

MAINE STATE LEGISLATURE

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1 (EMERGENCY)

2 THIRD SPECIAL SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 2487
7

8 H.P. 1889

House of Representatives, September 6, 1984

9 Received by the Clerk of the House on September 6, 1984.

10 Referred to the Committee on Appropriations and Financial Affairs. Sent
up for concurrence and ordered printed pursuant to Joint Rule 14.

11 EDWIN H. PERT, Clerk

Presented by Representative Diamond of Bangor.

12 Cosponsored by: Senator Brown of Washington, Representative Manning
of Portland and Representative Randall of East Machias.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FOUR
17

18 AN ACT to Create the Downeast
19 Correctional Facility within the Department of
20 Corrections.
21

22 Emergency preamble. Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, the Department of Corrections is in need
26 of additional beds and programs to help reduce inmate
27 overcrowding and lack of programs; and

28 Whereas, in the judgment of the Legislature,
29 these facts create an emergency within the meaning of
30 the Constitution of Maine and require the following
31 legislation as immediately necessary for the preser-
32 vation of the public peace, health and safety; now,
33 therefore,

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

1 Sec. 1. 34-A MRSA c. 3, sub-c. VI is enacted to
2 read:

3 SUBCHAPTER VI

4 DOWNEAST CORRECTIONAL FACILITY

5 §3901. Establishment

6 There is established the Downeast Correctional
7 Facility located at Machiasport for the confinement
8 and rehabilitation of persons who have been duly sen-
9 tenced and committed to the Department of Correc-
10 tions.

11 §3902. Purposes

12 The purposes of the Downeast Correctional Facili-
13 ty include vocational and academic education and work
14 which may involve public restitution.

15 §3903. Director

16 1. Chief administrative officer. The chief ad-
17 ministrative officer of the Downeast Correctional Fa-
18 ility is called the director and is responsible to
19 the commissioner.

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

22 A. The director shall exercise proper supervi-
23 sion over the employees, grounds, buildings and
24 equipment at the Downeast Correctional Facility.

25 B. The director shall supervise and control the
26 prisoners at the Downeast Correctional Facility
27 in accordance with departmental rules.

28 3. Powers. In addition to other powers granted
29 in this Title, the director may appoint one assistant
30 director, subject to the Personnel Law, and the as-
31 stant director has the powers, duties, obligations
32 and liabilities of the director when the director is
33 absent or unable to perform his duties.

34 §3904. Prisoners generally

1 1. Confinement. All prisoners at the Downeast
2 Correctional Facility shall be detained and confined
3 in accordance with the sentences of the court and the
4 rules of the department.

5 2. Education. The director shall maintain suit-
6 able courses for academic and vocational education of
7 the prisoners. The director shall maintain necessary
8 equipment and employ suitable qualified instructors
9 as necessary to carry out the objectives of the
10 facility's programs.

11 3. Employment. The commissioner may authorize
12 the employment of prisoners of the Downeast Correc-
13 tional Facility on public works with any department,
14 agency or entity of the State, county or local gov-
15 ernment and may authorize the use of prisoners to
16 provide assistance in the improvement of property
17 owned by nonprofit organizations.

18 A. The commissioner shall promulgate such rules
19 as he deems proper to ensure the care and treat-
20 ment of the prisoners and the safe working condi-
21 tions of prisoners and departmental employees.

22 B. The purpose of the employment authorized in
23 this subsection is to provide training to the
24 prisoner and to be a form of public restitution
25 for the crime or crimes committed by the prison-
26 er.

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

33 4. Escape. Any prisoner who escapes from the
34 facility, or from any assignment beyond the grounds
35 of the facility, to include community-rehabilitative
36 programs is guilty of escape under Title 17-A, sec-
37 tion 755.

38 5. Industries program. The director may estab-
39 lish a vocational training and industries program.

1 A. The program may make services and goods
2 available for purchase by state agencies or the
3 public.

4 B. The director may authorize any person or
5 business entity purchasing goods manufactured at
6 the facility to resell those articles if that
7 person or entity requests in writing authority
8 from the director at the time the initial pur-
9 chase is made.

10 C. All goods manufactured at the facility for
11 sale shall be distinctly labeled or branded with
12 the words "Manufactured at the Downeast Correc-
13 tional Facility."

14 D. All revenues from sales of goods and services
15 produced by prisoners at the Downeast Correction-
16 al Facility shall be deposited into the Downeast
17 Correctional Facility Industries Account.

18 E. Funds from this industries account shall be
19 used to pay for materials, supplies, equipment
20 and salaries for vocational training and indus-
21 tries program.

22 §3905. Downeast Correctional Facility employees

23 Employees of the Downeast Correctional Facility
24 have the same power as sheriffs in their respective
25 counties to search for and apprehend escapees from
26 the facility, when authorized to do so by the direc-
27 tor.

28 Sec. 2. Appropriation. The following funds are
29 appropriated from the General Fund to carry out the
30 purposes of this Act.

	<u>1984-85</u>	<u>1985-86</u>
<u>CORRECTIONS, DEPARTMENT OF</u>		
Downeast Correctional Facility		
Positions	(57)	(57)
Personal Services	\$ 626,551	\$1,170,936
All Other	194,689	231,086
Capital Expenditures	1,579,234	17,000

