

MAINE STATE LEGISLATURE

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1 SECOND SPECIAL SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2408

6
7 H.P. 1716

House of Representatives, May 21, 1986

8 Received by the Clerk of the House on May 20, 1986. Referred to the
9 Committee on Human Resources, and 1,600 ordered printed pursuant to Joint
10 Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative Manning of Portland.

11 Cosponsored by Senator Chalmers of Knox, Senator Gauvreau of
Androscoggin and Representative Priest of Brunswick.

12 STATE OF MAINE
13

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

17 AN ACT to Implement Certain Recommendations
18 of the Blue Ribbon Commission on
19 Corrections.
20

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

23 Sec. 1. 17-A MRSa §755, sub-§3, as amended by PL
24 1985, c. 210, is further amended to read:

25 3. As used in this section, "official custody"
26 means arrest, custody in, or on the way to or from a
27 courthouse or a jail, police station, house of cor-
28 rection, or any institution or facility under the
29 control of the Department of Corrections, or under
30 contract with the department for the housing of per-
31 sons sentenced to imprisonment, the custody of any
32 official of the department, the custody of any insti-
33 tution in another jurisdiction pursuant to a sentence
34 imposed under the authority of section 1253, subsec-
35 tion 1-A, or any custody pursuant to court order. A
36 person on a parole or probation status is not, for

1 that reason alone, in "official custody" for purposes
2 of this section. The period of intensive supervision
3 served pursuant to a sentence imposed under section
4 1262 is "official custody" for purposes of this sec-
5 tion.

6 Sec. 2. 17-A MRSA §1152, sub-§2, as amended by
7 PL 1977, c. 53, §1, is repealed and the following en-
8 acted in its place:

9 2. Every natural person convicted of a crime
10 shall be sentenced to one of the following:

11 A. Unconditional discharge as authorized by
12 chapter 49;

13 B. A split sentence of imprisonment with proba-
14 tion as authorized by chapter 49;

15 C. A suspended fine with probation as authorized
16 by chapter 49;

17 D. A suspended term of imprisonment with proba-
18 tion as authorized by chapter 49;

19 E. A split sentence of imprisonment, the initial
20 unsuspended portion of which is served in whole
21 or in part with intensive supervision, followed
22 by probation as authorized by chapter 52;

23 F. A term of imprisonment as authorized by chap-
24 ter 51; and

25 G. A fine as authorized by chapter 53. Subject
26 to the limitations of section 1302, such a fine
27 may be imposed in addition to the sentencing al-
28 ternatives in paragraphs B, D, E and F.

29 Sec. 3. 17-A MRSA §1152, sub-§2-A, as enacted by
30 PL 1977, c. 455, §1, is amended to read:

31 2-A. Every natural person convicted of a crime
32 may be required to make restitution as authorized by
33 chapter 54. Subject to the limitations of chapter 54,
34 restitution may be imposed as a condition of proba-
35 tion or may be imposed in addition to a sentence au-
36 ~~thorized by chapter 51 or to a fine authorized by~~

1 chapter 53 any other sentencing alternative included
2 within subsection 2 with the exception of the alter-
3 native in paragraph A.

4 Sec. 4. 17-A MRSA §1202, sub-§1, as enacted by
5 PL 1975, c. 499, §1, is repealed and the following
6 enacted in its place:

7 1. A person convicted of a Class A crime may be
8 placed on probation for a period not to exceed 10
9 years; for a Class B crime, for a period of probation
10 not to exceed 5 years; for a Class C crime, for a pe-
11 riod not to exceed 3 years; and for Class D and Class
12 E crimes, for periods not to exceed one year.

13 Sec. 5. 17-A MRSA §1203, sub-§1, as amended by
14 PL 1983, c. 673, §1, is further amended to read:

15 §1203. Split sentences

16 1. The court may sentence a person to a term of
17 imprisonment, not to exceed the maximum term autho-
18 rized for the crime, an initial portion of which
19 shall be served and the remainder of which shall be
20 suspended. As to both the initial unsuspended portion
21 and the suspended portion relative to a Class A,
22 Class B or Class C crime, the sentence of the court
23 shall specify the place of imprisonment if that place
24 is to be a county jail, otherwise the court shall
25 commit the person to the Department of Corrections.
26 Beginning April 1, 1987, if any portion of a split
27 sentence is specified by the court to be 6 months or
28 less, the court shall specify the place of imprison-
29 ment to be a county jail as to that portion. Begin-
30 ning January 1, 1989, if any portion of a split sen-
31 tence is specified by the court to be 9 months or
32 less, the court shall specify the place of imprison-
33 ment to be a county jail as to that portion. In the
34 case of a Class D or Class E crime, the court shall
35 specify the place of imprisonment to be a county jail
36 with respect to each portion of the split sentence.
37 The period of probation shall commence on the date
38 the person is released from his initial unsuspended
39 portion of the term of imprisonment, unless the court
40 orders that it shall commence on an earlier date. If
41 the period of probation is to commence upon release
42 from the initial unsuspended portion of the term of

1 imprisonment, the court may nonetheless revoke proba-
2 tion for any criminal conduct committed during that
3 initial period of imprisonment.

4 Sec. 6. 17-A MRSA §1252, sub-§1, as amended by
5 PL 1983, c. 673, §4, is further amended to read:

6 1. In the case of a person convicted of a crime
7 other than murder, the court may sentence to impris-
8 onment for a definite term as provided for in this
9 section, unless the statute which the person is con-
10 victed of violating expressly provides that the fine
11 and imprisonment penalties it authorizes may not be
12 suspended, in which case the convicted person shall
13 be sentenced to imprisonment and required to pay the
14 fine authorized therein. The sentence of the court
15 relative to a Class A, Class B or Class C crime shall
16 specify the term to be served and the place of im-
17 prisonment if that place is to be a county jail, oth-
18 erwise the court shall commit the person to the De-
19 partment of Corrections. Beginning April 1, 1987, if
20 the sentence of the court specifies the term of im-
21 prisonment to be 6 months or less, the court shall
22 specify the place of imprisonment to be a county
23 jail. Beginning January 1, 1989, if the sentence of
24 the court specifies the term of imprisonment to be 9
25 months or less, the court shall specify the place of
26 imprisonment to be a county jail. In the case of a
27 Class D or Class E crime, the court shall specify the
28 place of imprisonment to be a county jail.

29 Sec. 7. 17-A MRSA §1252, sub-§6, as enacted by
30 PL 1977, c. 217, is amended to read:

31 6. The court may not sentence a person to im-
32 prisonment in a county jail for a period in excess of
33 one year. Effective January 1, 1989, the court may
34 not sentence a person convicted of a Class A, Class B
35 or Class C crime to imprisonment in a county jail for
36 a period in excess of 9 months.

37 Sec. 8. 17-A MRSA §1253, sub-§1, as amended by
38 PL 1983, c. 456, §1, is repealed and the following
39 enacted in its place:

40 1. The sentence of any person committed to the
41 custody of the Department of Corrections shall com-

1 mence to run on the date on which that person is re-
2 ceived into the correctional facility designated as
3 the initial place of confinement by the Commissioner
4 of Corrections pursuant to section 1258. That day is
5 counted as the first full day of the sentence.

6 The sentence of any person committed to the custody
7 of a sheriff shall commence to run on the date on
8 which that person is received into the county jail
9 specified in the sentence. That day is counted as
10 the first full day of the sentence if the term of im-
11 prisonment, or the initial unsuspended portion of a
12 split sentence, is over 30 days; otherwise, credit is
13 accorded only for the portion of that day for which
14 the person is actually in execution of the sentence.

15 Sec. 9. 17-A MRSa §1253, sub-§3, as amended by
16 PL 1985, c. 456, §1, is further amended to read:

17 3. Beginning October 1, 1983, each person sen-
18 tenced, to imprisonment for more than 6 months shall
19 be entitled to receive a deduction of 10 days per
20 month calculated from the first day of his delivery
21 into the custody of the department, to include the
22 full length of the unsuspended portion of his sen-
23 tence, for observing all the rules of the department
24 and institution, except that this provision shall not
25 apply to the suspended portion of a person's sentence
26 pursuant to split sentences under section 1203 nor
27 shall it apply to the suspended portion or to the
28 12-month period of intensive supervision of a sen-
29 tence under section 1262.

30 Sec. 10. 17-A MRSa §1254, sub-§1, as enacted by
31 PL 1975, c. 499, §1, is amended to read:

32 1. An imprisoned person shall be unconditionally
33 released and discharged upon the expiration of his
34 sentence, minus the deductions authorized under sec-
35 tion 1253, except that, as to a person committed to
36 the custody of the Department of Corrections, if the
37 computation of that person's sentence fixes his re-
38 lease and discharge date on a Saturday, Sunday or le-
39 gal holiday, that person may be released and dis-
40 charged on the last regular business day of the cor-
41 rectional facility preceding that Saturday, Sunday or
42 legal holiday.

1 The Legislature intends that the intensive super-
2 vision program, initially, will involve no more than
3 10 intensive supervision teams of 2 probation offi-
4 cers each. Each team will have a maximum caseload of
5 25 offenders.

6 Since the Intensive Supervision Program is new in
7 this State, both an accurate assessment of the pro-
8 gram and its eventual success in this form or another
9 depend upon control of the conditions imposed on of-
10 fenders, flexibility in the setting and modification
11 of those conditions to fit the situation of the indi-
12 vidual offender and the needs of his supervisor and
13 the program and carefully matching offenders to
14 available program positions.

15 Since an offender sentenced to intensive supervi-
16 sion has been sentenced legally, and in fact, to a
17 term of imprisonment, in the event that the intensive
18 supervision program or any essential aspect of the
19 program is determined by the judicial branch to be
20 constitutionally flawed or otherwise to contravene
21 the rights of prisoners or defendants, it is the in-
22 tent of the Legislature that offenders sentenced to
23 the program shall serve the sentences imposed at a
24 state correctional facility determined by the Depart-
25 ment of Corrections, just as each of them would have
26 been compelled to serve the sentences in the absence
27 of this program.

28 §1262. Sentences of imprisonment with intensive su-
29 per vision

30 1. The court may sentence a person to a term of
31 imprisonment, not to exceed the maximum term autho-
32 rized for the crime, an initial portion of which
33 shall be for one year or more, to be served with in-
34 tensive supervision, and the remainder, which shall
35 not be less than 2 years, suspended with probation,
36 as authorized by chapter 49. As to both the initial
37 unsuspended portion and the suspended portion, the
38 court shall commit the person to the Department of
39 Corrections. The period of probation shall commence
40 on the date the person completes his initial
41 unsuspended portion of the term of imprisonment, un-
42 less the court orders that it shall commence on an
43 earlier date. If the initial unsuspended portion is

1 for more than one year, intensive supervision shall
2 apply only to the final year of the initial
3 unsuspended portion. That portion of the initial
4 unsuspended term not to be served on intensive super-
5 vision shall be served in institutional confinement.

6 2. The initial unsuspended portion of the term
7 of imprisonment shall be followed by probation, which
8 is to commence upon completion of the initial
9 unsuspended portion of the term of imprisonment un-
10 less the court orders that it shall commence on an
11 earlier date. The court may revoke probation for any
12 criminal conduct committed at any time during the
13 initial unsuspended portion of the term of imprison-
14 ment.

15 3. In any prosecution for a crime committed pri-
16 or to the effective date of this chapter, the court
17 may, with the consent of the defendant, impose sen-
18 tence under subsection 1.

19 4. Each person sentenced to an initial
20 unsuspended term of imprisonment with intensive su-
21 perVISION under this section shall not accumulate any
22 deductions authorized by section 1253, subsection 3,
23 4 or 5, for any period of time actually served out-
24 side the institution on intensive supervision. The
25 deductions authorized by section 1253, subsection 2,
26 credited as specified in that subsection, shall be
27 deducted from the length of the initial term imposed.

28 5. If, upon completion of the period of inten-
29 sive supervision, the Department of Corrections,
30 through the Division of Probation and Parole, be-
31 lieves that, in the best interest of justice, further
32 probation supervision is not necessary, it may, at
33 any time, petition the court for early termination in
34 accordance with section 1202, subsection 3.

35 §1263. Eligibility for imprisonment with intensive
36 supervision

37 1. No person may be sentenced to imprisonment
38 with intensive supervision pursuant to section 1262,
39 unless:

40 A. He petitions the court therefor;

1 B. His conviction is for a Class A, Class B or
2 Class C crime, excluding the following:

3 (1) Sections 755, 756 and 757;

4 (2) Any sentence controlled by section
5 1252, subsections 4 and 5; and

6 (3) A conviction for violating a law which
7 expressly provides that the fine and impris-
8 onment penalties it authorizes may not be
9 suspended;

10 C. The sentence imposed conforms to the require-
11 ments of section 1262, and would, in any case,
12 have been a split sentence under section 1203
13 with both portions to the Department of Correc-
14 tions;

15 D. The Department of Corrections recommends that
16 the defendant be sentenced pursuant to this chap-
17 ter; and

18 E. The court determines that sentencing the de-
19 fendant to imprisonment with intensive supervi-
20 sion and in the defendant's geographic area can
21 be done without exceeding the ratio of prisoners
22 to Intensive Supervision Program officers of 25
23 to 2 and that the defendant is suitable for the
24 program.

25 §1264. Conditions of imprisonment with intensive su-
26 pervision

27 1. As part of the presentence investigation, if
28 a recommendation for intensive supervision is made,
29 the Department of Corrections shall establish the
30 conditions deemed necessary to assure compliance with
31 the purposes of the Intensive Supervision Program.
32 The conditions imposed upon a particular prisoner may
33 be changed from time to time in the discretion of the
34 Intensive Supervision Program officer. The court
35 shall not impose a sentence of imprisonment with in-
36 tensive supervision with conditions other than those
37 established by the Intensive Supervision Program.

38 2. The conditions of intensive supervision shall
39 include the following:

1 A. A curfew during the hours of which the pris-
2 oner shall be at his residence;

3 B. Travel or movement restrictions limiting the
4 prisoner's travel to times and places directly
5 related to approved employment, formal education,
6 job search, public service work or such other
7 specific purpose approved in advance by an Inten-
8 sive Supervision Program officer;

9 C. Searches of the prisoner's person, residence,
10 papers and effects without a warrant and without
11 probable cause, for items prohibited by law or by
12 his conditions or otherwise subject to seizure,
13 upon the requests of any Intensive Supervision
14 Program officer;

15 D. That the prisoner not use illegal drugs or
16 other substances, and not abuse alcohol or any
17 other legal substance;

18 E. That the prisoner submit to urinalysis,
19 breath testing or other chemical tests without
20 probable cause, at the request of any Intensive
21 Supervision Program officer;

22 F. That the prisoner notify any law enforcement
23 officer by whom he is stopped of his status as a
24 prisoner on intensive supervision, and that he
25 notify his Intensive Supervision Program officer
26 within 12 hours of any such contact with any law
27 enforcement officer.

28 3. Any condition which may be imposed as a con-
29 dition of probation may be imposed as a condition un-
30 der the Intensive Supervision Program.

31 4. The specific conditions imposed upon a pris-
32 oner on intensive supervision may be modified from
33 time to time by the Intensive Supervision Program of-
34 ficer, without court approval, as deemed appropriate
35 for the prisoner or the program. The conditions im-
36 posed may be as stringent or restrictive as, but not
37 more stringent or restrictive than, those which may
38 constitutionally be imposed if the prisoner were ac-
39 tually housed at a maximum security institution.

1 5. The prisoner's Intensive Supervision Program
2 officer may, at any time and in any manner he deems
3 appropriate, investigate compliance with the condi-
4 tions imposed. Such means may include, but may not
5 be limited to, personal contact with the prisoner at
6 his residence, place of employment or any other
7 place; direct inquiry of the prisoner's employer,
8 school or any other person; criminal, court and po-
9 lice agency checks; and credit and other financial
10 inquiries.

11 6. A prisoner who fails to appear for work or
12 school for his Intensive Supervision Program officer,
13 or who otherwise violates a curfew, time or travel
14 restriction, may be prosecuted for escape under sec-
15 tion 755. The prisoner shall be treated for all oth-
16 er purposes as an escaped prisoner. The Intensive
17 Supervision Program officer shall file written notice
18 of the prisoner's escape in the Superior Court in any
19 county and the court may issue a warrant for the
20 prisoner's arrest. Filing written notice of the
21 prisoner's escape shall toll running of his sentence
22 and no portion of the time between filing of the no-
23 tice and the prisoner's return to custody in this
24 State may be counted as any part of his sentence.

25 §1265. Termination of intensive supervision

26 1. Upon probable cause to believe that a viola-
27 tion of any Intensive Supervision Program condition
28 of which he has been apprised has occurred, that
29 prisoner may be immediately apprehended. Notice of
30 the violation shall be filed with the sentencing
31 court or any Superior Court within 2 court days and a
32 copy shall be provided to the prisoner.

33 2. A hearing shall be held within 7 court days
34 of the filing of notice of the violation. The pris-
35 oner may be represented by counsel at the hearing
36 and, if indigent and he so requests, counsel shall be
37 appointed. The only issue at the hearing is whether
38 the violation occurred. Evidence at the violation
39 hearing shall be in accordance with Title 5, section
40 9057.

41 3. If the court finds by a preponderance of the
42 evidence that the prisoner has violated a condition

1 of his intensive supervision, the prisoner shall
2 serve the balance of the unsuspended portion of the
3 sentence of imprisonment imposed in institutional
4 confinement. If the violation conduct found is also
5 found to be a violation of the conditions of proba-
6 tion, the court may also revoke probation as speci-
7 fied in section 1206.

8 4. Review of the court's finding of violation
9 shall be by direct appeal.

10 5. As a person in execution of an unsuspended
11 sentence of imprisonment, bail is not authorized
12 pending hearing on the violation or on appeal of the
13 Superior Court's finding of violation.

14 §1266. Sentence for crime committed by prisoner on
15 intensive supervision

16 Any prisoner who, while on intensive supervision,
17 commits an offense punishable by imprisonment for one
18 year or more and who is sentenced therefor to the De-
19 partment of Corrections shall serve the 2nd sentence
20 to commence from the date of the termination of the
21 first sentence, whether the sentence is served or an-
22 nulled.

23 Sec. 13. 34-A MRSA §1210 is enacted to read:

24 §1210. State reimbursement to counties

25 1. Rate of reimbursement. The Department of
26 Corrections shall, on a quarterly basis, reimburse
27 the county for each prisoner under this section at a
28 rate of \$34 for each actual day served at a county
29 correctional facility by:

30 A. Persons convicted of a Class A, Class B or
31 Class C crime sentenced after March 31, 1987, to
32 serve a term of 6 months or less; and

33 B. Persons convicted of a Class A, Class B or
34 Class C crime sentenced after December 31, 1989,
35 to serve a term of 9 months or less.

36 2. Verification of commitment; actual days
37 served. As a condition of reimbursement, the depart-

1 ment shall require the county to submit appropriate
2 documentation verifying the court commitment and the
3 actual number of days served for each prisoner for
4 which reimbursement is requested. Documentation
5 shall include, but not be limited to:

6 A. An invoice provided by the Department of Cor-
7 rections, completed by the county, listing all
8 prisoners for which reimbursement is requested
9 for the quarter;

10 B. One copy of the actual Court Judgment and
11 Commitment Order, including class of crime, for
12 each prisoner listed in the invoice submitted;

13 C. One copy of each Release Date Computation
14 Sheet showing the actual number of days served by
15 each prisoner included in the invoice submitted;
16 and

17 D. By August 1st and February 1st of each calen-
18 dar year, the county shall provide, in a format
19 provided by the Department of Corrections, a copy
20 of actual expenditures for the support of prison-
21 ers for the previous 12 months.

22 3. Adjustment of the uniform rate of reimburse-
23 ment. The Commissioner of Corrections shall, on a
24 semiannual basis, review the uniform rate of reim-
25 bursement established in this section and make needed
26 changes. The changes in the uniform rate of reim-
27 bursement shall be based on the actual cost for the
28 support of county prisoners for the previous 12
29 months on a statewide basis, divided by the total
30 number of days detained or served by prisoners com-
31 mitted to county jails on a statewide basis. Jail
32 support of prisoners shall include the following line
33 items:

34 A. Personal Services;

35 B. Contractual Services:

36 (1) Professional fees and services:

37 (a) Medical, dental and psychological;

- 1 (b) Prisoners' programs;
2 (c) Board of prisoners; and
3 (d) Insurances;
4 (2) Prisoner transportation:
5 (a) Gas and oil; and
6 (b) Auto repairs;
7 (3) Utilities:
8 (a) Electricity;
9 (b) Gas;
10 (c) Sewage and water;
11 (d) Telephone; and
12 (e) Rubbish removal;
13 (4) Rentals;
14 (5) Repairs and maintenance;
15 (6) General operating expenses:
16 (a) Postage; and
17 (b) Printing; and
18 (7) Other:
19 (a) Staff training and education;
20 C. Commodities:
21 (1) Food;
22 (2) Fuel; and
23 (3) Supplies:
24 (a) Cleaning;

1 (b) Institutional; and

2 (c) Office; and

3 D. Capital outlay:

4 (1) Equipment:

5 (a) Furniture and fixtures;

6 (b) Vehicles; and

7 (c) Equipment.

8 4. County Correctional Improvement Account. The
9 county commissioners of each county may establish the
10 County Correctional Improvement Account for funds re-
11 ceived from the State under this section, which may
12 be used for improving, maintaining and developing
13 correctional programs, community-based correctional
14 programs and standards compliance. Funds in this ac-
15 count unexpended at the end of the year do not lapse,
16 but shall carry forward into subsequent years.

17 5. Technical assistance. The commissioner shall
18 provide technical assistance to counties to aid them
19 in the planning and development of correctional pro-
20 grams and standards compliance consistent with the
21 intent of this section.

22 Sec. 14. 34-A MRSA §1403, sub-§9 is enacted to
23 read:

24 9. Industries' programs. The commissioner may
25 establish vocational training, work and industrial
26 programs.

27 A. The program may make services and goods
28 available for purchase by state agencies or the
29 public.

30 B. The commissioner may authorize any person or
31 business entity purchasing goods manufactured at
32 a correctional facility to resell those articles
33 if that person or entity requests, in writing,
34 authority from the commissioner at the time the
35 initial purchase is made.

1 C. All goods manufactured at a correctional fa-
2 cility for sale shall be distinctly labeled or
3 branded with the words "Manufactured at a Maine
4 State Correctional Facility."

5 D. All revenues from sales of goods and services
6 produced by prisoners at correctional facilities
7 shall be deposited into the department Industries
8 Account, which shall not lapse.

9 E. Funds from these industries accounts may be
10 used to pay for materials, supplies, equipment
11 and salaries for vocational training, work and
12 industrial programs.

13 Sec. 15. 34-A MRSA §3072 is enacted to read:

14 §3072. Treaty; transfer of noncitizens of the United
15 States

16 If a treaty in effect between the United States
17 and a foreign country provides for the transfer or
18 exchange of convicted offenders to the country of
19 which they are citizens or nationals, the Governor
20 may, on behalf of the State and subject to the terms
21 of the treaty, authorize the Commissioner of Correc-
22 tions to consent to the transfer or exchange of of-
23 fenders and take any other action necessary to initi-
24 ate the participation of this State in the treaty.

25 Sec. 16. 34-A MRSA §3263, as enacted by PL 1983,
26 c. 459, §6, is repealed.

27 Sec. 17. 34-A MRSA §5401, first ¶, as enacted by
28 PL 1983, c. 459, §6, is amended to read:

29 There is established within the Department of
30 Corrections a Division of Probation and Parole which
31 is charged with the administration of probation and
32 parole services and the Intensive Supervision Program
33 within the State.

34 Sec. 18. 34-A MRSA §5402, sub-§2, as enacted by
35 PL 1983, c. 459, §6, is amended to read:

36 2. Duties. The director shall:

- 1 A. Promulgate and enforce rules for the field
2 probation and parole service, juvenile
3 caseworkers and parole officers in correctional
4 facilities and for Intensive Supervision Program
5 officers;
- 6 B. Appoint, subject to the Personnel Law, dis-
7 trict probation and parole supervisors, field
8 probation and parole officers, Intensive Supervi-
9 sion Program officers and such other employees as
10 may be required to carry out adequate supervision
11 of all probationers and of all parolees from the
12 correctional facilities and all persons on inten-
13 sive supervision;
- 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 and intensive supervision eligibility
19 investigations, when requested by the court hav-
20 ing jurisdiction;
- 21 E. Provide investigation when requested by the
22 board;
- 23 F. Cooperate closely with the board, the crimi-
24 nal and juvenile courts, the chief administrative
25 officers of correctional facilities and other
26 correctional facility personnel;
- 27 G. Make recommendations to the board in cases of
28 violations of the conditions of parole;
- 29 H. Issue warrants for the arrest of parole vio-
30 lators;
- 31 I. Notify the chief administrative officers of
32 correctional facilities of determinations made by
33 the board;
- 34 J. Divide the State into administrative dis-
35 tricts and staff the districts;
- 36 K. Provide instruction and training courses for
37 ~~probation and parole officers and for juvenile~~
38 ~~caseworkers;~~ and

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

3 STATEMENT OF FACT

4 The purpose of this bill is to implement certain
5 recommendations made by the Governor's Blue Ribbon
6 Commission on Corrections.

7 This bill institutes an Intensive Supervision
8 Program as a sentencing alternative for the courts.
9 Intensive supervision provides the courts and the De-
10 partment of Corrections with an innovative criminal
11 justice tool which protects the public, penalizes the
12 offender and at the same time encourages the offender
13 to become a productive member of society. A person
14 sentenced to intensive supervision will be placed un-
15 der rigorous surveillance by a team of 2 Intensive
16 Supervision Program officers who will have a caseload
17 of no greater than 25 offenders. A person placed on
18 intensive supervision will be subject to unannounced
19 visits by his Intensive Supervision Program officers,
20 chemical testing, random personal and residential
21 searches and strict time and travel restrictions.
22 For violation of a condition of intensive supervi-
23 sion, an individual will be subject to immediate ap-
24 prehension and shall not be entitled to bail pending
25 hearing on a violation of intensive supervision. In-
26 tensive supervision is intended to target those pris-
27 oners who, without intensive supervision, would be
28 prison bound.

29 The Blue Ribbon Commission on Corrections recom-
30 mended that the responsibility for the short-term
31 confinement of some less serious offenders should
32 fall on the counties. Confinement in the county
33 rather than in a remote state institution will allow
34 the prisoner to maintain ties with his family and
35 community, an important aspect of ensuring success
36 after release. In order to release any burden which
37 an influx of prisoners may place on the counties, as
38 well as to encourage development of programs and al-
39 ternatives to incarceration at the county level, the
40 State will pay a uniform rate of reimbursement for
41 each day served by prisoners diverted to the county
42 system under this bill.

1 Section 4 of this bill increases the maximum pe-
2 riods of probation which may be imposed by the courts
3 for Class A, Class B or Class C crimes. This change,
4 recommended by the commission, will afford the courts
5 greater flexibility in sentencing by allowing a
6 longer period of supervision in the community upon
7 release from confinement.

8 In addition, this bill makes some technical
9 changes in the law. One change deals with the trans-
10 fer or exchange of prisoners under international
11 treaties. Section 10 makes a change necessary to al-
12 low all prisoners to be released on the last business
13 day of their sentences rather than just those at
14 Maine State Prison as is now the case. Section 14
15 permits the commissioner to establish a system for
16 paying inmates for work done in the prison indus-
17 tries' programs.

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