative officer of the correctional facil-  
23 ity shall cause the facility's physician or a  
24 member of the facility's medical staff to visit  
25 the person forthwith and, at least once in each  
26 succeeding 24-hour period of confinement, to  
27 examine the person's state of health.

28 (1) The chief administrative officer shall  
29 give full consideration to recommendations  
30 of the physician or medical staff member as  
31 to the person's dietary needs and the condi-  
32 tions of the person's confinement required  
33 to maintain his health.

34 (2) If the recommendations of the physician  
35 or medical staff member regarding a person's  
36 dietary or other health needs while in  
37 segregation are not carried out, the chief  
38 administrative officer shall send a written  
39 report of that fact to the commissioner.

1                   (3) The segregation shall be discontinued  
2                   if the physician states that it is harmful  
3                   to the mental or physical health of the  
4                   person.

5                   E. If a person is held in segregation or soli-  
6                   tary confinement for more than 5 days, the chief  
7                   administrative officer shall send a report of the  
8                   confinement to the commissioner, giving the  
9                   reasons for the confinement.

10                  4. Loss of earned good time. All punishments  
11                  involving loss of earned good time shall be first  
12                  approved by the chief administrative officer.

13                  5. Specific facilities. Punishment at specific  
14                  correctional facilities is governed as follows.

15                  A. Punishment at all correctional facilities,  
16                  except the Maine Youth Center, may consist of  
17                  warnings, loss of privileges, confinement to a  
18                  cell, segregation or a combination of these.

19                  B. Punishment at the Maine Youth Center may con-  
20                  sist of seclusion, in accordance with section  
21                  3809, warnings and loss of privileges.

22                  6. Impartial hearing. If the punishment may  
23                  affect the term of commitment, sentence or parole  
24                  eligibility or may involve segregation, the chief  
25                  administrative officer of the facility shall, before  
26                  imposing punishment, provide an impartial hearing at  
27                  which the committed offender has the following  
28                  rights.

29                  A. He is entitled to be informed in writing of  
30                  the specific nature of his alleged misconduct.

31                  B. He is entitled to the right to be present.

32                  C. He is entitled to present evidence on his own  
33                  behalf.

34                  D. He is entitled to call one or more witnesses,  
35                  which right may not be unreasonably restricted.

1 E. He is entitled to question any witness who  
2 testifies at the hearing, which right may not be  
3 unreasonably restricted.

4 F. He is entitled to be represented by counsel  
5 substitute as prescribed in the rules.

6 G. A record shall be maintained of all disci-  
7 plinary complaints, hearings, proceedings and  
8 dispositions.

9 H. He is entitled to appeal the final disposi-  
10 tion, before imposition of punishment, to the  
11 chief administrative officer of the correctional  
12 facility.

13 I. If, at any stage of the proceedings, he is  
14 cleared of the charges in a complaint, or the  
15 complaint is withdrawn, all documentation relat-  
16 ing to the complaint shall be expunged.

17 §3033. Work assignments

18 1. Public works. The commissioner may authorize  
19 the employment of able-bodied prisoners in the prison  
20 or Maine Correctional Center in the construction and  
21 improvement of highways or other public works within  
22 the State under such arrangements as may be made with  
23 the Department of Transportation or with another  
24 department or commission of the State, county or  
25 municipality in charge of these public works, and the  
26 commissioner may prescribe whatever rules and condi-  
27 tions he deems expedient to insure the proper care  
28 and treatment of the prisoners while so employed and  
29 to ensure their safekeeping and return.

30 2. Fire or disaster. The commissioner may  
31 authorize the training and use of able-bodied pris-  
32 oners in the prison or in the Maine Correctional Cen-  
33 ter by the Bureau of Forestry or the Bureau of Civil  
34 Emergency Preparedness to fight fires or provide  
35 assistance during or after a civil disaster.

36 3. Charitable property improvement. The commis-  
37 sioner may authorize the use of able-bodied prisoners  
38 in the prison or Maine Correctional Center to provide  
39 assistance in the improvement of property owned by

1 charitable organizations, as may be approved by the  
2 commissioner, if the charitable organizations pay for  
3 the transportation of the prisoners and for the  
4 transportation and per diem compensation of any  
5 guards who accompany the prisoners.

6 4. Prohibited act. A person is guilty of escape  
7 under Title 17-A, section 755, if he escapes from any  
8 assignments described in this section or from any  
9 other assignment beyond the walls of the prison or  
10 off the grounds of the Maine Correctional Center.

11 §3034. Prisoner labor

12 The keeper of the jail, workhouse or house of  
13 correction or, in the case of a sentence to a town  
14 farm or almshouse, the overseers of the poor of the  
15 town or the keeper or agent of the town farm or alms-  
16 house may:

17 1. Work requirement. Require a prisoner to  
18 labor at any lawful work within the town in which the  
19 institution is located;

20 2. Keeper. Appoint any suitable person keeper  
21 over the prisoner;

22 3. Collection of wages. Collect and receive the  
23 wages, compensation or profits of the prisoner's  
24 labor; and

25 4. Payment. At the expiration of his sentence,  
26 pay to the prisoner reasonable compensation for his  
27 labor, deducting from that amount the costs of com-  
28 mitment.

29 §3035. Rehabilitative programs

30 The commissioner may adopt, implement and estab-  
31 lish rules for rehabilitative programs, including  
32 work release, restitution and furlough, as authorized  
33 by Title 17-A, chapter 54, within the correctional  
34 facilities under his control.

35 1. Work release and restitution. The chief  
36 administrative officer of a correctional facility may  
37 permit any committed offender considered to be worthy

1 of trust to participate in activities outside the  
2 facility under the following conditions.

3 A. Activities may include training and employ-  
4 ment.

5 B. Activities are subject to rules promulgated  
6 by the commissioner.

7 C. Activities shall, in the judgment of the  
8 chief administrative officer, contribute to the  
9 reformation of the committed offender and assist  
10 in preparing him for eventual release.

11 2. Furlough. The commissioner may grant to a  
12 committed offender furlough from the facility in  
13 which he is confined under the following conditions.

14 A. Furlough may only be granted subject to rules  
15 adopted by the commissioner.

16 B. Furlough may be granted for not more than 10  
17 days at one time for a visit to a dying relative,  
18 for attendance at the funeral of a relative, for  
19 the contacting of prospective employers or for  
20 any other reason consistent with the rehabilita-  
21 tion of a committed offender.

22 C. Furlough may be granted for the obtaining of  
23 medical services for a period longer than 10 days  
24 if medically required.

25 3. Copy of rules. Copies of rules shall be pro-  
26 vided to committed offenders as follows.

27 A. The chief administrative office of a facility  
28 adopting a rehabilitative program under this  
29 section shall provide, to any committed offender  
30 permitted outside a facility under this section,  
31 a copy of the rules of the commissioner applica-  
32 ble to the program in which he is permitted to  
33 participate, or to his furlough.

34 B. The committed offender shall attest to the  
35 receipt of the copy of the rules.

36 4. Prohibited acts. Prohibited acts under this  
37 section are governed as follows.

1       A. A person who has passed his 17th birthday is  
2       guilty of interference with a rehabilitative pro-  
3       gram or furlough if he willfully obstructs,  
4       intimidates or otherwise abets any committed  
5       offender participating in a program, or on fur-  
6       lough, under this section, and thereby contrib-  
7       utes or causes the committed offender to violate  
8       the terms of his program participation or fur-  
9       lough, after having been warned by the chief  
10       administrative officer of the facility to end the  
11       relationship or association with the committed  
12       offender.

13       B. Interference with a rehabilitative program or  
14       furlough is a Class E crime, except that the  
15       court may sentence a person to imprisonment for  
16       not more than 11 months.

17       §3036. Halfway house program

18       1. Establishment. The commissioner may promul-  
19       gate rules establishing a halfway house program to  
20       provide an environment of community living and con-  
21       trol.

22       2. Participation. Committed offenders at any  
23       correctional facility or at any county jail may be  
24       paroled, furloughed, transferred or entrusted to par-  
25       ticipate in the halfway house program in accordance  
26       with applicable provisions of law.

27       §3037. Physical and mental examination

28       1. Requirement. The commissioner may require a  
29       physical and mental examination of any committed  
30       offender.

31       2. Examiners. The commissioner shall designate  
32       competent examiners.

33       §3038. Administration of medication

34       The administration of medication in correctional  
35       facilities operated by the department shall be in ac-  
36       cordance with rules established by the State Board of  
37       Nursing.



1       1. Maine Administrative Procedure Act. The  
2 State Board of Nursing shall establish rules in ac-  
3 cordance with the Maine Administrative Procedure Act,  
4 Title 5, chapter 375.

5       2. Considerations. In establishing rules for  
6 each type of facility, the State Board of Nursing  
7 shall consider, among other factors:

8       A. The general health of the persons likely to  
9 receive medication;

10       B. The number of persons served by the facility;  
11 and

12       C. The number of persons employed at the facil-  
13 ity.

14       §3039. Committed offenders' money

15       When any committed offender confined in a correc-  
16 tional facility receives money from any source,  
17 including compensation for work authorized under  
18 other sections of the Revised Statutes or by a policy  
19 of the department, and the money or any part of it is  
20 retained to be given to the committed offender upon  
21 release:

22       1. Account. The money shall be placed in an  
23 interest-bearing account of the committed offender's  
24 choice; and

25       2. Payment. The principal and interest shall be  
26 paid to the committed offender at the time of his  
27 release.

28       §3040. Committed offender's abandoned property

29       Any property abandoned or unclaimed by a commit-  
30 ted offender in a correctional facility shall be dis-  
31 posed of according to Title 33, chapter 27.

32       §3041. Reduction of sentence

33       A prisoner in any correctional facility may have  
34 his sentence reduced by 5 days for each pint of blood  
35 donated by him to a veterans' organization, civil

1 defense unit, blood bank, hospital, the Armed Forces  
2 of the United States or the Red Cross, or for the  
3 purpose of scientific research.

4 1. Applicability. The reduction of sentence is  
5 applicable to the minimum sentence of the prisoner.

6 2. Limitation. Each prisoner is limited to one  
7 donation every 6 months.

8 3. No forfeiture. Any reduction of sentence  
9 earned under this section is not subject to forfei-  
10 ture.

11 4. Nonprofit. Blood donated under this section  
12 may not be used in any way commercially or for a  
13 profit.

14 5. Donor list. The chief administrative officer  
15 of the correctional facility shall keep a list of all  
16 blood donors under this section and the amounts of  
17 blood donated by each.

18 §3042. Disposition of detainees

19 1. Notice to prisoner. The commissioner, warden  
20 or other official having custody of a prisoner  
21 serving a term of imprisonment in a correctional  
22 facility in this State shall promptly inform the  
23 prisoner in writing of:

24 A. The source and contents of any untried  
25 indictment, information or complaint pending in  
26 this State against the prisoner of which the com-  
27 missioner, warden or other official has knowl-  
28 edge; and

29 B. The prisoner's right to request a final dis-  
30 position of the untried indictment, information  
31 or complaint.

32 2. Right to trial. A prisoner serving a term of  
33 imprisonment in a correctional facility in this State  
34 is entitled to be brought to trial on any untried  
35 indictment, information or complaint pending in this  
36 State against him within 180 days after giving proper  
37 notice in accordance with subsections 3 and 4.

1        3. Proper notice. To constitute proper notice  
2 under subsection 2, the prisoner must send to the  
3 prosecuting official of the county in which the  
4 indictment, information or complaint is pending, and  
5 to the appropriate court, the following:

6        A. Written notice of the place of imprisonment;

7        B. Written notice of the request for final dis-  
8 position to be made of the untried indictment,  
9 information or complaint; and

10       C. A certificate of the commissioner, warden or  
11 other official having custody of the prisoner  
12 stating:

13           (1) The term of commitment under which the  
14 prisoner is held;

15           (2) The time already served on the sen-  
16 tence;

17           (3) The time remaining to be served;

18           (4) The amount of good time earned;

19           (5) The time of parole eligibility of the  
20 prisoner; and

21           (6) Any decisions of the State Parole Board  
22 relating to the prisoner.

23        4. Manner of giving proper notice. The manner  
24 of giving proper notice under subsection 2 is as fol-  
25 lows.

26        A. The prisoner shall give or send the written  
27 notice of place of imprisonment and the written  
28 notice of request for final disposition to the  
29 commissioner, warden or other official having  
30 custody of him.

31        B. The commissioner, warden or other official  
32 having custody of the prisoner shall promptly  
33 forward the written notices, together with the  
34 certificate to the appropriate prosecuting offi-  
35 cial and court by registered or certified mail,  
36 return receipt requested.

1       5. Continuance. The court having jurisdiction  
2 of the matter may grant any necessary or reasonable  
3 continuance for good cause shown in open court by the  
4 prisoner or his counsel.

5       6. Time limitation. If the prisoner is not  
6 brought to trial on the untried indictment, informa-  
7 tion or complaint within 180 days after the prisoner  
8 gave or sent proper notice under subsection 2:

9       A. The untried indictment, information or com-  
10 plaint is no longer of any force of effect;

11       B. No court has jurisdiction over it; and

12       C. The appropriate court shall enter an order  
13 dismissing it with prejudice.

14       7. Effect of escape. If a prisoner escapes from  
15 custody after his execution of the request for final  
16 disposition, his request is voided.

17       8. Exception. This section does not apply to  
18 any person adjudged to be mentally ill.

19       §3043. Aliens

20       1. Notification of immigration officer. When a  
21 person is admitted or committed to a correctional  
22 facility, a county jail or any other state, county,  
23 city or private institution which is supported wholly  
24 or in part by public funds, the chief administrative  
25 officer of the facility, jail or institution shall  
26 inquire at once into the nationality of the person  
27 and, if it appears that the person is an alien, the  
28 chief administrative officer shall notify immediately  
29 the United States immigration officer in charge of  
30 the district in which the facility, jail or institu-  
31 tion is located, of:

32       A. The date of and the reason for the alien's  
33 admission or commitment;

34       B. The length of time for which the alien is  
35 admitted or committed;

36       C. The country of which the alien is a citizen;  
37 and

1        D. The date on which and the port at which the  
2        alien last entered the United States.

3        2. Copy of record to immigration officer. Upon  
4        the official request of the United States immigration  
5        officer in charge of the territory or district in  
6        which is located any court committing an alien to a  
7        state, county or private institution which is sup-  
8        ported wholly or in part by public funds, the clerk  
9        of the court shall furnish without charge a certified  
10       copy of:

11       A. The complaint, information or indictment;

12       B. The judgment and sentence; and

13       C. Any other record pertaining to the alien's  
14       case.

15       §3044. Apprehension of escapees and fugitives

16       1. Generally. The commissioner shall take all  
17       proper measures for, and may offer a reward for, the  
18       apprehension and return of any committed offender in  
19       any correctional institution who has escaped from the  
20       control of the department.

21       A. The reward may not exceed \$100.

22       B. Upon satisfactory proof that the terms of the  
23       reward offer have been complied with, the depart-  
24       ment shall pay the reward.

25       2. Capital crimes and high offenses. When a  
26       prisoner convicted of or charged with a capital crime  
27       or other high offense escapes from prison, or there  
28       is reasonable cause to believe that a person charged  
29       with such an offense and unapprehended for it cannot  
30       be arrested and secured in the ordinary course of  
31       proceedings, the Governor may, upon application in  
32       writing of the Attorney General or district attorney  
33       for the county in which the offense was committed,  
34       and upon terms which he deems expedient and proper,  
35       offer a suitable reward for the arrest, return and  
36       delivery into custody of the escaped prisoner or  
37       fugitive from justice.

1           A. The reward may not exceed \$1,000

2           B. Upon satisfactory proof that the terms of the  
3           reward offer have been complied with, the Gover-  
4           nor may draw his warrant upon the Treasurer of  
5           State for the payment of the reward.

6           §3045. Unnatural death of committed offender

7           When the death of any committed offender in any  
8           correctional facility is not clearly the result of  
9           natural causes, an examination and inquest shall be  
10          held as in other cases, and the commissioner or the  
11          chief administrative officer of the facility shall  
12          cause a medical examiner to be immediately notified  
13          for that purpose.

14                                   ARTICLE III

15                   TRANSFER AND REMOVAL OF COMMITTED OFFENDERS

16          §3061. Transfer generally

17          When it appears to the commissioner, for reasons  
18          of availability of rehabilitative programs and the  
19          most efficient administration of correctional  
20          resources, that the requirements of any committed  
21          offender would be better met in a facility, or pro-  
22          gram other than that to which the person was orig-  
23          inally sentenced, the commissioner may, with the  
24          written consent of the person, transfer the person to  
25          another facility, institution or program administered  
26          by or providing services to the department.

27          1. Juveniles. No juvenile may be transferred to  
28          a facility, institution or program for adult offend-  
29          ers.

30          2. Applicable rules. Any person transferred  
31          under this section shall be subject to the general  
32          rules of the institution, facility or program to  
33          which he is transferred, except that:

34               A. The term of his original sentence or commit-  
35               ment remains the same, unless altered by the  
36               court; and

1        B. The person becomes eligible for release and  
2        discharge as provided in Title 17-A, section  
3        1254.

4        §3062. Transfer from the prison to a federal correc-  
5        tional institution

6        1. Requirements. The commissioner may transfer  
7        a person committed to the prison to a federal penal  
8        or correctional institution if:

9        A. The warden certifies in writing to the com-  
10       missioner that:

11       (1) The person's presence may be seriously  
12       detrimental to the well-being of the prison;

13       (2) The person willfully and persistently  
14       refuses to obey prison rules; or

15       (3) The person is considered an incorri-  
16       gible prisoner; and

17       B. The Attorney General of the United States ac-  
18       cepts the commissioner's application for transfer  
19       of the person.

20       2. Contract. The commissioner may contract with  
21       the Attorney General of the United States, or such  
22       officer as the Congress may designate under the  
23       United States Code, Title 18, Section 5003 and acts  
24       supplementing and amending it, in each individual  
25       case for the care, custody, subsistence, education,  
26       treatment and training of any person transferred  
27       under this section.

28       A. The contract shall provide for the reimburse-  
29       ment of the United States in full for all costs  
30       or other expenses involved, the costs and  
31       expenses to be paid from the appropriation for  
32       the operation of the prison.

33       B. The warden shall affix to the contract a copy  
34       of the mittimus or mittimuses under which the  
35       prisoner is held.

1        C. The contract and mittimus or mittimuses are  
2        sufficient authority for the United States to  
3        hold the prisoner on behalf of the State.

4        3. Effect on prisoner. The rights of trans-  
5        ferred prisoners are governed as follows.

6        A. A prisoner transferred under this section is  
7        subject to the terms of his original sentence or  
8        sentences as if he were serving the sentence or  
9        sentences within the confines of the prison.

10       B. Nothing in this section deprives a prisoner  
11       transferred under this section of his rights to  
12       parole or his rights to legal process in the  
13       courts of this State.

14       §3063. Transfer from the prison to the Maine Correc-  
15       tional Center

16       1. Transfer requirements. The commissioner may,  
17       upon the joint recommendation of the warden and the  
18       Superintendent of the Maine Correctional Center,  
19       transfer a prisoner in execution of sentence at the  
20       prison to the Maine Correctional Center if the trans-  
21       fer would be in the best interest of the transferee,  
22       of public safety or of the security and orderly  
23       administration of the facility.

24       A. The transferred prisoner shall serve the sen-  
25       tence imposed upon him by the court at the Maine  
26       Correctional Center.

27       B. During execution of the sentence at the Maine  
28       Correctional Center, the transferred prisoner is  
29       entitled to receive the same deductions for good  
30       time as he would have received at the prison.

31       2. Return requirements. The commissioner may,  
32       upon the joint recommendation of the warden and the  
33       Superintendent of the Maine Correctional Center,  
34       order a prisoner transferred under subsection 1 to be  
35       returned to the prison to continue in execution of  
36       his sentence, if the transferred prisoner is not com-  
37       patible to the Maine Correctional Center program.

38       §3064. Transfer from the prison to the minimum  
39       security unit



1       The warden may, at his discretion, transfer pris-  
2 oners from the prison to the Maine State Prison mini-  
3 mum security unit at South Warren, which is consid-  
4 ered a part of the prison.

5       1. Effect on sentences. Prisoners transferred  
6 under this section are deemed to be serving their  
7 sentences as if confined within the walls of the  
8 prison.

9       2. Rules. Prisoners transferred under this  
10 section are subject to the same rules as prisoners  
11 confined within the walls of the prison.

12       3. Escape. Prisoners who escape from the mini-  
13 mum security unit are guilty of escape as if the  
14 escape were from the confines of the prison and are  
15 punishable in accordance with Title 17-A, section  
16 755.

17       §3065. Transfer from the prison to jails

18       1. Requirements. The commissioner may authorize  
19 the warden to transfer as many prisoners as necessary  
20 to a jail if the warden certifies to the commissioner  
21 that there are more prisoners in the prison than can  
22 be confined there securely.

23       2. Jailer's compensation. The jailer who  
24 receives prisoners under subsection 1 is entitled to  
25 receive whatever compensation from the State Treasury  
26 that he and the warden agree upon.

27       3. Return to prison. When the prison can safely  
28 accommodate prisoners transferred under subsection 1,  
29 the warden shall transfer the prisoners back to the  
30 prison.

31       4. Effect on sentences. Prisoners are entitled  
32 to have the time served in jail under this section  
33 deducted from their sentences.

34       §3066. Transfer from the Maine Correctional Center

35       1. Transfer to the prison. Transfers to the  
36 prison are governed as follows.

1       A. The commissioner may, upon the joint recom-  
2       mendation of the warden and the Superintendent of  
3       the Maine Correctional Center, transfer a pris-  
4       oner convicted of a Class A, Class B or Class C  
5       crime and committed to the center to the prison  
6       if:

7               (1) Reasons of security or overcrowding at  
8               the center so require; or

9               (2) In the interest of the prisoner and the  
10              public, the result is the most effective use  
11              of available correctional programs with  
12              respect to the prisoner.

13       B. Any prisoner transferred under paragraph A  
14       shall serve the sentence imposed on him by the  
15       court at the prison.

16       C. The commissioner may, upon the joint recom-  
17       mendation of the warden and the Superintendent of  
18       the Maine Correctional Center, return the pris-  
19       oner to the center to continue in execution of  
20       his sentence, if the reasons for the transfer no  
21       longer obtain.

22       2. Transfer to jails. Transfers to jails are  
23       governed as follows.

24       A. The commissioner may authorize the Superin-  
25       tendent of the Maine Correctional Center to  
26       transfer as many prisoners as necessary to a jail  
27       if the superintendent certifies to the commis-  
28       sioner that there are more prisoners in the cen-  
29       ter than can be confined there securely.

30       B. The jailer who receives prisoners under para-  
31       graph A is entitled to receive whatever compensa-  
32       tion from the State Treasury that he and the  
33       superintendent agree upon.

34       C. When the center can safely accommodate pris-  
35       oners transferred under paragraph A, the superin-  
36       tendent shall transfer the prisoners back to the  
37       center.

1        D. Prisoners are entitled to have the time  
2        served in jail under this section deducted from  
3        their sentences.

4        §3067. Transfer from the Charleston Correctional  
5        Facility

6        1. Transfer to the prison or the Maine Correc-  
7        tional Center. The Director of the Charleston Cor-  
8        rectional Facility may transfer any prisoner, in ac-  
9        cordance with the department's classification pro-  
10       cess, to the prison or the Maine Correctional Center  
11       for reasons of security, overcrowding or failure to  
12       participate satisfactorily in the work and rehabili-  
13       tative programs of the Charleston Correctional Facil-  
14       ity.

15       2. Other transfers. Other transfers from the  
16       Charleston Correctional Facility are governed as fol-  
17       lows.

18       A. The director may transfer prisoners to  
19       prerelease centers, work release centers, halfway  
20       houses, specialized treatment facilities or  
21       county jails to meet correctional objectives.

22       B. Prisoners transferred under this subsection  
23       are entitled to credit to their sentences for all  
24       time spent in county jails and other correctional  
25       facilities or programs.

26       §3068. Transfer from jails

27       The commissioner may transfer a prisoner serving  
28       a sentence in a county jail from one jail to another  
29       to serve any part of his sentence, upon request of  
30       the sheriff and approval of the county commissioners  
31       of the county of the sending jail and upon the  
32       approval of the sheriff and county commissioners of  
33       the county of the receiving jail.

34       1. Cost of transfer or return. The cost of the  
35       transfer or return of the prisoner shall be paid by  
36       the county of the sending jail.

37       2. Cost of support. The cost of the support of  
38       the prisoner in the receiving jail shall be the

1 amount agreed upon by the county commissioners party  
2 to the transfer and shall be paid by the county of  
3 the sending jail.

4 §3069. Hospitalization for mental illness

5 1. Involuntary. When the chief administrative  
6 officer of a correctional facility believes that any  
7 person in his facility is mentally ill, requires  
8 hospitalization and meets requirements for admission,  
9 the chief administrative officer shall make applica-  
10 tion in accordance with Title 34-B, section 3863.

11 A. Any person with respect to whom an applica-  
12 tion and certification under Title 34-B, section  
13 3863 are made may be admitted to either state  
14 mental health institute.

15 B. Except as otherwise specifically provided in  
16 this section, Title 34-B, chapter 3, subchapter  
17 IV, Article III, is applicable to the person as  
18 if the admission of the person were applied for  
19 under Title 34-B, section 3863.

20 C. A copy of the document by which the person is  
21 held in the correctional facility shall accompany  
22 the application for admission.

23 D. If the sentence being served at the time of  
24 admission has not expired or commitment has not  
25 been terminated in accordance with law at the  
26 time the person is ready for discharge from  
27 hospitalization, he shall be returned by the  
28 appropriate officers of the correctional facil-  
29 ity.

30 E. Admission to a hospital under this section  
31 has no effect upon a sentence then being served  
32 or a commitment then in effect. The sentence  
33 continues to run and the commitment remains in  
34 force, unless terminated in accordance with law.

35 2. Voluntary. The chief administrative officer  
36 of a correctional facility may permit a person con-  
37 fin ed in the facility to apply for informal admission  
38 to a state hospital for the mentally ill under Title  
39 34-B, section 3831.

1       A. Except as otherwise provided in this section,  
2       the provisions of law applicable to persons  
3       admitted to a state hospital for the mentally ill  
4       under Title 34-B, chapter 3, subchapter IV, Arti-  
5       cle II, shall apply to any person confined in a  
6       correctional facility who is admitted to a state  
7       mental health institute under that section.

8       B. A copy of the document by which the person is  
9       held in the correctional facility shall accompany  
10       the application for admission.

11       C. If the sentence being served at the time of  
12       admission has not expired or commitment has not  
13       been terminated in accordance with law at the  
14       time the person is ready for discharge from  
15       hospitalization, he shall be returned by the  
16       appropriate officers of the correctional facil-  
17       ity.

18       D. Admission to a hospital under this section  
19       has no effect upon a sentence then being served  
20       or a commitment then in effect. The sentence  
21       continues to run and the commitment remains in  
22       force, unless terminated in accordance with law.

23       §3070. Hospitalization for mental retardation

24       1. Application. When the chief administrative  
25       officer of a correctional facility believes that any  
26       person confined in his facility is mentally retarded  
27       and in need of services available at the Pineland  
28       Center and is a proper subject for admission to the  
29       Pineland Center, he shall apply in writing for the  
30       admission of the person.

31       A. A copy of the document by which the person is  
32       held in the correctional facility shall accompany  
33       the application for admission.

34       B. Admission to the Pineland Center shall be  
35       effected in accordance with Title 34-B, sections  
36       5473 to 5478.

37       2. Unexpired sentence. If the sentence being  
38       served at the time of admission has not expired or  
39       commitment has not been terminated in accordance with

1 law at the time the person is ready for discharge  
2 from the Pineland Center, he shall be returned by the  
3 appropriate officers of the correctional facility.

4 3. Expired sentence. If, at the time of expira-  
5 tion of the original sentence or termination of the  
6 commitment, it is the opinion of the Superintendent  
7 of the Pineland Center that the patient should remain  
8 in residence at the Pineland Center after expiration  
9 of sentence or termination of commitment, the patient  
10 may be readmitted to the Pineland Center in accor-  
11 dance with Title 34-B, sections 5473 to 5478.

12 4. Effect on sentence. The sentences of hospi-  
13 talized prisoners are governed as follows.

14 A. Admission to a hospital under this section  
15 has no effect upon a sentence then being served  
16 or a commitment then in effect.

17 B. The sentence continues to run and the commit-  
18 ment remains in force, unless terminated in ac-  
19 cordance with law.

20 §3071. Removal for disease

21 1. Dangerous diseases. Removal of prisoners  
22 afflicted with dangerous diseases is governed as fol-  
23 lows.

24 A. If a prisoner in a jail, house of correction  
25 or workhouse is attacked with a disease which the  
26 local health officer, by medical advice, consid-  
27 ers dangerous to the safety and health of other  
28 prisoners or of the inhabitants of the town, the  
29 local health officer shall, by written order,  
30 direct the person's removal to some place of  
31 safety, to be securely kept and provided for  
32 until the officer's further order.

33 B. If the person recovers from the disease, he  
34 shall be returned to his place of confinement.

35 C. A removal under this section may not be  
36 deemed an escape.

1       D. If the diseased person was committed to the  
2 place of confinement by an order of court or  
3 judicial process, the local health officer shall  
4 send to the office of the clerk of the court from  
5 which the order or process was issued:

6               (1) The order for the diseased person's  
7 removal or a copy of the order attested by  
8 the local health officer; and

9               (2) A statement describing the actions  
10 taken pursuant to the order.

11       2. Contagious diseases. If a pestilence or con-  
12 tagious disease breaks out among the committed  
13 offenders in any correctional facility or county  
14 jail, the commissioner may:

15           A. Cause any of the committed offenders to be  
16 removed to some suitable place of security where  
17 they shall receive all necessary care and medical  
18 attention; and

19           B. Cause the committed offender or offenders to  
20 be returned as soon as possible to the jail or  
21 institution to be confined according to their  
22 sentences, if unexpired.

23       3. Tuberculosis. The commissioner may transfer  
24 committed offenders in any correctional institution  
25 who are afflicted with tuberculosis to state sana-  
26 toriums.

27           A. When a committed offender in a correctional  
28 facility becomes afflicted with tuberculosis so  
29 that the welfare of the committed offender or the  
30 safety of the other committed offenders in the  
31 facility requires his removal, the commissioner,  
32 with the approval of the Governor, may cause the  
33 committed offender to be removed to one of the  
34 state sanatoriums to be kept and treated until he  
35 may be safely returned to the correctional facil-  
36 ity.

37           B. The officers of state sanatoriums shall give  
38 preference in the admission of new patients to  
39 persons transferred under this subsection.

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SUBCHAPTER II

MAINE STATE PRISON

ARTICLE I

GENERAL PROVISIONS

§3201. Maintenance

The commissioner shall maintain the Maine State Prison at Thomaston, in Knox County, as the prison and penitentiary of the State, and shall confine, employ and govern persons lawfully committed to the prison, as provided by law.

ARTICLE II

PRISON OFFICIALS AND PERSONNEL

§3231. Warden

The chief administrative officer of the Maine State Prison is called the warden.

1. Appointment. The commissioner shall appoint and set the salary for the warden.

A. The warden's appointment shall be subject to the Personnel Law.

B. The appointment shall be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

2. Residence. The warden shall reside constantly within the prison.

3. Duties. In addition to other duties set out in this Title, the warden has the following duties.

A. Under the direction and control of the commissioner, the warden shall have the care, custody and charge of the prison, the prisoners in the prison, in conformity to their sentences, and the lands, buildings, machines, tools, stock, provisions and every other kind of property belonging to or within the prison.



1       B. The warden shall cause all rules of the  
2       prison to be strictly and promptly enforced.

3       C. The warden shall observe and oversee the con-  
4       duct of the prisoners.

5       D. The warden shall have command of all the  
6       force for guarding the prison, and all officers  
7       and persons employed under him in overseeing,  
8       guarding and governing it.

9       E. The warden shall constantly keep on hand a  
10      suitable and sufficient supply of arms and ammu-  
11      nition.

12      F. The warden shall give the commissioner  
13      immediate information of any officer who refuses  
14      or neglects to enforce the discipline established  
15      and shall remove forthwith any such officer.

16      G. The warden shall cause a record to be kept of  
17      all punishments imposed upon prisoners at the  
18      prison, as provided in section 3032 and in rules  
19      of the prison, setting forth the reasons for the  
20      imposition of the punishments.

21      H. The warden shall serve, execute and return  
22      all processes within the exterior walls of the  
23      prison yard.

24           (1) All processes shall be directed to the  
25           warden.

26           (2) Both the warden and his designee are  
27           answerable for the actions of the designee.

28           (3) The warden shall charge the same fees  
29           as sheriffs for serving, executing and  
30           returning processes.

31      I. The warden shall, on demand of an officer  
32      having a writ commanding him to replevy from the  
33      warden's possession any goods or chattels of a  
34      private individual who is not a prisoner, expose  
35      the goods and chattels outside the prison yard so  
36      that they may be replevied.

1                   (1) The officer shall pay the warden a  
2                   reasonable charge for the removal of the  
3                   goods and chattels.

4                   (2) The officer shall tax that charge in  
5                   his fees on the writ.

6                   J. The warden shall be the contracting agent for  
7                   all sales of articles from the prison, for the  
8                   letting to hire of such prisoners as the commis-  
9                   sioner deems expedient and for all other con-  
10                   tracts made on account of the prison, except  
11                   those made by the State Purchasing Agent.

12                   (1) All contracts shall be made in the man-  
13                   ner prescribed by the commissioner.

14                   (2) No contract may be accepted by the  
15                   warden, unless the contractor gives satis-  
16                   factory security for its performance.

17                   (3) No officer of the prison may be  
18                   directly or indirectly interested in any  
19                   contract.

20                   K. The warden shall receive and take care of any  
21                   property that a person has with him at the time  
22                   he enters the prison, keep an account of the  
23                   property and give the property back to the person  
24                   on his discharge.

25                   L. Upon the advice of the prison physician and  
26                   in other cases when he deems it necessary, the  
27                   warden shall cause any sick prisoner to be  
28                   removed forthwith to a hospital, where the pris-  
29                   oner shall receive such care, attention, medicine  
30                   and diet as his situation requires, until the  
31                   prison physician determines that the prisoner may  
32                   leave the hospital without injury to his health.

33                   M. The warden shall cause all articles and goods  
34                   manufactured at the prison for sale to be dis-  
35                   tinctly labeled or branded with the words "Manu-  
36                   factured at the Maine State Prison."

37                   N. The warden may not carry on or be concerned  
38                   in trade or commerce during his continuance in  
39                   office.

1       4. Powers. In addition to other powers granted  
2 in this Title, the warden has the following powers.

3       A. The warden may require all officers and other  
4 citizens to aid him in suppressing an insur-  
5 rection among the prisoners in the prison and in  
6 preventing their escape or rescue from the prison  
7 or from any other legal custody or confinement.

8       B. The warden may transport prisoners to induc-  
9 tion centers whenever necessary to comply with  
10 rules of selective service, and in so doing shall  
11 take such measures as the commissioner feels are  
12 necessary for the public safety.

13       C. If any subordinate officer is guilty of  
14 negligence or unfaithfulness in the discharge of  
15 his duties or of a violation of any of the laws  
16 or rules for the government of the prison and, if  
17 the commissioner approves, the warden may deduct  
18 from the wages of the subordinate officer a sum  
19 not exceeding a month's pay.

20       D. Under the direction of the commissioner, the  
21 warden may sell and convey any real estate to  
22 which he acquires title in the adjustment of  
23 debts in behalf of the State.

24       5. Civil process or execution. The warden may  
25 not be arrested on any civil process or execution  
26 while in office, but execution upon any judgment  
27 against him personally, and not in his official  
28 capacity, may be issued against his goods and estate  
29 only.

30       A. If the execution is returned unsatisfied, the  
31 creditor may file with the Governor a copy of the  
32 execution and return and may serve on the warden  
33 a copy of that copy attested by the Secretary of  
34 State, with a notice under the Secretary of  
35 State's hand of the day on which the copy was  
36 filed.

37       B. If the warden does not, within 40 days after  
38 the day of service of the copy, pay the creditor  
39 his full debt, with reasonable costs for copies  
40 and service of the copies, the commissioner shall  
41 remove the warden from office.

1        C. When the person appointed warden ceases to be  
2        warden, alias executions may be issued against  
3        his body or property as in other cases.

4        §3232. Deputy warden

5            1. Appointment. The warden shall appoint deputy  
6        wardens subject to the Personnel Law.

7            2. Unavailability of warden. When the warden is  
8        absent from the prison or unable to perform the  
9        duties of his office, the deputy warden designated by  
10       the warden has the powers, duties, obligations and  
11       liabilities of the warden.

12       §3233. Prison employees

13           1. Duties. Prison employees have the following  
14       duties.

15           A. Prison officers shall perform the services in  
16       the managing, superintending and guarding of the  
17       prison as prescribed by the rules or as directed  
18       by the warden.

19           B. If a prisoner at the prison resists the  
20       authority of any uniformed or ununiformed officer  
21       or refuses to obey his lawful commands, the offi-  
22       cer shall immediately enforce obedience.

23           2. Powers. Prison employees have the following  
24       powers.

25           A. Employees of the prison have the same power  
26       as sheriffs in their respective counties to  
27       search for and apprehend escapees from the  
28       prison, when authorized to do so by the warden.

29           B. Employees of the prison, when authorized by  
30       the warden, may carry weapons inside and outside  
31       the prison in connection with their assigned  
32       duties or training.

33           3. Uniforms. Prison employee uniforms are gov-  
34       erned as follows.

1       A. Employees of the prison may be provided, at  
2 the expense of the State, with distinctive uni-  
3 forms for use when required for the performance  
4 of their official duties and which shall remain  
5 the property of the State.

6       B. Employees of the prison may be provided with  
7 an equivalent clothing allowance when the private  
8 purchase of special clothing is similarly re-  
9 quired for the performance of their official  
10 duties.

11   §3234. Overseers

12       1. Employment. When practicable, the warden  
13 shall employ persons having suitable knowledge and  
14 skill in the fields of labor and manufacture carried  
15 on in the prison to supervise activities in those  
16 fields assigned to them by the warden.

17       2. Services. Persons employed under subsection  
18 1 shall perform the services in the managing, super-  
19 vising and guarding of the prison as prescribed by  
20 the prison rules or as directed by the warden.

21   §3235. Physician

22       1. Appointment. The warden shall appoint some  
23 suitable person as physician of the prison.

24       2. Duties. The prison physician has the follow-  
25 ing duties.

26       A. The prison physician shall visit the prison  
27 as necessary to attend and prescribe for sick  
28 prisoners and, when requested by the warden,  
29 shall determine their ability to work.

30       B. The prison physician shall advise the warden  
31 when the illness of any prisoner requires his  
32 removal to a hospital.

33   §3236. Chaplain

34       1. Appointment. The warden shall appoint suit-  
35 able persons as chaplains.

1        2. Duties. The prison chaplains shall, in ac-  
2 cordance with the rules of the prison:

3        A. Conduct religious services;

4        B. Visit the sick;

5        C. Labor diligently and faithfully for the  
6 mental, moral and religious improvement of the  
7 prisoners; and

8        D. Aid the prisoners, when practicable, in  
9 obtaining employment after their discharge.

10       2. Powers. The chaplains may, with the assent  
11 of the warden, establish a religious educational pro-  
12 gram and may admit persons of proper character from  
13 outside the prison to assist in it.

14                    ARTICLE III

15                    PRISONERS

16       §3261. Delivery of convicted men to the prison

17       When a male person is convicted and sentenced to  
18 the prison from any county:

19       1. Duties of clerk of court. The clerk of the  
20 sentencing court shall immediately notify the warden  
21 and the sheriff of the county in which the sentencing  
22 court is located;

23       2. Duties of the sheriff. The sheriff of the  
24 county in which the sentencing court is located  
25 shall:

26       A. Transport the convict to the prison, using a  
27 sufficient number of his appointed deputies when  
28 necessary; and

29       B. Deliver the convict to the officer in charge  
30 of the prison before 4 p.m. on any day, accompa-  
31 nied by a duly signed warrant of commitment and  
32 record, as provided by Title 15, section 1707;

1        3. Duties of the jail keeper. When, during the  
2 conveyance of a convict to the prison in pursuance of  
3 his sentence, it is necessary or convenient to lodge  
4 him for safekeeping in a jail until the remainder of  
5 the conveyance can be conveniently performed, the  
6 keeper of the jail shall:

7        A. Receive and safely keep and provide for the  
8 convict, reasonable charges and expenses for this  
9 service to be paid from the State Treasury; and

10       B. Deliver the convict to the custody of the  
11 person employed to convey him, when that person  
12 calls for the convict; and

13       4. Duties of the warden. The warden shall:

14       A. File the warrant and record, as provided by  
15 Title 15, section 1707, with his return thereon  
16 in his office; and

17       B. Cause a copy of the warrant of commitment to  
18 be filed in the office of the clerk of court from  
19 which it was issued.

20       §3262. Receipt of United States prisoners

21       1. Requirements. A prisoner convicted of an  
22 offense against the United States and committed for a  
23 term of imprisonment in excess of one year to the  
24 custody of the Attorney General of the United States  
25 may be received in the prison, if:

26       A. The Attorney General of the United States  
27 designates the prison as the place of confinement  
28 for the prisoner; and

29       B. The commissioner approves and agrees to ac-  
30 cept the prisoner to be kept in the prison in  
31 pursuance of his sentence.

32       2. Contracts. Contracts for the receipt of  
33 United States prisoners are governed as follows.

34       A. The commissioner may contract with the Attor-  
35 ney General of the United States or such officer  
36 as the Congress may designate for the care, cus-

1        today, subsistence, education, treatment and  
2        training of any prisoner accepted under this  
3        section.

4        B. All sums paid pursuant to contracts author-  
5        ized under this section shall accrue to the Gen-  
6        eral Fund.

7        §3263. Sentence duration

8            1. Commencement of sentence. A prisoner's sen-  
9        tence begins on the day he is received into the  
10       prison and that day is counted as the first full day  
11       of the sentence.

12          2. Discharge from sentence. The warden shall  
13       discharge a prisoner from his sentence only when the  
14       prisoner:

15            A. Has served the full term for which he was  
16       sentenced, except that, if the computation of a  
17       prisoner's sentence fixes his release or dis-  
18       charge date on a Saturday, Sunday or legal holi-  
19       day, the warden may release or discharge the  
20       prisoner on the last regular business day of the  
21       prison preceding that Saturday, Sunday or legal  
22       holiday;

23            B. Has been pardoned; or

24            C. Has been otherwise released by legal author-  
25       ity.

26       §3264. Conditions of imprisonment

27            Prisoners in the prison, including prisoners  
28       transferred under section 3066, shall work at tasks  
29       normal to the maintenance, service, industrial, agri-  
30       cultural and other activities of the prison.

31       §3265. Disciplinary action

32            1. Hard labor. The warden may subject a pris-  
33       oner, including a prisoner transferred under section  
34       3066, to confinement at hard labor only for the pur-  
35       poses of prison discipline and government and control  
36       of the prisoners.



1        2. Segregation. The warden may subject a pris-  
2 oner, including a prisoner transferred under section  
3 3066, to segregation only for the purposes of prison  
4 discipline and government and control of the pris-  
5 oners.

6        §3266. Prisoner employment and training

7        1. Minimum security unit. The warden may estab-  
8 lish a vocational training program at the minimum  
9 security unit to provide prisoners skills designed to  
10 assist in the acquisition and retention of employment  
11 following parole or discharge.

12        2. Leased facilities. The warden may employ or  
13 provide training for prisoners in minimum security  
14 facilities conducted on leased land in towns within  
15 Knox County, and may detain and house the prisoners  
16 in the barracks at the minimum security unit at South  
17 Warren.

18        3. Effect on sentences. Prisoners in training  
19 or employed under programs established under subsec-  
20 tion 2 are deemed to be serving their sentences as if  
21 confined in the minimum security unit.

22        4. Rules. Prisoners in training or employed  
23 under programs established under subsection 2 are  
24 subject to the same rules as prisoners confined in  
25 the minimum security unit.

26        5. Escape. Prisoners who escape from the Maine  
27 State Prison minimum security unit, or from land  
28 leased by the warden while they are in training or  
29 employed under programs established under subsection  
30 2, are guilty of escape as if the escape were from  
31 the confines of the prison and are punishable in ac-  
32 cordance with Title 17-A, section 755.

33        §3267. Funerals and deathbed visits

34        At the discretion of the warden, a prisoner at  
35 the prison may attend the funeral of his natural or  
36 adoptive mother, father, son or daughter, of his  
37 wife, his brothers or sisters, or may be permitted  
38 one supervised deathbed visit to any of those per-  
39 sons, if the funeral or visit is held within the  
40 State.

1        1. Certification of terminal illness. Before a  
2 deathbed visit is permitted, terminal illness must be  
3 certified by the attending physician.

4        2. Costs. The prisoner, if able, shall pay the  
5 cost of transportation and the per diem compensation  
6 of the accompanying officer.

7        §3268. Discharge or parole

8        When any prisoner is paroled or discharged, the  
9 warden:

10       1. Clothing. Shall ensure that he is provided  
11 with decent clothing;

12       2. Money. May give him no more than \$50, except  
13 that the warden may not give money to a prisoner who:

14       A. Has transferred from his account to any  
15 person more than \$500, plus money necessary to  
16 the support of his dependents and the payment of  
17 his creditors; or

18       B. Has more than \$500 in his account; and

19       3. Transportation. Shall furnish transportation  
20 to the place where the prisoner was convicted, except  
21 that:

22       A. If the prisoner's home is within the State,  
23 the warden shall furnish transportation to his  
24 home;

25       B. If the prisoner has secured employment within  
26 the State, the warden shall furnish transporta-  
27 tion to the place of employment;

28       C. If the prisoner's home is outside the State,  
29 the warden shall furnish transportation to the  
30 place on the Maine border nearest to his home;  
31 and

32       D. If the prisoner has secured employment out-  
33 side the State, the warden shall furnish trans-  
34 portation to the place on the Maine border near-  
35 est the place of employment.

### SUBCHAPTER III

## MAINE CORRECTIONAL CENTER

§3401. Establishment

There is established the Maine Correctional Center, formerly known as the Men's Correctional Center, located at South Windham for the confinement and rehabilitation of the following persons:

1. Men. Men over the age of 18 years who have been duly sentenced and committed to the center;

2. Women. Women who have been duly sentenced to the prison or the center and committed to the center; and

3. Pretrial detainees. Pretrial detainees who have been committed to the center.

§3402. Superintendent

1. Chief administrative officer. The chief administrative officer of the Maine Correctional Center is called the superintendent.

2. Duties. In addition to other duties set out in this Title, the superintendent shall supervise and control the prisoners, pretrial detainees, employees, grounds, buildings and equipment at the center.

3. Powers. In addition to other powers granted in this Title, the superintendent has the following powers.

A. The superintendent may appoint 2 assistant superintendents. An assistant superintendent designated by the superintendent has the powers, duties, obligations and liabilities of the superintendent when the superintendent is absent from the center location or is unable to perform the duties of the office.

B. The superintendent may, with the written approval of the commissioner, contract with the Director of the Federal Bureau of Prisons acting

1        pursuant to the United States Code, Title 18,  
2        Section 4002, for the imprisonment, subsistence,  
3        care and proper employment of persons convicted  
4        of crimes against the United States, and may  
5        receive and detain such persons pursuant to the  
6        contracts.

7        §3403. Prisoners generally

8            1. Conditions of confinement. Conditions of  
9        confinement of prisoners are governed as follows.

10           A. The superintendent shall detain and confine  
11        all persons committed to the center in accordance  
12        with the sentences of the courts and with the  
13        rules of the center.

14           B. The superintendent shall provide for the  
15        safekeeping or employment of persons committed to  
16        the center in order to teach them a useful trade  
17        or profession and to improve their mental and  
18        moral condition.

19           2. Housing. The superintendent shall maintain  
20        separate housing facilities for men and women.

21        §3404. Pregnant women

22           If any woman is, at the time of her commitment to  
23        the center, pregnant with a child which will be born  
24        after her commitment, the custody of the child, at  
25        the instance of the commissioner, shall be determined  
26        in accordance with Title 22, chapter 1071.

27        §3405. Maine Correctional Center employees

28           1. Powers. Employees of the center have the  
29        same power as sheriffs in their respective counties  
30        to search for and apprehend escapees from the center,  
31        when authorized to do so by the superintendent.

32           2. Uniforms. Maine Correctional Center employee  
33        uniforms are governed as follows.

34           A. Employees of the center may be provided, at  
35        the expense of the State, with distinctive uni-  
36        forms for use when required for the performance

1 of their official duties and which shall remain  
2 the property of the State.

3 B. Employees of the center may be provided with  
4 an equivalent clothing allowance when the private  
5 purchase of special clothing is similarly re-  
6 quired for the performance of their official  
7 duties.

8 §3406. Land grants to the Department of Conservation

9 The following lands of the former Women's Correc-  
10 tional Center at Skowhegan are granted to the bureaus  
11 of the Department of Conservation as follows.

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

18 2. Land grant to Bureau of Parks and Recrea-  
19 tion. All the land lying between Norridgewock Avenue  
20 and the Kennebec River, with the exception of the  
21 sewerage treatment plant and access thereto, is  
22 transferred to the Bureau of Parks and Recreation to  
23 be managed by the bureau.

24 SUBCHAPTER IV

25 CHARLESTON CORRECTIONAL FACILITY

26 §3601. Establishment

27 There is established the Charleston Correctional  
28 Facility located at Charleston for the confinement  
29 and rehabilitation of persons who have been duly sen-  
30 tenced and committed to the Maine Correctional Center  
31 or to the prison.

32 §3602. Purposes

33 The purposes of the Charleston Correctional  
34 Facility include vocational and academic education  
35 and work involving public restitution.

1     §3603. Director

2         1. Chief administrative officer. The chief  
3     administrative officer of the Charleston Correctional  
4     Facility is called the director and is responsible to  
5     the commissioner.

6         2. Duties. In addition to other duties set out  
7     in this Title, the director has the following duties.

8         A. The director shall exercise proper super-  
9     vision over the employees, grounds, buildings and  
10    equipment at the Charleston Correctional Facil-  
11    ity.

12        B. The director shall supervise and control the  
13    prisoners at the Charleston Correctional Facility  
14    in accordance with departmental rules.

15        3. Powers. In addition to other powers granted  
16    in this Title, the director may appoint one assistant  
17    director, subject to the Personnel Law, and the  
18    assistant director has the powers, duties, obli-  
19    gations and liabilities of the director when the  
20    director is absent or unable to perform his duties.

21    §3604. Prisoners generally

22        1. Evaluation. Before assignment to the  
23    Charleston Correctional Facility, prisoners must be  
24    evaluated for security status, program needs and emo-  
25    tional stability by the classification process at the  
26    Maine Correctional Center or the prison.

27        2. Transferred prisoners. All prisoners trans-  
28    ferred to the Charleston Correctional Facility shall  
29    be detained and confined in accordance with the sen-  
30    tences of the court and the rules of the department.

31        3. Education. The director shall maintain suit-  
32    able courses for academic and vocational education of  
33    the prisoners.

34        A. The director shall maintain necessary equip-  
35    ment and employ suitable qualified instructors as  
36    necessary to carry out the objectives of the  
37    facility's programs.

1        B. Before employing instructors in vocational  
2        education, the director shall obtain the approval  
3        of the Department of Educational and Cultural  
4        Services.

5        4. Employment. The commissioner may authorize  
6        the employment of prisoners of the Charleston Correc-  
7        tional Facility on public works with any department,  
8        agency or entity of the State, county or local gov-  
9        ernment and may authorize the use of prisoners to  
10       provide assistance in the improvement of property  
11       owned by nonprofit organizations.

12       A. The commissioner shall promulgate such rules  
13       as he deems proper to ensure the care and treat-  
14       ment of the prisoners and the safe working condi-  
15       tions of prisoners and departmental employees.

16       B. The purpose of the employment authorized in  
17       this subsection is to provide training to the  
18       prisoner and to be a form of public restitution  
19       for the crime or crimes committed by the pris-  
20       oner.

21       C. The prisoners employed under this subsection  
22       may not be compensated monetarily for the work  
23       performed.

24       D. The commissioner may request that nonprofit  
25       organizations pay for the transportation of the  
26       prisoners and pay the per diem compensation of  
27       correctional officers or instructors who must ac-  
28       company the prisoners or oversee the work to be  
29       performed.

30       5. Escape. Any prisoner who escapes from the  
31       facility, or from any assignment beyond the grounds  
32       of the facility, is guilty of escape under Title  
33       17-A, section 755.

34       §3605. Charleston Correctional Facility employees

35       Employees of the Charleston Correctional Facility  
36       have the same power as sheriffs in their respective  
37       counties to search for and apprehend escapees from  
38       the facility, when authorized to do so by the direc-  
39       tor.

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SUBCHAPTER V

MAINE YOUTH CENTER

§3801. Establishment

The State shall maintain the Maine Youth Center located at South Portland.

1. Coeducational. The center shall be coeducational.

2. Separate housing. The center shall fully separate the housing facilities for boys and girls.

§3802. Purposes

1. Statement. The purposes of the Maine Youth Center are:

A. To detain juveniles prior to Juvenile Court appearances on court order that the juvenile be securely detained;

B. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3318; and

C. To rehabilitate juveniles committed to it on being adjudicated as having committed a juvenile crime under Title 15, section 3310, subsection 5.

2. Accomplishment. To accomplish the purposes set out in subsection 1, 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.

§3803. Superintendent

The chief administrative officer of the Maine Youth Center is called the superintendent.

§3804. Superintendent's powers

In addition to other powers granted in this subchapter, the superintendent has the following powers.



1       1. Juvenile clients. The superintendent has all  
2 the power which a guardian has over his ward and  
3 which a parent has over his child as to the person,  
4 property, earnings and rehabilitation of every juve-  
5 nile client. Each juvenile client is under the  
6 direction of the superintendent, subject to rules of  
7 the department, except that:

8       A. If a juvenile client is or becomes 18 years  
9 of age while still under commitment, the statu-  
10 tory guardianship of the superintendent over him  
11 shall terminate; but

12       B. The juvenile client remains subject to the  
13 control of the superintendent, staff and rules of  
14 the center until the expiration of the period of  
15 commitment or until discharge from the center.

16       2. Assistant superintendents. The superinten-  
17 dent may appoint 2 assistant superintendents, subject  
18 to the Personnel Law.

19       A. An assistant superintendent designated by the  
20 superintendent has the powers, duties, obli-  
21 gations and liabilities of the superintendent  
22 when the superintendent is absent from the center  
23 or unable to perform the duties of the office.

24       B. If there are no assistant superintendents,  
25 another employee designated by the superintendent  
26 has the powers, duties, obligations and liabili-  
27 ties of the superintendent in the circumstances  
28 described in paragraph A.

29       §3805. Commitment

30       1. Eligibility. Only a juvenile, as defined in  
31 Title 15, section 3003, subsection 14, who is 11  
32 years of age or older at the time of the court's dis-  
33 position of the case may be committed to the center  
34 pursuant to this subchapter and Title 15, Part 6.

35       2. Limitations. No person may be committed to  
36 the center who is blind or who is a proper subject  
37 for the Augusta Mental Health Institute, the Bangor  
38 Mental Health Institute or the Pineland Center.

1           3. Certification. When a person is committed to  
2           the center, the court making the commitment shall  
3           certify on the mittimus the person's birthdate,  
4           parentage and legal residence.

5           §3806. Federal juvenile offenders

6           The commissioner may contract with the Attorney  
7           General of the United States for the confinement and  
8           support in the Maine Youth Center of juvenile offend-  
9           ers against the laws of the United States in accor-  
10          dance with the United States Code, Title 18, Sections  
11          706 and 707.

12          §3807. Human services' custody

13           1. Suspension. When the custody of a child at  
14           the time of commitment is in the Department of Human  
15           Services, that custody shall be temporarily suspended  
16           while the child is in the Maine Youth Center.

17           2. Reversion. Upon discharge from the Maine  
18           Youth Center, the custody of the child shall revert  
19           to the Department of Human Services, if the child is  
20           still under 18 years of age.

21          §3808. Overcrowding

22           When the superintendent reports that overcrowding  
23           exists at the center, the commissioner may, with the  
24           approval of the Governor, authorize the use of any  
25           available facilities at the location in Hallowell  
26           formerly known as the Stevens School and Women's Cor-  
27           rectional Center.

28          §3809. Seclusion

29           1. Generally. When a juvenile client's behavior  
30           presents a high likelihood of harm to himself or to  
31           others, presents a substantial and imminent threat of  
32           destruction of property or demonstrates a proclivity  
33           to absent himself from the center without leave, the  
34           juvenile client may be placed in seclusion if he has  
35           demonstrated that anything less would be ineffectual  
36           in the control of his behavior.

37           2. Conditions. The use of seclusion is subject  
38           to the following conditions.

1       A. The use of seclusion shall be first approved  
2       by the superintendent.

3       B. The juvenile client shall be provided with a  
4       sufficient quantity of wholesome and nutritious  
5       food.

6       C. Adequate sanitary and other conditions re-  
7       quired for the health of the juvenile client  
8       shall be maintained.

9       D. The use of seclusion may not exceed the  
10       period of time necessary to alleviate and prevent  
11       the reoccurrence of the offensive behavior.

12       E. When seclusion exceeds 12 hours, the superin-  
13       tendent shall cause the center physician or a  
14       member of the center medical staff to visit the  
15       juvenile client forthwith and, at least once in  
16       each succeeding 24-hour period, the client  
17       remains in seclusion, to examine the client's  
18       state of health.

19               (1) The superintendent shall give full con-  
20               sideration to recommendations of the physi-  
21               cian or medical staff member as to the  
22               client's dietary needs and the conditions of  
23               his confinement required to maintain his  
24               health.

25               (2) Use of seclusion shall be discontinued  
26               if the physician states that it is harmful  
27               to the mental or physical health of the  
28               client.

29       F. Seclusion may not exceed 72 hours without the  
30       commissioner's approval, which shall:

31               (1) Be in writing;

32               (2) State the reasons for the approval; and

33               (3) Be kept on file.

34       G. If the recommendations of the physician or  
35       medical staff member regarding the juvenile  
36       client's dietary or other health needs while in

1        seclusion are not carried out, the superintendent  
2        shall send a written justification to the commis-  
3        sioner.

4        §3810. Entrustment

5        1. Superintendent's powers. During a juvenile  
6        client's commitment to the center, the superintendent  
7        may, at his discretion:

8        A. Keep the juvenile client at the center; or

9        B. Upon prior mutual agreement, entrust the  
10       juvenile client, for a period not exceeding the  
11       term of his commitment, to the care of:

12       (1) Any suitable person or persons;

13       (2) The Division of Probation and Parole;

14       (3) The Department of Human Services; or

15       (4) Some other public or private child care  
16       agency.

17       2. Reports. As often as the superintendent re-  
18       quires, the person or agency to whom the juvenile is  
19       entrusted shall report to the superintendent:

20       A. The progress and behavior of the juvenile  
21       client, whether or not the client remains under  
22       the care of the person or agency; and

23       B. If the juvenile client is not under the care  
24       of the person or agency, where the child is.

25       3. Center services. The superintendent shall  
26       provide aftercare and entrustment services to juve-  
27       nile clients.

28       4. Cancellation. If the superintendent is  
29       satisfied at any time that the welfare of the juve-  
30       nile client will be promoted by return to the center,  
31       the superintendent may cancel the trust and resume  
32       charge of the child with the same powers as before  
33       the trust was made.

1     §3811. Return to the center

2           When a juvenile client who has been placed on  
3     entrustment or who has absented himself from the cen-  
4     ter without leave is taken into custody for the pur-  
5     pose of return to the center by an officer or  
6     employee of the center, at the direction of the  
7     superintendent, or by a law enforcement officer, at  
8     the request of the superintendent and because of the  
9     juvenile client's distance from the center at the  
10    time of being taken into custody, it becomes neces-  
11    sary to detain the client overnight:

12        1. Temporary detention. The juvenile client may  
13    be temporarily detained in a county jail; and

14        2. Return. The juvenile client shall be  
15    returned to the center on the day after being taken  
16    into custody, except that, if traveling conditions  
17    are unsafe, the client shall be returned to the cen-  
18    ter at the earliest possible time.

19     §3812. Discharge

20        1. Duty. The superintendent shall cause a juve-  
21    nile client to be discharged from the center:

22        A. When the client becomes 21 years of age; or

23        B. When the superintendent determines that the  
24    client has benefited optimally from the services  
25    and facilities of the center.

26        2. Power. The superintendent may cause a juve-  
27    nile client to be discharged from the center when the  
28    superintendent determines that discharge is in the  
29    best interest of the client.

30                   CHAPTER 5

31                   PROBATION AND PAROLE

32                   SUBCHAPTER I

33                   GENERAL PROVISIONS

1     §5001. Definitions

2         As used in this chapter, unless the context  
3         otherwise indicates, the following terms have the  
4         following meanings.

5             1. Board. "Board" means the State Parole Board.

6             2. Director. "Director" means the Director of  
7         Probation and Parole.

8             3. Division. "Division" means the Division of  
9         Probation and Parole under the Department of Correc-  
10         tions.

11            4. Fine. "Fine" includes court costs whenever  
12         applicable.

13            5. Juvenile. "Juvenile" means a person under  
14         the age of 18 years or a person who is alleged to  
15         have committed, while under the age of 18 years, any  
16         acts or offenses covered by Title 25, Part 6, regard-  
17         less of whether, at the time of the proceeding, the  
18         person is of the age of 18 years or over.

19            6. Parole. "Parole" is a release procedure by  
20         which a person may be released from a correctional  
21         facility by the State Parole Board prior to the  
22         expiration of his maximum term, parole status being  
23         in effect under Title 17-A, section 1254, subsection  
24         3, with all provisions of prior laws governing parole  
25         continuing in effect.

26            7. Probation. "Probation" means a procedure  
27         under which a person found guilty of an offense is  
28         released by the court, without being committed to a  
29         correctional facility, or with or without commitment  
30         to jail or fine, subject to conditions imposed by the  
31         court.

32     §5002. Pardons by the Governor

33         This chapter does not deprive the Governor of the  
34         power to grant a pardon or commutation to any person  
35         sentenced to a correctional facility.

36     §5003. Prohibited acts

1           1. Interference with probation. A person 18  
2 years of age or older is guilty of interference with  
3 probation if he willfully obstructs, intimidates or  
4 otherwise abets a probationer under the supervision  
5 and control of the division and thereby causes or  
6 contributes to causing the probationer to violate the  
7 conditions of his probation, after having been warned  
8 in writing by the director to end his relationship or  
9 association with the probationer.

10           A. Notwithstanding Title 17-A, section 4-A,  
11 interference with probation shall be punished by  
12 a fine of not more than \$500 or by imprisonment  
13 for not more than 11 months, or by both.

14           B. This subsection applies to interferences with  
15 the probation of probationers who are under the  
16 supervision and control of the division at the  
17 request of other states under terms of the Uni-  
18 form Act for Out-of-State Parolee Supervision.

19           2. Interference with parole. A person 18 years  
20 of age or older is guilty of interference with parole  
21 if he willfully obstructs, intimidates or otherwise  
22 abets a parolee under the supervision and control of  
23 the division and thereby causes or contributes to  
24 causing the parolee to violate the conditions of his  
25 parole, after having been warned in writing by the  
26 director to end his relationship or association with  
27 the parolee.

28           A. Notwithstanding Title 17-A, section 4-A,  
29 interference with parole shall be punished by a  
30 fine of not more than \$500 or by imprisonment for  
31 not more than 11 months, or by both.

32           B. This subsection applies to interferences with  
33 the parole of parolees who are under the super-  
34 vision and control of the division at the request  
35 of other states under terms of the Uniform Act  
36 for Out-of-State Parolee Supervision.

37                               SUBCHAPTER II

38                               PAROLE BOARD

1     §5201. Establishment

2             There is established within the Department of  
3     Corrections a State Parole Board consisting of 5 mem-  
4     bers.

5     §5202. Appointment

6             The Governor shall appoint as the 5 members of  
7     the board persons who:

8             1. Citizens and residents. Are citizens and  
9     residents of the State; and

10            2. Training or experience. Have special train-  
11     ing or experience in law, sociology, psychology or  
12     related branches of social science.

13     §5203. Terms

14            The terms of the members of the board are:

15            1. Four years. Four years plus the time period  
16     until their successors have been appointed and quali-  
17     fied; or

18            2. Pleasure of Governor. During the pleasure of  
19     the Governor.

20     §5204. Vacancy

21            A vacancy on the board shall be filled for the  
22     unexpired term in the same manner in which an  
23     appointment is made.

24     §5205. Expenses

25            The members of the board shall be paid \$25 per  
26     day and necessary expenses for each day actually  
27     spent in the work of the board.

28     §5206. Meetings

29            1. Chairman. The members of the board shall  
30     elect a chairman who shall preside at all meetings of  
31     the board when he is present.



1        2. Frequency. The board shall meet a least once  
2 every 2 months and may meet as often as necessary, at  
3 such times and places as the chairman may designate.

4        3. Quorum. Any 3 members constitute a quorum  
5 for the exercise of all powers of the board.

6        §5207. Cooperation

7        The Department of Human Services, Department of  
8 Corrections and officers and staffs of correctional  
9 facilities and law enforcement agencies in the State  
10 shall cooperate with the board in exercising its  
11 powers and duties.

12        §5208. Annual report

13        1. Board secretary's duty. The secretary of the  
14 board shall, after June 30th of each year, send to  
15 the commissioner a detailed report of the work of the  
16 board and of the probation and parole activities of  
17 the division for the preceding fiscal year.

18        2. Commissioner's duty. The commissioner shall  
19 send the annual report to the Governor for submission  
20 to the Legislature.

21        §5209. Administrative assistant

22        1. Appointment. The board shall appoint a full-  
23 time administrative assistant to serve at the pleas-  
24 ure of the board.

25        2. Compensation. The administrative assistant  
26 is entitled to compensation in an amount to be deter-  
27 mined by the Governor.

28        3. Duties. The administrative assistant shall  
29 perform those duties assigned to him by the board.

30        4. Powers. The administrative assistant may,  
31 subject to the rules of the board, conduct a prelimi-  
32 nary hearing with a committed offender at any correc-  
33 tional facility and make written recommendations to  
34 the board concerning disposition.

35        §5210. Duties

1           The board shall:

2           1. Time of parole. Determine the time of parole  
3           for each committed offender;

4           2. Parole revocation. Revoke parole when war-  
5           ranted due to a parole violation;

6           3. Discharge from parole. Determine the time of  
7           discharge of parolees from parole supervision; and

8           4. Advice to Governor. When requested by the  
9           Governor, advise him concerning applications for  
10           pardon, reprieve or commutation.

11           A. The board shall hold hearings, cause an  
12           investigation to be made and collect records to  
13           determine the facts and circumstances of a com-  
14           mitted offender's crime, his past criminal  
15           record, his social history and his physical and  
16           mental condition as may bear on the application.

17           B. The board shall make recommendations regard-  
18           ing action by the Governor on the application.

19           C. All information obtained under this subsec-  
20           tion, and any report furnished to the Governor  
21           under this subsection, is confidential.

22           §5211. Powers

23           1. Rules. The board may promulgate rules, in  
24           accordance with the Administrative Procedure Act,  
25           Title 5, chapter 375, pertaining to its functions set  
26           out in this chapter.

27           2. Restitution. The board may authorize and  
28           impose as a condition of parole that the person make  
29           restitution to his victim or other authorized claim-  
30           ant in accordance with Title 17-A, chapter 54.

31           3. Quasi-judicial powers. The board, or any  
32           member of the board, may, in the performance of offi-  
33           cial duties:

34           A. Issue subpoenas;

1        B. Compel the attendance of witnesses;

2        C. Compel the production of books, papers and  
3        other documents pertinent to the subject of its  
4        inquiry; and

5        D. Administer oaths and take the testimony of  
6        persons under oath.

7        4. Grant or denial of parole. The board may  
8        grant or deny parole in accordance with the following  
9        procedures.

10       A. If the recommendation of the administrative  
11       assistant under section 5209, subsection 4, is to  
12       grant parole, the board may make a final decision  
13       granting parole without a hearing.

14       B. If the recommendation of the administrative  
15       assistant is to deny parole, the board shall  
16       afford the committed offender a hearing before  
17       the board and the board may not deny parole with-  
18       out affording the committed offender a hearing.

19                                SUBCHAPTER III

20                                DIVISION OF

21                                PROBATION AND PAROLE

22        §5401. Establishment

23        There is established within the Department of  
24        Corrections a Division of Probation and Parole which  
25        is charged with the administration of probation and  
26        parole services within the State.

27        1. Director. The division is under the direc-  
28        tion of the Director of Probation and Parole.

29        2. Employees. The division consists of field  
30        probation and parole officers and of such other  
31        administrative employees as may be necessary in  
32        carrying out its functions.

33        §5402. Director

1        1. Appointment. The commissioner shall appoint  
2        the Director of Probation and Parole, subject to the  
3        Personnel Law.

4        2. Duties. The director shall:

5        A. Promulgate and enforce rules for the field  
6        probation and parole service and parole officers  
7        in correctional facilities;

8        B. Appoint, subject to the Personnel Law, dis-  
9        trict probation and parole supervisors, field  
10       probation and parole officers and such other  
11       employees as may be required to carry out ade-  
12       quate supervision of all probationers and of all  
13       parolees from the correctional facilities;

14       C. Prescribe the powers and duties of persons  
15       appointed under paragraph B;

16       D. Provide necessary investigation of any crimi-  
17       nal case or matter, including presentence inves-  
18       tigation, when requested by the court having  
19       jurisdiction;

20       E. Provide investigation when requested by the  
21       board;

22       F. Cooperate closely with the board, the crimi-  
23       nal and juvenile courts, the chief administrative  
24       officers of correctional facilities and other  
25       correctional facility personnel;

26       G. Make recommendations to the board in cases of  
27       violations of the conditions of parole;

28       H. Issue warrants for the arrest of parole vio-  
29       lators;

30       I. Notify the chief administrative officers of  
31       correctional facilities of determinations made by  
32       the board;

33       J. Divide the State into administrative dis-  
34       tricts and staff the districts;

35       K. Provide instruction and training courses for  
36       probation and parole officers; and

1 L. Be executive officer and secretary of the  
2 board.

3 3. Powers. The director may:

4 A. Provide necessary specialized services and  
5 procedures for the constructive rehabilitation of  
6 juveniles;

7 B. Obtain psychiatric, psychological and other  
8 necessary services;

9 C. Sign documents, including warrants and extra-  
10 dition papers for the board, when so instructed  
11 by the board; and

12 D. With the approval of the commissioner, in  
13 special instances and in the absence or illness  
14 of the Assistant Director of Probation and  
15 Parole, delegate any responsibilities of the  
16 assistant director to a district supervisor.

17 (1) This delegation shall not exceed 20  
18 working days.

19 (2) During the period of the delegation,  
20 the district supervisor has all the respon-  
21 sibilities and obligations of the assistant  
22 director.

23 §5403. Assistant director

24 1. Acting director. The assistant director has  
25 the powers, duties, obligations and liabilities of  
26 the director when the director is absent or unable to  
27 perform his duties.

28 2. Arrest warrants. Upon designation by the  
29 director, the assistant director may issue warrants  
30 for the arrest of parole violators.

31 §5404. Probation and parole officers

32 In addition to duties prescribed by the director  
33 and by the court having jurisdiction, a probation and  
34 parole officer shall:



1                   JUVENILE PROBATION SERVICES

2    §5601. Interagency agreements

3           The department may enter into agreements with  
4    state agencies, other public agencies and private  
5    nonprofit agencies to provide supervision or other  
6    services to juveniles placed on probation by the  
7    Juvenile Court.

8           1. Terms. The terms of the agreements, includ-  
9    ing any payments to be made by the department for the  
10   services provided, shall be set forth in writing.

11          2. Termination. Any agreement made under this  
12   section may be terminated upon 90 days' written  
13   notice by either party to the agreement.

14   §5602. Juvenile probation officers

15          1. Investigations. Juvenile probation officers  
16   shall make such investigations as the Juvenile Court  
17   may direct and shall keep such written records of the  
18   investigations as the Juvenile Court may direct.

19          2. Written statement of probation condi-  
20   tions. When any juvenile is placed on probation, the  
21   juvenile probation officer shall give the juvenile a  
22   written statement of the conditions of his probation  
23   and shall fully explain the conditions to him.

24          3. Keeping informed. Each juvenile probation  
25   officer shall keep informed as to the condition and  
26   conduct of each juvenile placed under his supervision  
27   and shall report on the condition and conduct to the  
28   court and to the department as they may direct.

29          4. Care and custody of juveniles. Each juvenile  
30   probation officer shall use all suitable means,  
31   including counseling, to aid each juvenile under his  
32   supervision and shall perform such duties in connec-  
33   tion with the care and custody of juveniles as the  
34   court may direct.

35          5. Arrest. With respect to juveniles placed  
36   under their supervision, juvenile probation officers  
37   have the same arrest powers as other sworn law  
38   enforcement officers.

1       6. Change of residence. Before a juvenile who  
2 is on probation may change his residence, he shall  
3 obtain the permission of his probation officer.

4       A. When a juvenile probation officer learns that  
5 a juvenile under his supervision has changed his  
6 residence to another district, he shall immedi-  
7 ately notify the court.

8       B. The court may then transfer the probation  
9 records of the juvenile to the Juvenile Court of  
10 the district to which the juvenile has moved,  
11 together with a request that that court direct  
12 the probation supervision of the juvenile.

13       C. The Juvenile Court of the district to which  
14 the juvenile has moved shall then place the juve-  
15 nile under probation supervision.

16                   SUBCHAPTER V

17                   PAROLE LAWS FOR

18                   PRECRIMINAL CODE PRISONERS

19       §5801. Applicability

20       This subchapter applies only to those persons in  
21 the custody of the Department of Corrections pursuant  
22 to a sentence imposed under the law in effect prior  
23 to May 1, 1976.

24       §5802. Parole by board

25       The board may grant a parole from a penal or cor-  
26 rectional institution after the expiration of the  
27 period of confinement, less deductions for good  
28 behavior, or after compliance with conditions pro-  
29 vided for in sections 5803 to 5805 applicable to the  
30 sentence being served by the prisoner or inmate. It  
31 may revoke a parole when a condition of the parole is  
32 violated.

33       1. Duration and conditions of parole. When the  
34 board grants a parole, upon release, the parolee  
35 shall serve the unexpired portion of his sentence,  
36 less deductions for good behavior, unless otherwise  
37 discharged therefrom by the board.



1       2. Custody and control. While on parole, the  
2 parolee is under the custody of the warden or super-  
3 intendent of the institution from which he was  
4 released, but under the immediate supervision of and  
5 subject to the rules of the division or any special  
6 conditions of parole imposed by the board.

7       §5803. Eligibility for hearing; State Prison

8       A prisoner at the Maine State Prison or Maine  
9 Correctional Center becomes eligible for a hearing by  
10 the board as follows:

11       1. Expiration of minimum term in minimum-maximum  
12 sentence. Prior to the expiration of the prisoner's  
13 minimum term of imprisonment, less the deduction for  
14 good behavior, when the law provides for a  
15 minimum-maximum sentence;

16       2. Expiration of 1/2 of term in certain  
17 cases. Prior to the expiration of 1/2 of the term of  
18 imprisonment imposed by the court, less the deduction  
19 for good behavior, when the prisoner has been con-  
20 victed of an offense under Title 17, section 1951,  
21 3151, 3152 or 3153. This subsection applies to a  
22 prisoner who has been convicted previously of an  
23 offense under Title 17, section 1951, 3151, 3152 or  
24 3153;

25       3. Expiration of 15-year term in life imprison-  
26 ment cases. Prior to the expiration of a 15-year  
27 term of imprisonment, less deduction for good behav-  
28 ior, when the prisoner has been convicted of an  
29 offense punishable only by life imprisonment; and

30       4. Expiration of 15-year term in other  
31 cases. Prior to the expiration of a 15-year term of  
32 imprisonment, less deduction for good behavior, when,  
33 following conviction, the prisoner has been sentenced  
34 to a minimum term of 15 years or more.

35       §5804. Maine Correctional Center

36       An inmate at the Maine Correctional Center  
37 becomes eligible for a hearing by the board as fol-  
38 lows:

1        1. Inmate reformed. When it appears to the  
2        superintendent that the inmate has reformed; and

3        2. Suitable employment secured. When some suit-  
4        able employment or situation has been secured for him  
5        in advance.

6        If the superintendent does not recommend an  
7        inmate for a parole hearing during the first year  
8        after commitment, the reasons for not so doing shall  
9        be reported to the Director of Corrections at the end  
10       of the year and for each 6 months thereafter until  
11       the inmate is recommended for a hearing by the board.

12       §5805. Women's reformatory

13       An inmate at the Women's Correctional Center  
14       becomes eligible for a hearing by the board as fol-  
15       lows:

16       1. Inmate reformed. When it appears to the  
17       superintendent that the inmate has reformed;

18       2. Suitable employment secured. When some suit-  
19       able employment or situation has been secured for her  
20       in advance.

21       If the superintendent does not recommend an  
22       inmate for a parole hearing during the first year  
23       after commitment, the reasons for not so doing shall  
24       be reported to the Director of Corrections at the end  
25       of the year and for each 6 months thereafter until  
26       the inmate is recommended for a hearing by the board.

27       §5806. Violations of parole

28       A probation parole officer may arrest and charge  
29       a parolee with violation of parole and take him into  
30       his custody in any place he may be found, detain the  
31       parolee in any jail, pending the issuance of a parole  
32       violation warrant, which detention shall not extend  
33       beyond the next business day of the office of the  
34       director. In the event a warrant is not issued in  
35       that time, the parolee shall be released from arrest  
36       and detention forthwith. A parolee so arrested and  
37       detained shall have no right of action against the  
38       probation-parole officer or any other persons because  
39       of that arrest and detention.

1        When a parolee violates a condition of his parole  
2 or violates the law, the director may issue a warrant  
3 for his arrest. A probation-parole officer, or any  
4 other law enforcement officer within the State  
5 authorized to make arrests, may arrest the parolee on  
6 the warrant and return him to the institution from  
7 which he was paroled. At its next meeting at that  
8 institution, the board shall hold a hearing. The  
9 parolee is entitled to appear and be heard. If the  
10 board, after hearing, finds that the parolee has vio-  
11 lated his parole or the law, it shall revoke his  
12 parole, set the length of time he shall serve of the  
13 unexpired portion of his sentence before he can again  
14 be eligible for hearing by the board, and remand him  
15 to the institution from which he was released; except  
16 that, when a parolee from the Maine Correctional Cen-  
17 ter violates the law and is sentenced by the court to  
18 the Maine State Prison, any length of time set by the  
19 board to be served of the unexpired portion of his  
20 correctional center sentence may be served at the  
21 Maine State Prison.

22        1. Forfeits deductions. Upon revocation of  
23 parole by the board, the prisoner forfeits any deduc-  
24 tions for good behavior earned while on parole.

25        2. May earn deductions. While serving the unex-  
26 pired portion of his sentence after parole has been  
27 revoked, the prisoner may earn deductions for good  
28 conduct.

29        Whenever a warrant is issued under this section  
30 for the arrest of a parolee, the running of the  
31 parolee's sentence shall be interrupted and shall  
32 remain interrupted until the parolee is returned to  
33 the institution from which he was paroled. Interrup-  
34 tion of the running of his sentence shall include any  
35 time served prior to such return, after conviction  
36 for a crime committed while on parole.

37        In the event of the withdrawal of the warrant by  
38 authority of the director, or in the event that the  
39 board at the hearing on the alleged violation finds  
40 that the parolee did not violate the conditions of  
41 his parole, or the law, he shall be credited with the  
42 time lost by the interruption of the running of his  
43 sentence.

1     §5807. Sentence for crime committed by parolee

2         Any parolee who commits an offense while on  
3     parole who is sentenced to the Maine State Prison  
4     shall serve the 2nd sentence beginning on the date of  
5     termination of the first sentence, unless the first  
6     sentence is otherwise terminated by the board.

7     §5808. Discharge from parole

8         Any parolee who faithfully performs all the con-  
9     ditions of parole and completes his sentence is enti-  
10    tled to a certificate of discharge to be issued by  
11    the warden or superintendent of the institution to  
12    which he was committed.

13    §5809. Certificate of discharge

14         Whenever it appears to the board that a person on  
15    parole is no longer in need of supervision, it may  
16    order the superintendent or warden of the institution  
17    from which he was released to issue him a certificate  
18    of discharge, except that in the case of persons  
19    serving a life sentence who may not be discharged  
20    from parole in less than 10 years after release on  
21    parole.

22    §5810. Records forwarded to State Police

23         When a person who has been convicted under Title  
24    17, section 1951, 3151, 3152 or 3153 is paroled, the  
25    warden or superintendent of the institution shall  
26    forward to the State Police a copy of his record and  
27    a statement of facts necessary for full comprehension  
28    of the case. Whenever any prisoner, who has been  
29    convicted of an offense under Title 17, section 1951,  
30    3151, 3152 or 3153 is discharged in full execution of  
31    his sentence, the Warden of the Maine State Prison  
32    shall make and forward to the State Police a copy of  
33    the prison record of that prisoner together with a  
34    statement of any fact or facts which he may deem  
35    necessary for a full comprehension of the case.

36                                    CHAPTER 7

37                                    JUVENILE DELINQUENCY PREVENTION

1                                    AND REHABILITATION

2        §7001. Responsibility of the department

3                The department is responsible for:

4                1. Services. Within the limits of available  
5 funding, ensuring the provision of all services  
6 necessary to:

7                A. Prevent juveniles from coming into contact  
8 with the Juvenile Court; and

9                B. Support and rehabilitate those juveniles who  
10 do come into contact with the Juvenile Court;

11               2. Information. Gathering standardized informa-  
12 tion on the characteristics of and the present and  
13 past services needs of juveniles who have come into  
14 contact with the Juvenile Court and gathering stan-  
15 dardized information on the extent to which those  
16 needs are being met;

17               3. Proposals. Making proposals for meeting the  
18 prevention and rehabilitation services needs which  
19 are not being addressed; and

20               4. Coordination. Coordinating its efforts in  
21 discharging the responsibility given under this  
22 section with those of other state or local agencies  
23 in order to effectively use existing resources to the  
24 maximum extent possible to achieve the purposes of  
25 this chapter and Title 15, Part 6.

26        §7002. Powers and duties of the department

27               The department has the following powers and  
28 duties with respect to the responsibility defined in  
29 section 7001.

30               1. Services. The department shall provide,  
31 directly or through purchase or contract, services to  
32 children and their families, including, but not  
33 limited to:

34               A. Administering, supervising and ensuring the  
35 provision of correctional programs for juveniles

1        adjudicated as having committed juvenile crimes;

2        B. Providing technical assistance and additional  
3        financial resources to assist communities to  
4        establish and provide necessary preventive and  
5        rehabilitative services for juveniles;

6        C. Coordinating its efforts with those of other  
7        state and local agencies in order to effectively  
8        use all existing resources to the maximum extent  
9        possible;

10       D. Working with other public and voluntary agen-  
11       cies as resources for the purchase of care and  
12       services; and

13       E. Stimulating the creation of voluntary ser-  
14       vices.

15       2. Planning. The department shall prepare, and  
16       submit to the Governor, Legislature and Judicial  
17       Department, an annual plan for identifying, evalu-  
18       ating and meeting the service needs for prevention of  
19       juvenile crime and rehabilitation of juveniles adju-  
20       dicated as having committed juvenile crimes.

21       A. The plan shall include plans for shelter and  
22       detention services to be developed with the  
23       advice of the Department of Human Services,  
24       Department of Educational and Cultural Services,  
25       representatives of the District Court Judges and  
26       Superior Court Justices, representatives of the  
27       Maine Criminal Justice Planning and Assistance  
28       Agency and the State Court Administrator for  
29       juveniles:

30                (1) Referred to intake workers;

31                (2) Pending court action; and

32                (3) Following adjudication.

33       B. The plan shall include projected numbers of  
34       juveniles to be served by type of service,  
35       including diagnosis, evaluation and location;  
36       recommend the content and scope of shelter ser-  
37       vices; and set forth the estimated cost of ser-

1 vices and facilities which are recommended,  
2 including any alteration or remodeling of exist-  
3 ing facilities.

4 3. Evaluation. The department shall evaluate  
5 prevention and rehabilitation services with regard  
6 to, among other things:

7 A. Compliance with all regulations for the use  
8 of funds for those services; and

9 B. Quality and cost of effectiveness of those  
10 services.

11 4. Appeals. The department shall provide struc-  
12 ture for appeals, fair hearings and a review of  
13 grievances by children and their parents, guardian or  
14 legal custodian regarding provision of services for  
15 which the department has been given responsibility  
16 under this chapter, including, but not limited to,  
17 protecting the rights of individuals to appeal from  
18 denials of or exclusion from the services to which  
19 they are entitled, actions that preclude the  
20 individual's right of choice to specific programs, or  
21 actions that force involuntary participation in a  
22 service program.

23 5. Training. The department shall train person-  
24 nel to perform the functions necessary to implement  
25 this chapter, including, but not limited to:

26 A. Meeting the need for professional personnel  
27 for juvenile services, through in-service train-  
28 ing, institutes, conferences and educational  
29 leave grants;

30 B. Upgrading education and competence of profes-  
31 sional and other personnel and volunteers; and

32 C. Making staff and training facilities avail-  
33 able for training of staff and volunteers in con-  
34 tracting agencies or facilities to assure effec-  
35 tive provision of purchased services.

36 6. Research and demonstration. The department  
37 may conduct research and demonstration projects,  
38 including, but not limited to, entering into con-

1     tracts with other agencies and making grants for  
2     research, including basic research into the causes of  
3     juvenile crime, evaluation of methods of service  
4     delivery in use, and development of new approaches.

5             7. Wards. In regards to individual juveniles  
6     for whom the department has accepted responsibility,  
7     it may take necessary action for the appointment of a  
8     guardian of a juvenile who does not have a parent to  
9     exercise effective guardianship, and it shall:

10            A. Assure that appropriate services are made  
11     available to them, either directly or by purchase  
12     of those services;

13            B. Assume responsibility, to the extent that  
14     parents are unable to do so, for payment for ser-  
15     vices; and

16            C. Assume legal custody of children or legal  
17     guardianship when vested by the court.

18     §7003. Administrative plan for juvenile crime pre-  
19     vention and rehabilitation of adjudicated  
20     juveniles

21            To further effect the intent of this chapter to  
22     clearly specify a locus of responsibility for iden-  
23     tifying, evaluating and meeting the service needs for  
24     prevention of juvenile crime and rehabilitation of  
25     adjudicated juveniles, the commissioner shall prepare  
26     an administrative plan which delineates the division  
27     of responsibilities for performing the functions of  
28     the department described in this chapter.

29            1. Description of responsibilities. The plan  
30     shall describe both supervisory and line responsibil-  
31     ities.

32            2. Submission. The initial plan shall be sub-  
33     mitted to the Governor and the Legislature in January  
34     of 1979 and revised plans shall be submitted to the  
35     Legislature in January of each subsequent year.

36     §7004. Transfer



1        1. Approval. The department may transfer any  
2 juvenile committed to its care from one facility or  
3 program to another, except that, before any juvenile  
4 is transferred, he shall be examined and evaluated  
5 and the evaluation shall be reviewed and approved by  
6 the commissioner.

7        2. Emergency exception. When the commissioner  
8 finds that the welfare and protection of a juvenile  
9 or others requires the juvenile's immediate transfer  
10 to another facility, he shall make the transfer prior  
11 to the examination and evaluation of the juvenile.

12        3. Restrictive placements. Restrictive place-  
13 ments are governed as follows.

14        A. Notwithstanding subsections 1 and 2, the  
15 transfer of any juvenile from a less restrictive  
16 placement to a more restrictive placement shall  
17 be reviewed by the Juvenile Court that originally  
18 ordered the juvenile's placement within 48 hours  
19 of the transfer, excluding Saturdays, Sundays and  
20 legal holidays.

21        B. In order to continue the more restrictive  
22 placement, a court must find:

23                (1) That it is necessary to protect the  
24 juvenile or protect the community; and

25                (2) That no other available less restric-  
26 tive placement will protect the juvenile or  
27 the community.

28        C. Notwithstanding paragraph A, the commissioner  
29 may not place any juvenile committed to the  
30 department in an adult correctional facility.

31        §7005. Agreements and contracts with public and pri-  
32 ivate agencies

33        1. Commissioner's power. The commissioner may  
34 enter into agreements or contracts with any govern-  
35 mental unit or agency or private facility or program  
36 cooperating or willing to cooperate in a program to  
37 carry out the purposes of this chapter and Title 15,  
38 Part 6.

1           2. Nature of agreements or con-  
2 tracts. Agreements or contracts entered into under  
3 subsection 1 may provide, among other things, for the  
4 type of work to be performed, for the rate of payment  
5 for that work and for other matters relating to the  
6 care and treatment of juveniles.

7           3. Custody. Placement of juveniles by the  
8 department in any public or private facility or pro-  
9 gram not under the jurisdiction of the department  
10 does not terminate the legal custody of the depart-  
11 ment.

12           4. Inspection. The department may inspect all  
13 facilities used by it and may examine and consult  
14 with persons in its legal custody who have been  
15 placed in any such facility.

16       §7006. Administrators of facilities and programs

17           A chief administrative officer of a facility or  
18 program with which the department contracts for ser-  
19 vices shall:

20           1. Report. Report to the commissioner at such  
21 times and on such matters as the commissioner may re-  
22 quire;

23           2. Receipt of juveniles. Receive, subject to  
24 limitations on physical capacity and programs, all  
25 juveniles committed to the custody of the department  
26 and placed in his care under the provisions of Title  
27 15, Part 6, and keep them for rehabilitation, educa-  
28 tion and training until discharged by law or under  
29 the rules of the department or released on probation;  
30 and

31           3. Evaluations. Secure a careful and thorough  
32 evaluation of every juvenile placed under his care at  
33 intervals no greater than 6 months, that evaluation  
34 to ascertain whether the juvenile should be released,  
35 whether his program should be modified or whether his  
36 transfer to another facility should be recommended.

37       §7007. Rules

1       The commissioner shall develop and promulgate, by  
2       January, 1979, such rules as may be necessary to  
3       enable the department to carry out its responsibilities  
4       as prescribed in this chapter. When portions of  
5       the rules relate to staff or services administered by  
6       another state agency, those portions shall be developed  
7       and approved jointly with that other agency.

8       §7008. Expenses for transporting children long distances  
9

10       The department shall pay any expenses incurred by  
11       local agencies for transporting a juvenile more than  
12       100 miles, pursuant to the provisions of Title 15,  
13       Part 6, or of this chapter to an intake worker, to a  
14       placement directed by the intake worker or to a Juvenile  
15       Court.

16       §7009. Community conference committee

17       In any district in which an intake worker is  
18       established, the commissioner may appoint a community  
19       conference committee composed of citizen volunteers.

20       1. Membership. The committee shall consist of  
21       at least 10 members, but not more than 15 members, of  
22       whom 5 shall constitute a quorum.

23       2. Compensation. Members may not be compensated  
24       for their services.

25       3. Alternative diversionary resource. The committee  
26       shall serve as an alternative diversionary  
27       resource for juvenile offenders.

28       4. Guidelines. The commissioner shall promulgate  
29       guidelines for the functioning of community conference  
30       committees.

31       5. Additional committees. This section does not  
32       prohibit the appointment of more than one community  
33       conference committee within an intake district by the  
34       intake worker, with the approval of the commissioner.

35       CHAPTER 9

1 INTERSTATE COMPACTS

2 SUBCHAPTER I

3 UNIFORM INTERSTATE COMPACT ON JUVENILES

4 §9001. Findings and purposes--Article I

5 The contracting states solemnly agree:

6 That juveniles who are not under proper super-  
7 vision and control, or who have absconded, escaped or  
8 run away, are likely to endanger their own health,  
9 morals and welfare, and the health, morals and wel-  
10 fare of others. The cooperation of the states party  
11 to this compact is therefore necessary to provide for  
12 the welfare and protection of juveniles and of the  
13 public with respect to:

14 1. Cooperative supervision. Cooperative super-  
15 vision of delinquent juveniles on probation or  
16 parole;

17 2. Return of delinquent juveniles. The return,  
18 from one state to another, of delinquent juveniles  
19 who have escaped or absconded;

20 3. Return of nondelinquent juveniles. The  
21 return, from one state to another, of nondelinquent  
22 juveniles who have run away from home; and

23 4. Additional measures undertaken coopera-  
24 tively. Additional measures for the protection of  
25 juveniles and of the public, which any 2 or more of  
26 the party states may find desirable to undertake  
27 cooperatively. In carrying out this compact, the  
28 party states shall be guided by the noncriminal,  
29 reformatory and protective policies which guide their  
30 laws concerning delinquent, neglected or dependent  
31 juveniles generally. It shall be the policy of the  
32 states party to this compact to cooperate and observe  
33 their respective responsibilities for the prompt  
34 return and acceptance of juveniles and delinquent  
35 juveniles who become subject to this compact. This  
36 compact shall be reasonably and liberally construed  
37 to accomplish the foregoing purposes.

1     §9002. Existing rights and remedies--Article II

2             All remedies and procedures provided by this com-  
3 compact shall be in addition to and not in substitution  
4 for other rights, remedies and procedures, and shall  
5 not be in derogation of parental rights and responsi-  
6 bilities.

7     §9003. Definitions--Article III

8             For the purposes of this compact:

9             1. Court. "Court" means any court having juris-  
10 isdiction over delinquent, neglected or dependent chil-  
11 dren;

12            2. Delinquent juvenile. "Delinquent juvenile"  
13 means any juvenile who has been adjudged delinquent  
14 and who, at the time the provisions of this compact  
15 are invoked, is still subject to the jurisdiction of  
16 the court that has made such adjudication or to the  
17 jurisdiction or supervision of an agency or institu-  
18 tion pursuant to an order of such court;

19            3. Probation or parole. "Probation or parole"  
20 means any kind of conditional release of juveniles  
21 authorized under the laws of the state party hereto;

22            4. Residence. "Residence" or any variant  
23 thereof means a place at which a home or regular  
24 place of abode is maintained;

25            5. State. "State" means any state, territory or  
26 possession of the United States, the District of  
27 Columbia and the Commonwealth of Puerto Rico;

28            6. Minor. "Minor" means any person who has not  
29 attained the age of 18 years. A person charged with  
30 or convicted of a crime as an adult in a demanding  
31 state, whose extradition from this State is sought by  
32 the demanding state shall be subject to the provi-  
33 sions of Title 15, sections 201 to 229, although the  
34 person is a minor under the laws of this State; and

35            7. Adult. "Adult" means a person who has  
36 attained the age of 18 years.

1     §9004. Return of runaways--Article IV

2             1. Requisition for return of juvenile. The  
3     parent, guardian, person or agency entitled to legal  
4     custody of a juvenile who has not been adjudged  
5     delinquent, but who has run away without the consent  
6     of such parent, guardian, person or agency, may peti-  
7     tion the appropriate court in the demanding state for  
8     the issuance of a requisition for his return. The  
9     petition shall state the name and age of the juve-  
10    nile, the name of the petitioner and the basis of  
11    entitlement to the juvenile's custody, the circum-  
12    stances of his running away, his location if known at  
13    the time application is made, and such other facts as  
14    may tend to show that the juvenile who has run away  
15    is endangering his own welfare or the welfare of  
16    others and is not an emancipated minor. The petition  
17    shall be verified by affidavit, shall be executed in  
18    duplicate and shall be accompanied by 2 certified  
19    copies of the document or documents on which the  
20    petitioner's entitlement to the juvenile's custody is  
21    based, such as birth certificates, letters of guard-  
22    ianship or custody decrees. Such further affidavits  
23    and other documents as may be deemed proper may be  
24    submitted with such petition. The judge of the court  
25    to which this application is made may hold a hearing  
26    thereon to determine whether for the purposes of this  
27    compact the petitioner is entitled to the legal cus-  
28    tody of the juvenile, whether or not it appears that  
29    the juvenile has in fact run away without consent,  
30    whether or not he is an emancipated minor, and  
31    whether or not it is in the best interest of the  
32    juvenile to compel his return to the state. If the  
33    judge determines, either with or without a hearing,  
34    that the juvenile should be returned, he shall  
35    present to the appropriate court or to the executive  
36    authority of the state where the juvenile is alleged  
37    to be located a written requisition for the return of  
38    such juvenile. Such requisition shall set forth the  
39    name and age of the juvenile, the determination of  
40    the court that the juvenile has run away without the  
41    consent of a parent, guardian, person or agency enti-  
42    tled to his legal custody, and that it is in the best  
43    interest and for the protection of such juvenile that  
44    he be returned. In the event that a proceeding for  
45    the adjudication of the juvenile as a delinquent,  
46    neglected or dependent juvenile is pending in the

1 court at the time when such juvenile runs away, the  
2 court may issue a requisition for the return of such  
3 juvenile upon its own motion, regardless of the con-  
4 sent of the parent, guardian, person or agency enti-  
5 tled to legal custody, reciting therein the nature  
6 and circumstances of the pending proceeding. The  
7 requisition shall in every case be executed in dupli-  
8 cate and shall be signed by the judge. One copy of  
9 the requisition shall be filed with the compact  
10 administrator of the demanding state, there to remain  
11 on file subject to the law governing records of such  
12 court. Upon the receipt of a requisition demanding  
13 the return of a juvenile who has run away, the court  
14 or the executive authority to whom the requisition is  
15 addressed shall issue an order to any peace officer  
16 or other appropriate person directing him to take  
17 into custody and detain such juvenile. Such deten-  
18 tion order must substantially recite the facts neces-  
19 sary to the validity of its issuance hereunder. No  
20 juvenile detained upon such order shall be delivered  
21 over to the officer whom the court demanding him  
22 shall have appointed to receive him, unless he shall  
23 first be taken forthwith before a judge of a court in  
24 the state, who shall inform him of the demand made  
25 for his return, and who may appoint counsel or  
26 guardian ad litem for him. If the judge of such  
27 court shall find that the requisition is in order, he  
28 shall deliver such juvenile over to the officer whom  
29 the court demanding him shall have appointed to  
30 receive him. The judge, however, may fix a reason-  
31 able time to be allowed for the purpose of testing  
32 the legality of the proceeding.

33 Upon reasonable information that a person is a juve-  
34 nile who has run away from another state party to  
35 this compact without the consent of a parent,  
36 guardian, person or agency entitled to his legal cus-  
37 tody, such juvenile may be taken into custody without  
38 a requisition and brought forthwith before a judge of  
39 the appropriate court who may appoint counsel or  
40 guardian ad litem for such juvenile and who shall  
41 determine after a hearing whether sufficient cause  
42 exists to hold the person, subject to the order of  
43 the court, for his own protection and welfare, for  
44 such a time not exceeding 90 days as will enable his  
45 return to another state party to this compact pur-  
46 suant to a requisition for his return from a court of

1 that state. If, at the time when a state seeks the  
2 return of a juvenile who has run away, there is pend-  
3 ing in the state wherein he is found any criminal  
4 charge, or any proceeding to have him adjudicated a  
5 delinquent juvenile for an act committed in such  
6 state, or if he is suspected of having committed  
7 within such state a criminal offense or an act of  
8 juvenile delinquency, he shall not be returned with-  
9 out the consent of such state until discharged from  
10 prosecution or other form of proceeding, imprison-  
11 ment, detention or supervision for such offense or  
12 juvenile delinquency. The duly accredited officers  
13 of any state party to this compact, upon the estab-  
14 lishment of their authority and the identity of the  
15 juvenile being returned, shall be permitted to trans-  
16 port such juvenile through any and all states party  
17 to this compact, without interference. Upon his  
18 return to the state from which he ran away, the juve-  
19 nile shall be subject to such further proceedings as  
20 may be appropriate under the laws of that state.

21 2. Transportation costs. The state to which a  
22 juvenile is returned under this Article shall be  
23 responsible for payment of the transportation costs  
24 of such return.

25 3. Juvenile defined. "Juvenile," as used in  
26 this Article, means any person who is a minor under  
27 the law of the state of residence of the parent,  
28 guardian, person or agency entitled to the legal cus-  
29 tody of such minor.

30 §9005. Return of escapees and absconders--Article V

31 1. Requisition for return of delinquent juve-  
32 nile. The appropriate person or authority from whose  
33 probation or parole supervision a delinquent juvenile  
34 has absconded or from whose institutional custody he  
35 has escaped shall present to the appropriate court or  
36 to the executive authority of the state where the  
37 delinquent juvenile is alleged to be located a writ-  
38 ten requisition for the return of such delinquent  
39 juvenile. Such requisition shall state the name and  
40 age of the delinquent juvenile, the particulars of  
41 his adjudication as a delinquent juvenile, the cir-  
42 cumstances of the breach of the terms of his proba-  
43 tion or parole or of his escape from an institution



1 or agency vested with his legal custody or super-  
2 vision and the location of such delinquent juvenile,  
3 if known, at the time the requisition is made. The  
4 requisition shall be verified by affidavit, shall be  
5 executed in duplicate, and shall be accompanied by 2  
6 certified copies of the judgment, formal adjudica-  
7 tion, or order of commitment which subjects such  
8 delinquent juvenile to probation or parole or to the  
9 legal custody of the institution or agency concerned.  
10 Such further affidavits and other documents as may be  
11 deemed proper may be submitted with such requisition.  
12 One copy of the requisition shall be filed with the  
13 compact administrator of the demanding state, there  
14 to remain on file subject to the law governing  
15 records of the appropriate court. Upon the receipt  
16 of a requisition demanding the return of a delinquent  
17 juvenile who has absconded or escaped, the court or  
18 the executive authority to whom the requisition is  
19 addressed shall issue an order to any peace officer  
20 or other appropriate person directing him to take  
21 into custody and detain such delinquent juvenile.  
22 Such detention order must substantially recite the  
23 facts necessary to the validity of its issuance here-  
24 under. No delinquent juvenile detained upon such  
25 order shall be delivered over to the officer whom the  
26 appropriate person or authority demanding him shall  
27 have appointed to receive him, unless he shall first  
28 be taken forthwith before a judge of an appropriate  
29 court in the state, who shall inform him of the  
30 demand made for his return and who may appoint coun-  
31 sel or guardian ad litem for him. If the judge of  
32 such court shall find that the requisition is in  
33 order, he shall deliver such delinquent juvenile over  
34 to the officer whom the appropriate person or author-  
35 ity demanding him shall have appointed to receive  
36 him. The judge may fix a reasonable time to be  
37 allowed for the purpose of testing the legality of  
38 the proceeding.

39 Upon reasonable information that a person is a delin-  
40 quent juvenile who has absconded while on probation  
41 or parole, or escaped from an institution or agency  
42 vested with his legal custody or supervision in any  
43 state party to this compact, such person may be taken  
44 into custody in any other state party to this compact  
45 without a requisition. In such event, he must be  
46 taken forthwith before a judge of the appropriate

1 court, who may appoint counsel or guardian ad litem  
2 for such person and who shall determine, after a  
3 hearing, whether sufficient cause exists to hold the  
4 person subject to the order of the court for such a  
5 time, not exceeding 90 days, as will enable his  
6 detention under a detention order issued on a requi-  
7 sition pursuant to this Article. If, at the time  
8 when a state seeks the return of a delinquent juve-  
9 nile who has either absconded while on probation or  
10 parole or escaped from an institution or agency  
11 vested with his legal custody or supervision, there  
12 is pending in the state wherein he is detained any  
13 criminal charge or any proceeding to have him adjudi-  
14 cated a delinquent juvenile for an act committed in  
15 such state, or if he is suspected of having committed  
16 within such state a criminal offense or an act of  
17 juvenile delinquency, he shall not be returned with-  
18 out the consent of such state until discharged from  
19 prosecution or other form of proceeding, imprison-  
20 ment, detention or supervision for such offense or  
21 juvenile delinquency. The duly accredited officers  
22 of any state party to this compact, upon the estab-  
23 lishment of their authority and the identity of the  
24 delinquent juvenile being returned, shall be permit-  
25 ted to transport such delinquent juvenile through any  
26 and all states party to this compact, without inter-  
27 ference. Upon his return to the state from which he  
28 escaped or absconded, the delinquent juvenile shall  
29 be subject to such further proceedings as may be  
30 appropriate under the laws of that state.

31 2. Transportation costs. The state to which a  
32 delinquent juvenile is returned under this Article  
33 shall be responsible for payment of the transporta-  
34 tion costs of such return.

35 §9006. Voluntary return procedure--Article VI

36 Any delinquent juvenile who has absconded while  
37 on probation or parole, or escaped from an institu-  
38 tion or agency vested with his legal custody or  
39 supervision in any state party to this compact, and  
40 any juvenile who has run away from any state party to  
41 this compact, who is taken into custody without a  
42 requisition in another state party to this compact  
43 under Article IV, subsection 1, or Article V, subsec-  
44 tion 1, may consent to his immediate return to the

1 state from which he absconded, escaped or run away.  
2 Such consent shall be given by the juvenile or delin-  
3 quent juvenile and his counsel or guardian ad litem,  
4 if any, by executing or subscribing a writing, in the  
5 presence of a judge of the appropriate court, which  
6 states that the juvenile or delinquent juvenile and  
7 his counsel or guardian ad litem, if any, consent to  
8 his return to the demanding state. Before such con-  
9 sent shall be executed or subscribed, the judge, in  
10 the presence of counsel or guardian ad litem, if any,  
11 shall inform the juvenile or delinquent juvenile of  
12 his rights under this compact. When the consent has  
13 been duly executed, it shall be forwarded to and  
14 filed with the compact administrator of the state in  
15 which the court is located and the judge shall direct  
16 the officer having the juvenile or delinquent juve-  
17 nile in custody to deliver him to the duly accredited  
18 officer or officers of the state demanding his  
19 return, and shall cause to be delivered to such offi-  
20 cer or officers a copy of the consent. The court  
21 may, upon the request of the state to which the juve-  
22 nile or delinquent juvenile is being returned, order  
23 him to return unaccompanied to such state and shall  
24 provide him with a copy of such court order; in such  
25 event, a copy of the consent shall be forwarded to  
26 the compact administrator of the state to which said  
27 juvenile or delinquent juvenile is ordered to return.

28 §9006-A. Rendition amendment--Article VI-A

29 All provisions and procedures of Articles V and  
30 VI of the Uniform Interstate Compact on Juveniles  
31 shall be construed to apply to any juvenile charged  
32 with being a delinquent by reason of a violation of  
33 any criminal law. Any juvenile, charged with being a  
34 delinquent by reason of violating any criminal law,  
35 shall be returned to the requesting state upon a  
36 requisition to the state where the juvenile may be  
37 found. A petition in such case shall be filed in a  
38 court of competent jurisdiction in the requesting  
39 state where the violation of criminal law is alleged  
40 to have been committed. The petition may be filed  
41 regardless of whether the juvenile left the state  
42 before or after the filing of the petition. The  
43 requisition described in Article V of the compact  
44 shall be forwarded by the judge of the court in which  
45 the petition has been filed.

1        This provision shall apply regardless of whether  
2        the requesting state has also adopted it.

3        §9007. Cooperative supervision of probationers and  
4        parolees--Article VII

5        1. Permission for delinquent juvenile to reside  
6        in receiving state. The duly constituted judicial  
7        and administrative authorities of a state party to  
8        this compact, herein called "sending state," may  
9        permit any delinquent juvenile within such state,  
10       placed on probation or parole, to reside in any other  
11       state party to this compact, herein called "receiving  
12       state," while on probation or parole, and the receiv-  
13       ing state shall accept such delinquent juvenile, if  
14       the parent, guardian or person entitled to the legal  
15       custody of such delinquent juvenile is residing or  
16       undertakes to reside within the receiving state.  
17       Before granting such permission, opportunity shall be  
18       given to the receiving state to make such investiga-  
19       tions as it deems necessary. The authorities of the  
20       sending state shall send to the authorities of the  
21       receiving state copies of pertinent court orders,  
22       social case studies and all other available informa-  
23       tion which may be of value to and assist the receiv-  
24       ing state in supervising a probationer or parolee  
25       under this compact. A receiving state, in its dis-  
26       cretion, may agree to accept supervision of a proba-  
27       tioner or parolee in cases where the parent, guardian  
28       or person entitled to the legal custody of the delin-  
29       quent juvenile is not a resident of the receiving  
30       state, and if so accepted the sending state may  
31       transfer supervision accordingly.

32       2. Duties of receiving state. Each receiving  
33       state will assume the duties of visitation and of  
34       supervision over any such delinquent juvenile and in  
35       the exercise of those duties will be governed by the  
36       same standards of visitation and supervision that  
37       prevail for its own delinquent juveniles released on  
38       probation or parole.

39       3. Returning delinquent juvenile. After consul-  
40       tation between the appropriate authorities of the  
41       sending state and of the receiving state as to the  
42       desirability and necessity of returning such a delin-  
43       quent juvenile, the duly accredited officers of a

1 sending state may enter a receiving state and there  
2 apprehend and retake any such delinquent juvenile on  
3 probation or parole. For that purpose, no formal-  
4 ities will be required, other than establishing the  
5 authority of the officer and the identity of the  
6 delinquent juvenile to be retaken and returned. The  
7 decision of the sending state to retake a delinquent  
8 juvenile on probation or parole shall be conclusive  
9 upon and not reviewable within the receiving state,  
10 but if, at the time the sending state seeks to retake  
11 a delinquent juvenile on probation or parole, there  
12 is pending against him within the receiving state any  
13 criminal charge or any proceeding to have him adjudi-  
14 cated a delinquent juvenile for any act committed in  
15 such state, or if he is suspected of having committed  
16 within such state a criminal offense or an act of  
17 juvenile delinquency, he shall not be returned with-  
18 out the consent of the receiving state until dis-  
19 charged from prosecution or other form of proceeding,  
20 imprisonment, detention or supervision for such  
21 offense or juvenile delinquency. The duly accredited  
22 officers of the sending state shall be permitted to  
23 transport delinquent juveniles being so returned  
24 through any and all states party to this compact,  
25 without interference.

26 4. Transportation costs. The sending state  
27 shall be responsible under this Article for paying  
28 the costs of transporting any delinquent juvenile to  
29 the receiving state or of returning any delinquent  
30 juvenile to the sending state.

31 §9008. Responsibility for costs--Article VIII

32 1. Internal relationships not affected. Article  
33 IV, subsection 2, Article V, subsection 2, and Arti-  
34 cle VII, subsection 4 of this compact shall not be  
35 construed to alter or affect any internal relation-  
36 ship among the departments, agencies and officers of  
37 and in the government of a party state, or between a  
38 party state and its subdivisions, as to the payment  
39 of costs, or responsibilities therefor.

40 2. Asserting rights for costs. Nothing in this  
41 compact shall be construed to prevent any party state  
42 or subdivision thereof from asserting any right  
43 against any person, agency or other entity in regard

1 to costs for which such party state or subdivision  
2 thereof may be responsible pursuant to Article IV,  
3 subsection 2, Article V, subsection 2, or Article  
4 VII, subsection 4 of this compact.

5 §9009. Detention practices--Article IX

6 To every extent possible, it shall be the policy  
7 of states party to this compact that no juvenile or  
8 delinquent juvenile shall be placed or detained in  
9 any prison, jail or lockup nor be detained or trans-  
10 ported in association with criminal, vicious or dis-  
11 solute persons.

12 §9010. Supplementary agreements--Article X

13 The duly constituted administrative authorities  
14 of a state party to this compact may enter into  
15 supplementary agreements with any other state or  
16 states party hereto for the cooperative care, treat-  
17 ment and rehabilitation of delinquent juveniles when-  
18 ever they shall find that such agreements will  
19 improve the facilities or programs available for such  
20 care, treatment and rehabilitation. Such care,  
21 treatment and rehabilitation may be provided in an  
22 institution located within any state entering into  
23 such supplementary agreement. Such supplementary  
24 agreements shall:

25 1. Rates. Provide the rates to be paid for the  
26 care, treatment and custody of such delinquent juve-  
27 niles, taking into consideration the character of  
28 facilities, services and subsistence furnished;

29 2. Court hearing. Provide that the delinquent  
30 juvenile shall be given a court hearing prior to his  
31 being sent to another state for care, treatment and  
32 custody;

33 3. Receiving state agent of sending  
34 state. Provide that the state receiving such a  
35 delinquent juvenile in one of its institutions shall  
36 act solely as agent for the state sending such delin-  
37 quent juvenile;

38 4. Sending state to retain jurisdic-  
39 tion. Provide that the sending state shall at all

1 times retain jurisdiction over a delinquent juvenile  
2 sent to an institution in another state;

3 5. Inspection. Provide for reasonable inspec-  
4 tion of such institutions by the sending state;

5 6. Consent of parent, guardian or custo-  
6 dian. Provide that the consent of the parent,  
7 guardian, person or agency entitled to the legal cus-  
8 tody of said delinquent juvenile shall be secured  
9 prior to his being sent to another state; and

10 7. Other matters and details. Make provision  
11 for such other matters and details as shall be neces-  
12 sary to protect the rights and equities of such  
13 delinquent juveniles and of the cooperating states.

14 §9011. Acceptance of federal and other aid--Article  
15 XI

16 Any state party to this compact may accept any  
17 and all donations, gifts and grants of money, equip-  
18 ment and services from the federal or any local gov-  
19 ernment, or any agency thereof and from any person,  
20 firm or corporation, for any of the purposes and  
21 functions of this compact, and may receive and util-  
22 ize the same, subject to the terms, conditions and  
23 regulations governing such donations, gifts and  
24 grants.

25 §9012. Compact administrators--Article XII

26 The governor of each state party to this compact  
27 shall designate an officer who, acting jointly with  
28 like officers of other party states, shall promulgate  
29 rules and regulations to carry out more effectively  
30 the terms and provisions of this compact.

31 §9013. Execution of compact--Article XIII

32 This compact shall become operative immediately  
33 upon its execution by any state as between it and any  
34 other state or states so executing. When executed,  
35 it shall have the full force and effect of law within  
36 such state, the form of execution to be in accordance  
37 with the laws of the executing state.

1     §9014. Renunciation--Article XIV

2         This compact shall continue in force and remain  
3 binding upon each executing state until renounced by  
4 it. Renunciation of this compact shall be by the  
5 same authority which executed it, by sending 6  
6 months' notice in writing of its intention to with-  
7 draw from the compact to the other states party  
8 hereto. The duties and obligations of a renouncing  
9 state under Article VII shall continue as to parolees  
10 and probationers residing therein at the time of  
11 withdrawal until retaken or finally discharged.  
12 Supplementary agreements entered into under Article X  
13 shall be subject to renunciation as provided by such  
14 supplementary agreements, and shall not be subject to  
15 the 6 months' renunciation notice of the present  
16 Article.

17     §9015. Severability--Article XV

18         The provisions of this compact shall be severable  
19 and if any phrase, clause, sentence or provision of  
20 this compact is declared to be contrary to the con-  
21 stitution of any participating state or of the United  
22 States or the applicability thereof to any govern-  
23 ment, agency, person or circumstances is held  
24 invalid, the validity of the remainder of this com-  
25 compact and the applicability thereof to any government,  
26 agency, person or circumstance shall not be affected  
27 thereby. If this compact shall be held contrary to  
28 the constitution of any state participating therein,  
29 the compact shall remain in full force and effect as  
30 to the remaining states and in full force and effect  
31 as to the state affected as to all severable matters.

32     §9016. Action by Governor

33         The Governor of this State is authorized and  
34 directed to execute a compact on behalf of the State  
35 with any of the states of the United States legally  
36 joining therein in the form substantially as provided  
37 in this chapter.

38                     SUBCHAPTER II

39             NEW ENGLAND INTERSTATE CORRECTIONS COMPACT



1     §9201. Purpose and policy--Article I

2         The party states, desiring by common action to  
3     fully utilize and improve their institutional facili-  
4     ties and provide adequate programs for the confine-  
5     ment, treatment and rehabilitation of various types  
6     of offenders, declare that it is the policy of each  
7     of the party states to provide such facilities and  
8     programs on a basis of cooperation with one another,  
9     thereby serving the best interests of such offenders  
10    and of society and effecting economies in capital  
11    expenditures and operational costs. The purpose of  
12    this compact is to provide for the mutual development  
13    and execution of such programs of cooperation for the  
14    confinement, treatment and rehabilitation of offend-  
15    ers with the most economical use of human and mate-  
16    rial resources.

17    §9202. Definitions--Article II

18         As used in this compact, unless the context  
19     otherwise indicates, the following terms have the  
20     following meanings.

21         1. Inmate. "Inmate" means a male or female  
22     offender who is committed, under sentence to or con-  
23     fined in a penal or correctional institution.

24         2. Institution. "Institution" means any penal  
25     or correctional facility, including, but not limited  
26     to, a facility for the mentally ill or mentally  
27     defective, in which inmates, as defined in subsection  
28     1, may lawfully be confined.

29         3. Receiving state. "Receiving state" means a  
30     state party to this compact to which an inmate is  
31     sent for confinement other than a state in which con-  
32     viction or court commitment was had.

33         4. Sending state. "Sending state" means a state  
34     party to this compact in which conviction or court  
35     commitment was had.

36         5. State. "State" means a state of the United  
37     States, located in New England, to wit, Maine, New  
38     Hampshire, Vermont, Massachusetts, Connecticut and  
39     Rhode Island.

1     §9203. Contracts--Article III

2             Each party state may make one or more contracts  
3     with any one or more of the other party states for  
4     the confinement of inmates on behalf of a sending  
5     state in institutions situated within receiving  
6     states. Any such contract shall provide for:

7             1. Duration. Its duration;

8             2. Payments. Payments to be made to the receiv-  
9     ing state by the sending state for inmate mainte-  
10    nance, extraordinary medical and dental expenses, and  
11    any participation in or receipt by inmates of reha-  
12    ilitative or correctional services' facilities, pro-  
13    grams or treatment not reasonably included as part of  
14    normal maintenance;

15            3. Employment. Participation in programs of  
16    inmate employment, if any; the disposition or credit-  
17    ing of any payments received by inmates on account  
18    thereof; and the crediting of proceeds from or dis-  
19    posal of any products resulting therefrom;

20            4. Inmate delivery. Delivery and retaking of  
21    inmates; and

22            5. Other matters. Such other matters as may be  
23    necessary and appropriate to fix the obligations,  
24    responsibilities and rights of the sending and  
25    receiving states.

26            Subject to legislative approval by the states  
27    concerned and prior to the construction or completion  
28    of construction of any institution or addition  
29    thereto by a party state, any other party state or  
30    states may contract therewith for the enlargement of  
31    the planned capacity of the institution or addition  
32    thereto, or for the inclusion therein of particular  
33    equipment or structures, and for the reservation of a  
34    specific percentum of the capacity of the institution  
35    to be kept available for use by inmates of the  
36    sending state or states so contracting. Any sending  
37    state so contracting may, to the extent that moneys  
38    are legally available therefor, pay to the receiving  
39    state a reasonable sum as consideration for such  
40    enlargement of capacity, or provision of equipment or

1 structures, and reservation of capacity. Such pay-  
2 ment may be in a lump sum or in installments as pro-  
3 vided in the contract.

4 The terms and provisions of this compact shall be  
5 a part of any contract entered into by the authority  
6 of or pursuant thereto, and nothing in any such con-  
7 tract shall be inconsistent therewith.

8 §9204. Procedures and rights--Article IV

9 Whenever the duly constituted authorities in a  
10 state party to this compact, and which has entered  
11 into a contract pursuant to Article III, shall decide  
12 that confinement in, or transfer of an inmate to, an  
13 institution within the territory of another party  
14 state is necessary or desirable in order to provide  
15 adequate quarters and care or an appropriate program  
16 of rehabilitation or treatment, said officials may  
17 direct that the confinement be within an institution  
18 within the territory of said other party state, the  
19 receiving state to act in that regard solely as agent  
20 for the sending state.

21 The appropriate officials of any state party to  
22 this compact shall have access, at all reasonable  
23 times, to any institution in which it has a contrac-  
24 tual right to confine inmates for the purpose of  
25 inspecting the facilities thereof and visiting such  
26 of its inmates as may be confined in the institution.

27 Inmates confined in an institution pursuant to  
28 the terms of this compact shall at all times be sub-  
29 ject to the jurisdiction of the sending state and may  
30 at any time be removed therefrom for transfer to a  
31 prison or other institution within the sending state,  
32 for transfer to another institution in which the  
33 sending state may have a contractual or other right  
34 to confine inmates, for release on probation or  
35 parole, for discharge, or for any other purpose per-  
36 mitted by the laws of the sending state; provided  
37 that the sending state shall continue to be obligated  
38 to such payments as may be required pursuant to the  
39 terms of any contract entered into under the terms of  
40 Article III.

1        Each receiving state shall provide regular  
2 reports to each sending state on the inmates of that  
3 sending state in institutions pursuant to this com-  
4 compact, including a conduct record of each inmate, and  
5 certify said record to the official designated by the  
6 sending state, in order that each inmate may have  
7 official review of his or her record in determining  
8 and altering the disposition of the inmate in accor-  
9 dance with the law which may obtain in the sending  
10 state and in order that the same may be a source of  
11 information for the sending state.

12        All inmates who may be confined in an institution  
13 pursuant to this compact shall be treated in a  
14 reasonable and humane manner and shall be treated  
15 equally with such similar inmates of the receiving  
16 state as may be confined in the same institution.  
17 The fact of confinement in a receiving state shall  
18 not deprive any inmate so confined of any legal  
19 rights which the inmate would have had if confined in  
20 an appropriate institution of the sending state.

21        Any hearing or hearings to which an inmate con-  
22 fined pursuant to this compact may be entitled by the  
23 laws of the sending state may be had before the  
24 appropriate authorities of the sending state, or of  
25 the receiving state if authorized by the sending  
26 state. The receiving state shall provide adequate  
27 facilities for such hearings as may be conducted by  
28 the appropriate officials of a sending state. In the  
29 event such hearing or hearings are had before offi-  
30 cials of the receiving state, the governing law shall  
31 be that of the sending state and a record of the  
32 hearing or hearings as prescribed by the sending  
33 state shall be made. Said record together with any  
34 recommendations of the hearing officials shall be  
35 transmitted forthwith to the official or officials  
36 before whom the hearing would have been had if it had  
37 taken place in the sending state. In any and all  
38 proceedings had pursuant to this paragraph, the offi-  
39 cials of the receiving state shall act solely as  
40 agents of the sending state and no final determina-  
41 tion shall be made in any matter except by the appro-  
42 priate officials of the sending state.

43        Any inmate confined pursuant to this compact  
44 shall be released within the territory of the sending

1 state, unless the inmate and the sending and receiv-  
2 ing states shall agree upon release in some other  
3 place. The sending state shall bear the cost of such  
4 return to its territory.

5 Any inmate confined pursuant to the terms of this  
6 compact shall have any and all rights to participate  
7 in and derive any benefits or incur or be relieved of  
8 any obligations or have such obligations modified or  
9 his status changed on account of any action or pro-  
10 ceeding in which he could have participated if con-  
11 fined in any appropriate institution of the sending  
12 state located within such state.

13 The parent, guardian, trustee or other person or  
14 persons entitled under the laws of the sending state  
15 to act for, advise or otherwise function with respect  
16 to any inmate shall not be deprived of or restricted  
17 in his exercise of any power in respect of any inmate  
18 confined pursuant to the terms of this compact.

19 §9205. Acts not reviewable in receiving state;  
20 extradition--Article V

21 Any decision of the sending state in respect of  
22 any matter over which it retains jurisdiction pur-  
23 suant to this compact shall be conclusive upon and  
24 not reviewable within the receiving state, but if, at  
25 the time the sending state seeks to remove an inmate  
26 from an institution in the receiving state, there is  
27 pending against the inmate within such state any  
28 criminal charge or if the inmate is formally accused  
29 of having committed within such state a criminal  
30 offense, the inmate shall not be returned without the  
31 consent of the receiving state until discharged from  
32 prosecution or other form of proceeding, imprisonment  
33 or detention for such offense. The duly accredited  
34 officers of the sending state shall be permitted to  
35 transport inmates pursuant to this compact through  
36 any and all states party to this compact without  
37 interference.

38 Any inmate who escapes from an institution in  
39 which he is confined pursuant to this compact shall  
40 be deemed a fugitive from the sending state and from  
41 the state in which the institution is situated. In  
42 the case of an escape to a jurisdiction other than

1 the sending or receiving state, the responsibility  
2 for institution of extradition or rendition proceed-  
3 ings shall be that of the sending state, but nothing  
4 contained herein shall be construed to prevent or  
5 affect the activities of officers and agencies of any  
6 jurisdiction directed toward the apprehension and  
7 return of an escapee.

8 §9206. Federal aid--Article VI

9 Any state party to this compact may accept fed-  
10 eral aid for use in connection with any institution  
11 or program, the use of which is or may be affected by  
12 this compact or any contract pursuant hereto and any  
13 inmate in a receiving state pursuant to this compact  
14 may participate in any such federally aided program  
15 or activity for which the sending and receiving  
16 states have made contractual provision, provided  
17 that, if such program or activity is not part of the  
18 customary correctional regimen, the express consent  
19 of the appropriate official of the sending state  
20 shall be required therefor.

21 §9207. Entry into force--Article VII

22 This compact shall enter into force and become  
23 effective and binding upon the states so acting when  
24 it has been enacted into law by any 2 states from  
25 among the states of New England. Thereafter, this  
26 compact shall enter into force and become effective  
27 and binding as to any other of said states upon simi-  
28 lar action by such state.

29 §9208. Withdrawal and termination--Article VIII

30 This compact shall continue in force and remain  
31 binding upon a party state until it shall have  
32 enacted a statute repealing the same and providing  
33 for the sending of formal written notice of with-  
34 drawal from the compact to the appropriate officials  
35 of all other party states. An actual withdrawal  
36 shall not take effect until one year after the  
37 notices provided in said statute have been sent.  
38 Such withdrawal shall not relieve the withdrawing  
39 state from its obligations assumed hereunder prior to  
40 the effective date of withdrawal. Before the effec-  
41 tive date of withdrawal, a withdrawing state shall

1 remove to its territory, at its own expense, such  
2 inmates as it may have confined pursuant to this com-  
3 pact.

4 §9209. Other arrangements unaffected--Article IX

5 Nothing contained in this compact shall be con-  
6 strued to abrogate nor impair any agreement or other  
7 arrangement which a party state may have with a  
8 nonparty state for the confinement, rehabilitation or  
9 treatment of inmates nor to repeal any other laws of  
10 a party state authorizing the making of cooperative  
11 institutional arrangements.

12 §9210. Construction and severability--Article X

13 The provisions of this compact shall be liberally  
14 construed and shall be severable. If any phrase,  
15 clause, sentence or provision of this compact is  
16 declared to be contrary to the constitution of any  
17 participating state or of the United States or the  
18 applicability thereof to any government, agency,  
19 person or circumstance is held invalid, the validity  
20 of the remainder of this compact and the applicabil-  
21 ity thereof to any government, agency, person or cir-  
22 cumstance shall not be affected thereby. If this  
23 compact shall be held contrary to the constitution of  
24 any state participating therein, the compact shall  
25 remain in full force and effect as to the remaining  
26 states and in full force and effect as to the state  
27 affected as to all severable matters.

28 §9221. Ratification

29 The New England Interstate Corrections Compact is  
30 enacted into law and entered into by this State with  
31 any other of the states mentioned in Article II  
32 legally joining therein in the form substantially as  
33 provided in this subchapter.

34 §9222. Title

35 This subchapter may be cited as the "New England  
36 Interstate Corrections Compact."

37 §9223. Powers

1       The Commissioner of Corrections is authorized and  
2 directed to do all things necessary or incidental to  
3 the carrying out of the compact in every particular.

4                               SUBCHAPTER III

5                               INTERSTATE CORRECTIONS COMPACT

6       §9401. Purpose and policy--Article I

7       The party states, desiring by common action to  
8 fully utilize and improve their institutional facilities  
9 and provide adequate programs for the confinement,  
10 treatment and rehabilitation of various types  
11 of offenders, declare that it is the policy of each  
12 of the party states to provide such facilities and  
13 programs on a basis of cooperation with one another,  
14 thereby serving the best interests of such offenders  
15 and of society and effecting economies in capital  
16 expenditures and operational costs. The purpose of  
17 this compact is to provide for the mutual development  
18 and execution of such programs of cooperation for the  
19 confinement, treatment and rehabilitation of offenders  
20 with the most economical use of human and material  
21 resources.

22       §9402. Definitions--Article II

23       As used in this compact, unless the context  
24 clearly requires otherwise:

25       1. Inmate. "Inmate" means a male or female  
26 offender who is committed, under sentence to or con-  
27 fined in a penal or correctional institution;

28       2. Institution. "Institution" means any penal  
29 or correctional facility, including, but not limited  
30 to, a facility for the mentally ill or mentally  
31 defective, in which inmates, as defined in subsection  
32 1, may lawfully be confined;

33       3. Receiving state. "Receiving state" means a  
34 state party to this compact to which an inmate is  
35 sent for confinement other than a state in which con-  
36 viction or court commitment was had;



1       4. Sending state. "Sending state" means a state  
2 party to this compact in which conviction or court  
3 commitment was had; and

4       5. State. "State" means a state of the United  
5 States, the United States of America, a territory or  
6 possession of the United States, the District of  
7 Columbia or the Commonwealth of Puerto Rico.

8       §9403. Contracts--Article III

9       Each party state may make one or more contracts  
10 with any one or more of the other party states for  
11 the confinement of inmates on behalf of a sending  
12 state in institutions situated within receiving  
13 states.

14       1. Contract provisions. Any such contract shall  
15 provide for:

16       A. Its duration;

17       B. Payments to be made to the receiving state by  
18 the sending state for inmate maintenance,  
19 extraordinary medical and dental expenses, and  
20 any participation in or receipt by inmates of  
21 rehabilitative or correctional services, facili-  
22 ties, programs or treatment not reasonably  
23 included as part of normal maintenance;

24       C. Participation in programs of inmate employ-  
25 ment, if any; the disposition or crediting of any  
26 payments received by inmates on account thereof;  
27 and the crediting of proceeds from or disposal of  
28 any products resulting therefrom;

29       D. Delivery and retaking of inmates; and

30       E. Such other matters as may be necessary and  
31 appropriate to fix the obligations, responsibili-  
32 ties and rights of the sending and receiving  
33 states.

34       The terms and provisions of this compact shall be a  
35 part of any contract entered into by the authority of  
36 or pursuant thereto, and nothing in any such contract  
37 shall be inconsistent therewith.

1     §9404. Procedures and rights--Article IV

2           Whenever the duly constituted authorities in a  
3     state party to this compact, and which has entered  
4     into a contract pursuant to Article III, shall decide  
5     that confinement in, or transfer of an inmate to, an  
6     institution within the territory of another party  
7     state is necessary or desirable in order to provide  
8     adequate quarters and care or an appropriate program  
9     of rehabilitation or treatment, the officials may  
10    direct that the confinement be within an institution  
11    within the territory of the other party state, the  
12    receiving state to act in that regard solely as agent  
13    for the sending state.

14          The appropriate officials of any state party to  
15    this compact shall have access, at all reasonable  
16    times, to any institution in which it has a contrac-  
17    tual right to confine inmates for the purpose of  
18    inspecting the facilities thereof and visiting such  
19    of its inmates as may be confined in the institution.

20          Inmates confined in an institution pursuant to  
21    the terms of this compact shall at all times be sub-  
22    ject to the jurisdiction of the sending state and may  
23    at any time be removed therefrom for transfer to a  
24    prison or other institution within the sending state,  
25    for transfer to another institution in which the  
26    sending state may have a contractual or other right  
27    to confine inmates, for release on probation or  
28    parole, for discharge, or for any other purpose per-  
29    mitted by the laws of the sending state; provided  
30    that the sending state shall continue to be obligated  
31    to such payments as may be required pursuant to the  
32    terms of any contract entered into under the terms of  
33    Article III.

34          Each receiving state shall provide regular  
35    reports to each sending state on the inmates of that  
36    sending state in institutions pursuant to this com-  
37    pact, including a conduct record of each inmate, and  
38    certify the record to the official designated by the  
39    sending state, in order that each inmate may have  
40    official review of his or her record in determining  
41    and altering the disposition of the inmate in accor-  
42    dance with the law which may obtain in the sending  
43    state and in order that the same may be a source of  
44    information for the sending state.

1        All inmates who may be confined in an institution  
2 pursuant to the provisions of this compact shall be  
3 treated in a reasonable and humane manner and shall  
4 be treated equally with such similar inmates of the  
5 receiving state as may be confined in the same insti-  
6 tution. The fact of confinement in a receiving state  
7 shall not deprive any inmate so confined of any legal  
8 rights which the inmate would have had if confined in  
9 an appropriate institution of the sending state.

10       Any hearing or hearings to which an inmate con-  
11 finied pursuant to this compact may be entitled by the  
12 laws of the sending state may be had before the  
13 appropriate authorities of the sending state, or of  
14 the receiving state if authorized by the sending  
15 state. The receiving state shall provide adequate  
16 facilities for such hearings as may be conducted by  
17 the appropriate officials of a sending state. In the  
18 event such hearing or hearings are had before offi-  
19 cials of the receiving state, the governing law shall  
20 be that of the sending state and a record of the  
21 hearing or hearings as prescribed by the sending  
22 state shall be made. The record, together with any  
23 recommendations of the hearing officials, shall be  
24 transmitted forthwith to the official or officials  
25 before whom the hearing would have been had if it had  
26 taken place in the sending state. In any and all  
27 proceedings had pursuant to the provisions of this  
28 section, the officials of the receiving state shall  
29 act solely as agents of the sending state and no  
30 final determination shall be made in any matter  
31 except by the appropriate officials of the sending  
32 state.

33       Any inmate confined pursuant to this compact  
34 shall be released within the territory of the sending  
35 state, unless the inmate and the sending and receiv-  
36 ing states shall agree upon release in some other  
37 place. The sending state shall bear the cost of such  
38 return to its territory.

39       Any inmate confined pursuant to the terms of this  
40 compact shall have any and all rights to participate  
41 in and derive any benefits or incur or be relieved of  
42 any obligations or have such obligations modified or  
43 his status changed on account of any action or pro-  
44 ceeding in which he could have participated if con-

1     fined in any appropriate institution of the sending  
2     state located within such state.

3             The parent, guardian, trustee or other person or  
4     persons entitled under the laws of the sending state  
5     to act for, advise or otherwise function with respect  
6     to any inmate shall not be deprived of or restricted  
7     in his exercise of any power in respect of any inmate  
8     confined pursuant to the terms of this compact.

9     §9405. Acts not reviewable in receiving state;  
10     extradition--Article V

11             Any decision of the sending state in respect of  
12     any matter over which it retains jurisdiction pur-  
13     suant to this compact shall be conclusive upon and  
14     not reviewable within the receiving state, but if, at  
15     the time the sending state seeks to remove an inmate  
16     from an institution in the receiving state, there is  
17     pending against the inmate within such state any  
18     criminal charge or if the inmate is formally accused  
19     of having committed within such state a criminal  
20     offense, the inmate shall not be returned without the  
21     consent of the receiving state until discharged from  
22     prosecution or other form of proceeding, imprisonment  
23     or detention for such offense. The duly accredited  
24     officers of the sending state shall be permitted to  
25     transport inmates pursuant to this compact through  
26     any and all states party to this compact without  
27     interference.

28             An inmate who escapes from an institution in  
29     which he is confined pursuant to this compact shall  
30     be deemed a fugitive from the sending state and from  
31     the state in which the institution is situated. In  
32     the case of an escape to a jurisdiction other than  
33     the sending or receiving state, the responsibility  
34     for institution of extradition or rendition proceed-  
35     ings shall be that of the sending state, but nothing  
36     contained herein shall be construed to prevent nor  
37     affect the activities of officers and agencies of any  
38     jurisdiction directed toward the apprehension and  
39     return of an escapee.

40     §9406. Federal aid--Article VI

1       Any state party to this compact may accept fed-  
2       eral aid for use in connection with any institution  
3       or program, the use of which is or may be affected by  
4       this compact or any contract pursuant hereto and any  
5       inmate in a receiving state pursuant to this compact  
6       may participate in any such federally aided program  
7       or activity for which the sending and receiving  
8       states have made contractual provisions; provided  
9       that, if such program or activity is not part of the  
10      customary correctional regimen, the express consent  
11      of the appropriate official of the sending state  
12      shall be required therefor.

13      §9407. Entry into force--Article VII

14      This compact shall enter into force and become  
15      effective and binding upon the states so acting when  
16      it has been enacted into law by any 2 states. There-  
17      after, this compact shall enter into force and become  
18      effective and binding as to any other of said states  
19      upon similar action by such state.

20      §9408. Withdrawal and termination--Article VIII

21      This compact shall continue in force and remain  
22      binding upon a party state until it shall have  
23      enacted a statute repealing the same and providing  
24      for the sending of formal written notice of with-  
25      drawal from the compact to the appropriate officials  
26      of all other party states. An actual withdrawal  
27      shall not take effect until one year after the  
28      notices provided in said statute have been sent.  
29      Such withdrawal shall not relieve the withdrawing  
30      state from its obligations assumed hereunder prior to  
31      the effective date of withdrawal. Before the effec-  
32      tive date of withdrawal, a withdrawing state shall  
33      remove to its territory, at its own expense, such  
34      inmates as it may have confined pursuant to the  
35      provisions of this compact.

36      §9409. Other arrangements unaffected--Article IX

37      Nothing contained in this compact shall be con-  
38      strued to abrogate nor impair any agreement or other  
39      arrangement which a party state may have with a  
40      nonparty state for the confinement, rehabilitation or  
41      treatment of inmates nor to repeal any other laws of

1     a party state authorizing the making of cooperative  
2     institutional arrangements.

3     §9410. Construction and severability--Article X

4             The provisions of this compact shall be liberally  
5     construed and shall be severable. If any phrase,  
6     clause, sentence or provision of this compact is  
7     declared to be contrary to the constitution of any  
8     participating state or of the United States or the  
9     applicability thereof to any government, agency,  
10    person or circumstance is held invalid, the validity  
11    of the remainder of this compact and the applicabil-  
12    ity thereof to any government, agency, person or cir-  
13    cumstance shall not be affected thereby. If this  
14    compact shall be held contrary to the constitution of  
15    any state participating therein, the compact shall  
16    remain in full force and effect as to the remaining  
17    states and in full force and effect as to the state  
18    affected as to all severable matters.

19    §9421. Ratification

20             The Interstate Corrections Compact is hereby  
21    enacted into law and entered into by this State with  
22    any other states legally joining therein.

23    §9422. Title

24             This subchapter may be cited as the "Interstate  
25    Corrections Compact."

26    §9423. Powers

27             The Commissioner of Corrections, subject to the  
28    limitations provided under section 9424, is hereby  
29    authorized and directed to do all things necessary or  
30    incidental to the carrying out of the compact in  
31    every particular.

32    §9424. Limitations

33             The commissioner shall carry out the provisions  
34    of this compact in accordance with the following.

35             1. Juveniles excluded. For purposes of this  
36    compact, no juvenile may be considered an inmate, as  
37    defined in section 9402.

1        2. Contracts. Any contracts made with one of  
2 the other party states for the confinement of inmates  
3 in Maine may provide for cash payments for the costs  
4 of the confinement whenever the total days for  
5 inmates placed in Maine by that state exceeds by 200  
6 the number of days for inmates placed by Maine in  
7 that state. Otherwise, all contracts shall provide  
8 for an accrual of days earned by the respective  
9 states rather than cash payments.

10       3. Inmates. The commissioner may accept an  
11 inmate for confinement in Maine if, in the opinion of  
12 the commissioner, the inmate has demonstrated ties to  
13 this State which would justify the confinement, or  
14 the inmate's confinement in this State is in the best  
15 interests of the inmate or the State of Maine.

16       4. Transportation. The commissioner may permit  
17 any inmate who may be confined in another state under  
18 the provisions of the compact to pay the costs of  
19 transportation to the receiving state.

20       5. Facilities. The commissioner may not accept  
21 any inmate under the provisions of the compact when  
22 the confinement of that inmate would cause immedi-  
23 ately, or in the near future would be likely to  
24 cause, a need for an increase in correctional facili-  
25 ties in this State.

26       6. Report. The commissioner shall annually,  
27 prior to February 1st, present a report to the joint  
28 standing committee of the Legislature having juris-  
29 isdiction over health and institutional services de-  
30 scribing any actions taken under the provisions of  
31 the compact during the previous year.

32                    SUBCHAPTER IV

33                    INTERSTATE COMPACT ON DETAINERS

34                    ARTICLE I

35                    AGREEMENT

36       §9601. Purpose and policy--Article I

1        The party states find that charges outstanding  
2 against a prisoner, detainees based on untried  
3 indictments, informations or complaints, and diffi-  
4 culties in securing speedy trials of persons already  
5 incarcerated in other jurisdictions, produce uncer-  
6 tainties which obstruct programs of prisoner treat-  
7 ment and rehabilitation. Accordingly, it is the  
8 policy of the party states and the purpose of this  
9 agreement to encourage the expeditious and orderly  
10 disposition of such charges and determination of the  
11 proper status of any and all detainees based on  
12 untried indictments, informations or complaints. The  
13 party states also find that proceedings with refer-  
14 ence to such charges and detainees, when emanating  
15 from other jurisdictions, cannot properly be had in  
16 the absence of cooperative procedures. It is the  
17 further purpose of this agreement to provide such  
18 cooperative procedures.

19        §9602. Definitions--Article II

20        As used in this agreement, unless the context  
21 clearly requires otherwise, the following terms shall  
22 have the following meanings.

23        1. Receiving state. "Receiving state" shall  
24 mean the state in which trial is to be had on an  
25 indictment, information or complaint pursuant to  
26 Article III or Article IV.

27        2. Sending state. "Sending state" shall mean a  
28 state in which a prisoner is incarcerated at the time  
29 that he initiates a request for final disposition  
30 pursuant to Article III or at the time that a request  
31 for custody or availability is initiated pursuant to  
32 Article IV.

33        3. State. "State" shall mean a state of the  
34 United States, the United States of America, a ter-  
35 ritory or possession of the United States, the Dis-  
36 trict of Columbia or the Commonwealth of Puerto Rico.

37        §9603. Request for final disposition--Article III

38        1. Trial pending. Whenever a person has entered  
39 upon a term of imprisonment in a penal or correc-  
40 tional institution of a party state, and whenever