

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 790

6
7 S.P. 301

In Senate, February 28, 1985

8 Referred to the Committee on Human Resources. Sent down for
9 concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gauvreau of Androscoggin.

11 Cosponsored by Senator Gill of Cumberland, Representative Joseph of
Waterville and Representative Reeves of Pittston.

12 STATE OF MAINE
13

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

17 AN ACT Making Mandatory Certain Discretionary
18 Powers of the Commissioner of
19 Corrections.
20

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

23 Sec. 1. 34-A MRSA §1205, sub-§2, ¶¶A and C, as
24 enacted by PL 1983, c. 459, §6, are amended to read:

25 A. The commissioner ~~may~~ shall provide or assist
26 in the provision of correctional services relat-
27 ing to all facets of rehabilitation and community
28 life adjustment, but the services shall include
29 but not be limited to:

- 30 (1) Services to the courts;
31 (2) Predelinquency services;
32 (3) Diversionary services;

1 (4) Prerelease and halfway house services;
2 and

3 (5) Aftercare and post-release services.

4 C. The commissioner ~~may~~ shall promulgate and en-
5 force rules, in accordance with the Maine Admin-
6 istrative Procedure Act, Title 5, chapter 375,
7 for the administration of all services delivered
8 and funded under this section, and for the allo-
9 cation of funds under this section.

10 Sec. 2. 34-A MRSA §3035, first paragraph, as en-
11 acted by PL 1983, c. 459, §6, is amended to read:

12 The commissioner ~~may~~ shall adopt, implement and
13 establish rules for rehabilitative programs, includ-
14 ing work release, restitution and furlough, as autho-
15 rized by Title 17-A, chapter 54, within the correc-
16 tional facilities under his control.

17 Sec. 3. 34-A MRSA §3036, sub-§1, as enacted by
18 PL 1983, c. 459, §6, is amended to read:

19 1. Establishment. The commissioner ~~may~~ shall
20 promulgate rules establishing a halfway house program
21 to provide an environment of community living and
22 control.

23 STATEMENT OF FACT

24 The overcrowding of the state's penal institu-
25 tions is due in part to the lack of adequate, mean-
26 ingful diversionary, restitution, prerelease, halfway
27 house and post-release services and similar rehabili-
28 tative community corrections programs. Successful
29 rehabilitative programs can reduce the inmate popula-
30 tion and thereby reduce the cost of institutional
31 care in favor of the lower per-offender cost of
32 noninstitutional services.

33 The current laws make the implementation of those
34 programs discretionary with the Commissioner of Cor-

1 rections. The development of those programs has suf-
2 fered because of budgetary pressures which have
3 forced the Department of Corrections to emphasize in-
4 carceration at the expense of noninstitutional pro-
5 grams.

6 This bill provides a clear statement to the De-
7 partment of Corrections that the Legislature contin-
8 ues to strongly support rehabilitative services as an
9 alternative to incarceration when appropriate, and
10 that the Legislature anticipates that those programs
11 will be given a higher priority by the department in
12 presenting its budget.

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