

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 386

6
7 H.P. 297

House of Representatives, January 31, 1985

8 Submitted by the Department of Corrections pursuant to Joint Rule 24.
9 Referred to the Committee on Human Resources and ordered printed.
10 Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Representative Cooper of Windham.

11 Cosponsored by Senator Chalmers of Knox, Representative Drinkwater
of Belfast and Representative Kane of South Portland.

12 STATE OF MAINE
13

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

17 AN ACT to Include Restitution as a
18 Disciplinary Consequence to Inmate
19 Misconduct at State Correctional
20 Facilities.
21

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

24 Sec. 1. 34-A MRSA §3032, sub-§5, as enacted by
25 PL 1983, c. 459, §6, is amended to read:

26 5. Specific facilities. Punishment at specific
27 correctional facilities is governed as follows.

28 A. Punishment at all correctional facilities,
29 except the Maine Youth Center, may consist of
30 warnings, loss of privileges, restitution in the
31 amount of the cost of replacement or repair of
32 property destroyed or damaged, confinement to a
33 cell, segregation or a combination of these.

1 B. Punishment at the Maine Youth Center may consist of seclusion or restitution in the amount of
2 the cost of replacement or repair of property destroyed or damaged or any combination of these,
3 in accordance with section 3809, warnings and
4 loss of privileges.
5
6

7 Sec. 2. 34-A MRSA §3032, sub-§5-A is enacted to
8 read:

9 5-A. When restitution is imposed as a punishment
10 at a corrections facility, any prisoner, or any juvenile
11 committed to the Maine Youth Center or who is
12 committed to the custody of the Department of Corrections
13 and placed at the Maine Youth Center, who is
14 subject to that punishment and who is able to generate
15 income from whatever source, shall pay 25% of
16 that income to the facility, the property of which
17 was destroyed or damaged. The facility shall collect
18 that income and apply it to defray the cost of replacement
19 or repair of the items destroyed or damaged.
20

21 Sec. 3. 34-A MRSA §3032, sub-§6, as enacted by
22 PL 1983, c. 459, §6, is amended to read:

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

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

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

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

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

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

18 The current law governing the disciplinary conse-
19 quences for inmate misconduct at state correctional
20 facilities or for misconduct of juveniles committed
21 to the Maine Youth Center or to the Department of
22 Corrections does not include the option for restitu-
23 tion when state property has been damaged or de-
24 stroyed through misconduct. The bill allows for in-
25 mates and these juveniles to be held accountable for
26 their behavior by requiring, when appropriate, resti-
27 tution for any property that has been damaged or de-
28 stroyed as a result of misconduct.

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