

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1 (New Draft of H.P. 1716, L.D. 2408)  
2 SECOND SPECIAL SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 2435

8 H.P. 1750

House of Representatives, May 29, 1986

9 Reported by the Minority from the Committee on Human Resources and  
10 Manning of Portland. Original bill sponsored by Representative  
11 Gauvreau of Androscoggin, and Representative Priest of Brunswick.

EDWIN H. PERT, Clerk

12  
13 STATE OF MAINE  
14

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

18 AN ACT to Implement Certain Recommendations  
19 of the Blue Ribbon Commission on  
20 Corrections.  
21

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

24 Sec. 1. 17-A MRSA §755, sub-§1-A is enacted to  
25 read:

26 1-A. A person is guilty of escape from intensive  
27 supervision imposed pursuant to chapter 52 if, with-  
28 out official permission, he intentionally fails to  
29 appear for work, for school or for a meeting with his  
30 Intensive Supervisor Program officer or who otherwise  
31 intentionally violates a curfew, time or travel re-  
32 striction.

33 Sec. 2. 17-A MRSA §755, sub-§3-A, as amended by  
34 PL 1979, c. 701, §§25 and 26, is further amended to  
35 read:

1           3-A. Prosecution for escape or attempted escape  
2 from any institution included in subsection 3 shall  
3 be in the county in which the institution is located.  
4 Prosecution for escape or attempted escape of a per-  
5 son who has been transferred from one institution to  
6 another shall be in the county in which the institu-  
7 tion the person was either transferred from or trans-  
8 ferred to is located. Prosecution for an escape or  
9 attempted escape for failure to return to official  
10 custody following temporary leave granted for a spe-  
11 cific purpose or a limited period shall be in the  
12 county in which the institution from which the leave  
13 was granted is located or in any county to which  
14 leave was granted. Prosecution for escape or at-  
15 tempted escape from intensive supervision shall be in  
16 the county in which the escape or attempted escape  
17 occurred. In all cases of escape, prosecution may be  
18 in the county or division in which the person who has  
19 escaped was apprehended.

20           Sec. 3. 17-A MRSA §1152, sub-§2, as amended by  
21 PL 1977, c. 53, §1, is repealed and the following en-  
22 acted in its place:

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

25           A. Unconditional discharge as authorized by  
26 chapter 49;

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

29           C. A suspended fine with probation as authorized  
30 by chapter 49;

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

33           E. A split sentence of imprisonment, the initial  
34 unsuspended portion of which is served in whole  
35 or in part with intensive supervision, followed  
36 by probation as authorized by chapter 52;

37           F. A term of imprisonment as authorized by chap-  
38 ter 51; or

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

5           Sec. 4. 17-A MRSAs 1152, sub-2-A, as enacted by  
6           PL 1977, c. 455, 1, is amended to read:

7           2-A. Every natural person convicted of a crime  
8           may be required to make restitution as authorized by  
9           chapter 54. Subject to the limitations of chapter 54,  
10          restitution may be imposed as a condition of proba-  
11          tion or may be imposed in addition to a ~~sentence au-~~  
12          ~~thorized by chapter 51 or to a fine authorized by~~  
13          ~~chapter 53 any other sentencing alternative included~~  
14          ~~within subsection 2 with the exception of the alter-~~  
15          ~~native in paragraph A.~~

16          Sec. 5. 17-A MRSAs 1202, sub-1, as enacted by  
17          PL 1975, c. 499, 1, is repealed and the following  
18          enacted in its place:

19          1. A person convicted of a Class A crime may be  
20          placed on probation for a period not to exceed 6  
21          years; for a Class B or Class C crime, for a period  
22          of probation not to exceed 4 years; and for Class D  
23          and Class E crimes, for a period not to exceed one  
24          year.

25          Sec. 6. 17-A MRSAs 1252, sub-6, as enacted by  
26          PL 1977, c. 217, is repealed and the following en-  
27          acted in its place:

28          6. The court may not specify the place of im-  
29          prisonment to be a county jail as to any term of im-  
30          prisonment in excess of one year or as to any portion  
31          of a split sentence specified by the court to be in  
32          excess of one year.

33          Sec. 7. 17-A MRSAs 1253, sub-1, as amended by  
34          PL 1983, c. 456, 1, is repealed and the following  
35          enacted in its place:

36          1. The sentence of any person committed to the  
37          custody of the Department of Corrections shall com-  
38          mence to run on the date on which that person is re-  
39          ceived into the correctional facility designated as

1 the initial place of confinement by the Commissioner  
2 of Corrections pursuant to section 1258. That day is  
3 counted as the first full day of the sentence.

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

13 Sec. 8. 17-A MRSA §1253, sub-§3, as amended by  
14 PL 1985, c. 456, §1, is further amended to read:

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

28 Sec. 9. 17-A MRSA §1254, sub-§1, as enacted by  
29 PL 1975, c. 499, §1, is amended to read:

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

41 Sec. 10. 17-A MRSA §1256, sub-§1-A is enacted to  
42 read:

1           1-A. Subsection 1 shall apply to prisoners on  
2 intensive supervision. Other offenses committed by a  
3 prisoner on intensive supervision for which the sen-  
4 tence is to the Department of Corrections shall be  
5 governed by section 1266.

6           Sec. 11. 17-A MRSA c. 52 is enacted to read:

7   CHAPTER 52

8   INTENSIVE SUPERVISION

9           §1261. Intensive supervision established

10           1. A sentence to imprisonment with the intensive  
11 supervision means a sentence to confinement outside  
12 an institution under a set of rigorous conditions im-  
13 posed at the time of sentencing. It is an alterna-  
14 tive to imprisonment which may be imposed in accord-  
15 ance with this chapter following a period of impris-  
16 onment or as the initial unsuspended portion of a  
17 split sentence. It is a sentencing alternative  
18 available to the courts for those persons who would  
19 otherwise have been sentenced to institutional con-  
20 finement.

21           2. The Intensive Supervision Program shall be  
22 composed of up to 10 intensive supervision teams.  
23 Each team shall be comprised of 2 Intensive Supervi-  
24 sion Program officers. Each team shall have a maxi-  
25 mum caseload of 25 offenders. The team shall contact  
26 each offender at least 5 times a week.

27           3. A sentence to intensive supervision is a sen-  
28 tence to a term of imprisonment. In the event that  
29 the Intensive Supervision Program or any essential  
30 aspect of the program is determined by the court to  
31 be constitutionally flawed, offenders sentenced to  
32 the program shall serve the sentences imposed at a  
33 state correctional facility determined by the Depart-  
34 ment of Corrections, just as each of them would have  
35 been compelled to serve the sentences in the absence  
36 of this program.

37           4. A person sentenced to a period of intensive  
38 supervision pursuant to this chapter is in the offi-  
39 cial custody of the Department of Corrections.

1 §1262. Sentences of imprisonment with intensive su-  
2 perVISION

3 1. The court may sentence a person to a term of  
4 imprisonment, not to exceed the maximum term autho-  
5 rized for the crime, an initial portion of which  
6 shall be for one year or more, to be served with in-  
7 tensive supervision, and the remainder, which shall  
8 not be less than 2 years, suspended with probation,  
9 as authorized by chapter 49. As to both the initial  
10 unsuspended portion and the suspended portion, the  
11 court shall commit the person to the Department of  
12 Corrections. If the initial unsuspended portion is  
13 for more than one year, intensive supervision shall  
14 apply only to the final year of the initial  
15 unsuspended portion. That portion of the initial  
16 unsuspended term not to be served on intensive super-  
17 vision shall be served in institutional confinement.

18 2. The initial unsuspended portion of the term  
19 of imprisonment shall be followed by a period of pro-  
20 bation, which is to commence upon completion of the  
21 initial unsuspended portion of the term of imprison-  
22 ment unless the court orders that it shall commence  
23 on an earlier date. As provided in chapter 49, the  
24 court may revoke probation for any criminal conduct  
25 committed at any time during the initial unsuspended  
26 portion of the term of imprisonment.

27 3. In any prosecution for a crime committed pri-  
28 or to the effective date of this chapter, the court  
29 may, with the consent of the defendant, impose sen-  
30 tence under subsection 1, if the defendant is other-  
31 wise eligible under section 1263; except that no per-  
32 son sentenced prior to the effective date of this  
33 chapter is eligible for sentencing under subsection  
34 1.

35 4. If, during the initial unsuspended term not  
36 served on intensive supervision, the defendant vio-  
37 lates the criminal law or is otherwise deemed no  
38 longer suitable for participation in the Intensive  
39 Supervision Program or the Intensive Supervision Pro-  
40 gram is deemed no longer suitable for the defendant,  
41 the Department of Correction shall petition the court  
42 to terminate the intensive supervision portion of the  
43 defendant's sentence. If, during the initial

1 unsuspended term not served on intensive supervision,  
2 the defendant does not conform his conduct to insti-  
3 tutional rules, the Department of Correction may pe-  
4 tition the court to terminate the intensive supervi-  
5 sion portion of the defendant's sentence.

6 5. If, at the time the defendant is scheduled to  
7 be released to the Intensive Supervision Program, the  
8 ratio of prisoners to Intensive Supervision Program  
9 Officers would exceed 25 to 2, the Department of Cor-  
10 rections shall petition the court to relieve it of  
11 its obligation to place the defendant in the Inten-  
12 sive Supervision Program until it can place the def-  
13 endant in that program without exceeding the ratio  
14 of 25 to 2. If the court is satisfied that the ratio  
15 of 25 to 2 would be exceeded, it shall grant the  
16 motion relieving the department of that obligation.  
17 The department must place the defendant in the Inten-  
18 sive Supervision Program as soon as the ratio of 25  
19 to 2 would not be exceeded and such placement shall  
20 occur notwithstanding the fact that the defendant may  
21 not then be serving a full year on intensive supervi-  
22 sion.

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

32 7. If, upon completion of the period of inten-  
33 sive supervision, the Department of Corrections,  
34 through the Division of Probation and Parole, consid-  
35 ering the supervision, guidance, assistance or direc-  
36 tion that probation can provide, deems that probation  
37 should be reduced or terminated, it may, at any time,  
38 petition the court for reduction or early termination  
39 of probation in accordance with section 1202, subsec-  
40 tion 3.

41 8. For any person eligible under section 1263,  
42 who has been sentenced after the effective date of  
43 this chapter to a split sentence of imprisonment



1 without intensive supervision, the court may, upon  
2 motion of the department and with the consent of the  
3 defendant, modify that sentence to allow for inten-  
4 sive supervision if that sentence in all other re-  
5 spects satisfies subsection 1.

6 §1263. Eligibility for imprisonment with intensive  
7 supervision

8 1. No person may be sentenced to imprisonment  
9 with intensive supervision pursuant to section 1262,  
10 unless:

11 A. He petitions the court therefor;

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

14 (1) Sections 755, 756 and 757;

15 (2) Any sentence controlled by section  
16 1252, subsections 4 and 5; and

17 (3) A conviction for violating a law which  
18 expressly provides that the fine and impris-  
19 onment penalties it authorizes may not be  
20 suspended;

21 C. The sentence imposed conforms to the require-  
22 ments of section 1262 and would, in any case,  
23 have been a split sentence under section 1203,  
24 subsection 1, with committment under both por-  
25 tions of the sentence to the Department of Cor-  
26 rections;

27 D. The Department of Corrections recommends that  
28 the defendant be sentenced pursuant to this chap-  
29 ter; and

30 E. The court determines:

31 (1) That sentencing the defendant to im-  
32 prisonment with intensive supervision can be  
33 done without exceeding the ratio of prison-  
34 ers to Intensive Supervision Program offi-  
35 cers of 25 to 2;

1                   (2) That, where appropriate, the program is  
2                   consistent with the defendant's vocational,  
3                   educational, social, familial and other  
4                   needs; and

5                   (3) That the defendant is suitable for the  
6                   program.

7                   §1264. Conditions of imprisonment with intensive su-  
8                   perVISION

9                   1. If the defendant petitions for intensive su-  
10                   perVISION and the Department of Corrections recom-  
11                   ends intensive supervision, the Department of Cor-  
12                   rections shall include its recommendations for condi-  
13                   tions for intensive supervision as a part of its pre-  
14                   sentence investigation report to the court. The man-  
15                   datory conditions in subsection 2 must be included in  
16                   the report.

17                   2. The conditions of intensive supervision shall  
18                   include the following:

19                   A. A curfew during the hours of which the pris-  
20                   oner shall be at his residence as determined by  
21                   an Intensive Supervision Program officer;

22                   B. Travel or movement restrictions as determined  
23                   by an Intensive Supervision Program officer lim-  
24                   iting the prisoner's travel to times and places  
25                   directly related to approved employment, formal  
26                   education, job search, public service work or  
27                   such other specific purposes approved in advance  
28                   by an Intensive Supervision Program officer;

29                   C. Searches of the prisoner's person, residence,  
30                   papers and effects without a warrant and without  
31                   probable cause, for items prohibited by law or by  
32                   his conditions or otherwise subject to seizure,  
33                   upon the request of any Intensive Supervision  
34                   Program officer. The Department of Corrections  
35                   may prohibit the prisoner from residing with any-  
36                   one who does not consent to a search of his resi-  
37                   dence to the extent necessary to search the  
38                   prisoner's person, residence, papers and effects;

1 D. That the prisoner not use illegal drugs or  
2 other substances, and not abuse alcohol or any  
3 other legal substance;

4 E. That the prisoner submit to urinalysis,  
5 breath testing or other chemical tests without  
6 probable cause, at the request of any Intensive  
7 Supervision Program officer;

8 F. That the prisoner notify any law enforcement  
9 officer by whom he is stopped of his status as a  
10 prisoner on intensive supervision, and that he  
11 notify his Intensive Supervision Program officer  
12 within 12 hours of any such contact with any law  
13 enforcement officer; and

14 G. That the prisoner not violate state or Feder-  
15 al criminal law.

16 3. The conditions of intensive supervision may  
17 include the following:

18 A. Any condition which may be imposed as a con-  
19 dition of probation pursuant to section 1204;

20 B. Any condition which would be appropriate for  
21 the prisoner and the program. The conditions im-  
22 posed may be as stringent or restrictive as, but  
23 not more stringent or restrictive than, those  
24 which may be constitutionally imposed if the  
25 prisoner were actually housed at a maximum secu-  
26 rity institution.

27 4. If the court sentences the defendant to im-  
28 prisonment with intensive supervision, it shall im-  
29 pose the mandatory conditions in subsection 2 and may  
30 impose any additional conditions as provided in sub-  
31 section 3, as recommended by the Department of Cor-  
32 rections or as determined by the court.

33 5. Prior to the completion of the Intensive Su-  
34 perveillance Program, the court, upon petition by the  
35 Department of Corrections or on its own motion, may  
36 modify any discretionary condition imposed upon a  
37 prisoner, add a condition authorized by subsection 3  
38 or terminate a discretionary condition imposed upon a  
39 prisoner.

1           6. 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           7. If an Intensive Supervision Program officer  
12 has probable cause to believe the prisoner has com-  
13 mitted the crime of escape, he shall file written no-  
14 tice of the prisoner's escape in the Superior Court  
15 in any county and the court may issue a warrant for  
16 the prisoner's arrest. Filing written notice of the  
17 prisoner's escape shall toll running of his sentence  
18 and no portion of the time between filing of the no-  
19 tice and the prisoner's return to custody in this  
20 State may be counted as any part of his sentence.

21 §1265. Termination of intensive supervision

22           1. Upon probable cause to believe that a prisoner  
23 on the Intensive Supervision Program has violated  
24 any condition of that program, that prisoner may be  
25 immediately apprehended. Notice of the violation  
26 shall be filed with the sentencing court or any Super-  
27 ior Court within 2 court days and a copy shall be  
28 provided to the prisoner.

29           2. A hearing shall be held within 7 court days  
30 of the filing of notice of the violation. The hear-  
31 ing shall follow the procedures for a probation revo-  
32 cation hearing under section 1206, subsection 4. The  
33 only issue at the hearing is whether the violation  
34 occurred.

35           3. If the court finds by a preponderance of the  
36 evidence that the prisoner has violated a condition  
37 of his intensive supervision, the prisoner shall  
38 serve, in institutional confinement, the balance of  
39 the portion of the sentence of imprisonment which was  
40 to be served with intensive supervision. If the vio-  
41 lation conduct is also found to be a violation of the  
42 conditions of probation, the court may also revoke  
43 probation as specified in section 1206.

1       4. Review of the court's finding of violation  
2       shall be by direct appeal.

3       5. Pending a hearing under subsection 2 or pend-  
4       ing the appeal of the Superior Court's finding under  
5       subsection 3, bail is not authorized.

6       §1266. Sentence for crime committed by prisoner on  
7       intensive supervision

8       Any prisoner who, while on intensive supervision,  
9       commits an offense punishable by imprisonment for one  
10       year or more and who is sentenced therefor to a term  
11       of imprisonment and committed to the Department of  
12       Corrections shall serve the 2nd sentence to commence  
13       from the date of the termination of the first sen-  
14       tence, whether that sentence is served or annulled.

15       Sec. 12. 26 MRSA §1002, sub-§7, as amended by PL  
16       1975, c. 59, §3, is further amended to read:

17       7. Reports. Make a report to the Governor of its  
18       activities and the results thereof, which report  
19       shall be incorporated in the biennial report of the  
20       Director of the Bureau of Labor-; and

21       Sec. 13. 26 MRSA §1002, sub-§8 is enacted to  
22       read:

23       8. Prison industries programs. Cooperate and  
24       consult with the Department of Corrections to devel-  
25       op policies concerning the issues of job safety for  
26       prisoners involved in prison industries programs,  
27       work release programs and job displacement created by  
28       such programs and to develop opportunities for jobs  
29       in the prison industries programs consistent with Ti-  
30       tle 34-A, section 1403, subsection 9.

31       Sec. 14. 34-A MRSA §1205, sub-§4 is enacted to  
32       read:

33       4. Technical assistance. The commissioner shall  
34       provide technical assistance to counties and county  
35       advisory groups to aid them in the planning and de-  
36       velopment of correctional programs and standards of  
37       compliance consistent with section 1208.

1           Sec. 15. 34-A MRSA §1403, sub-§2, ¶C, as en-  
2 acted by PL 1983, c. 729, §6, is amended to read:

3           C. The commissioner shall appoint the following  
4 officials to serve at his pleasure:

5                   (1) Associate Commissioner;

6                   (1-A) Associate Commissioner of Community  
7 Corrections;

8                   (2) Assistant to the Commissioner; and

9                   (3) Director, Correctional Program.

10          Sec. 16. 34-A MRSA §1403, sub-§3, ¶C is enacted  
11 to read:

12          C. The Associate Commissioner of Community Cor-  
13 rections may be designated to assist in the de-  
14 velopment of community correctional programs at  
15 the county level and to coordinate activities of  
16 the department with each county and any county  
17 correctional advisory groups. The Associate Com-  
18 missioner may appoint staff to assist in carrying  
19 out this paragraph.

20          Sec. 17. 34-A MRSA §1403, sub-§9 is enacted to  
21 read:

22          9. Industries programs. The commissioner may  
23 establish vocational-training, work and industries  
24 programs.

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

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

34          C. All goods manufactured at a correctional fa-  
35 cility for sale shall be distinctly labeled or

1 branded with the words "Manufactured at a Maine  
2 State Correctional Facility."

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

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

11 F. The commissioner may, in consultation with  
12 the State Apprenticeship and Training Council,  
13 develop policies concerning job displacement and  
14 safety and policies to develop opportunities in  
15 the prison industries programs.

16 Sec. 18. 34-A MRSA §3072 is enacted to read:

17 §3072. Treaty; transfer of noncitizens of the United  
18 States

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

28 Sec. 19. 34-A MRSA §3231, sub-§3, ¶M, as enacted  
29 by PL 1983, c. 459, §6, is repealed.

30 Sec. 20. 34-A MRSA §3263, as enacted by PL 1983,  
31 c. 459, §6, is repealed.

32 Sec. 21. 34-A MRSA §3403, sub-§4, as reallocated  
33 by PL 1983, c. 816, Pt. A, §42, is repealed.

34 Sec. 22. 34-A MRSA §3904, sub-§5, as enacted by  
35 PL 1983, c. 861, §1, is repealed.

36 Sec. 23. 34-A MRSA §5401, first ¶, as enacted by  
37 PL 1983, c. 459, §6, is amended to read:

1           There is established within the Department of  
2 Corrections a Division of Probation and Parole which  
3 is charged with the administration of probation and  
4 parole services and the Intensive Supervision Program  
5 within the State.

6           Sec. 24. 34-A MRSA §5402, sub-§2, as enacted by  
7 PL 1983, c. 459, §6, is amended to read:

8           2. Duties. The director shall:

9           A. Promulgate and enforce rules for the field  
10 probation and parole service, juvenile  
11 caseworkers and parole officers in correctional  
12 facilities and for Intensive Supervision Program  
13 officers;

14           B. Appoint, subject to the Personnel Law, dis-  
15 trict probation and parole supervisors, field  
16 probation and parole officers, Intensive Supervi-  
17 sion Program officers and such other employees as  
18 may be required to carry out adequate supervision  
19 of all probationers and of all parolees from the  
20 correctional facilities and all persons on inten-  
21 sive supervision;

22           C. Prescribe the powers and duties of persons  
23 appointed under paragraph B;

24           D. Provide necessary investigation of any crimi-  
25 nal case or matter, including presentence inves-  
26 tigation and intensive supervision eligibility  
27 investigations, when requested by the court hav-  
28 ing jurisdiction;

29           E. Provide investigation when requested by the  
30 board;

31           F. Cooperate closely with the board, the crimi-  
32 nal and juvenile courts, the chief administrative  
33 officers of correctional facilities and other  
34 correctional facility personnel;

35           G. Make recommendations to the board in cases of  
36 violations of the conditions of parole;

37           H. Issue warrants for the arrest of parole vio-  
38 lators;



1 I. Notify the chief administrative officers of  
2 correctional facilities of determinations made by  
3 the board;

4 J. Divide the State into administrative dis-  
5 tricts and staff the districts;

6 K. Provide instruction and training courses for  
7 probation and parole officers, for Intensive Su-  
8 perVISION Program officers and for juvenile  
9 caseworkers; and

10 L. Be executive officer and secretary of the  
11 board.

12 **Sec. 25. Report.** The Department of Corrections  
13 shall report to the joint standing committee of the  
14 Legislature having jurisdiction over correctional  
15 policy by January 15, 1991, on the progress of the  
16 Intensive Supervision Program. The report shall in-  
17 clude, but need not be limited to, a discussion of  
18 the development and effectiveness of the  
19 community-based correctional programs encouraged by  
20 this Act. The joint standing committee shall review  
21 the report and report out any necessary legislation  
22 prior to the close of the First Regular Session of  
23 the 115th Legislature.

24 **Sec. 26. State and County Prisoners Health In-**  
25 **urance Study Commission.**

26 1. Commission established. There is established  
27 the State and County Prisoners Health Insurance Study  
28 Commission. The Governor shall appoint members of  
29 the commission including representatives from the Bu-  
30 reau of Insurance, the Department of Corrections, the  
31 county commissioners and other such persons as he may  
32 designate. Members shall not receive compensation or  
33 expenses.

34 2. Scope of study. The commission shall study  
35 the cost and availability of insurance and the cost  
36 and feasibility of self-insurance for medical costs  
37 of state and county prisoners to determine the possi-  
38 bility and feasibility of creating an insurance pro-  
39 gram which would reduce costs and make medical costs  
40 for prisoners more predictable.

1           3. Report. The commission shall submit its re-  
2 port, together with any necessary legislation, to the  
3 Governor and the Legislature no later than December  
4 1, 1986.

5           Sec. 27. Appropriation. The following funds are  
6 appropriated from the General Fund to carry out the  
7 purposes of this Act.

8 1986-87

9 CORRECTIONS, DEPARTMENT OF

|    |                                     |           |
|----|-------------------------------------|-----------|
| 10 | Positions                           | (3)       |
| 11 | Personal Services                   | \$100,000 |
| 12 | Funds to be used for one Associate  |           |
| 13 | Commissioner, one technical assist- |           |
| 14 | ant and necessary support staff.    |           |

15 STATEMENT OF FACT

16           This new draft incorporates the major provisions  
17 of the original bill with the following changes.

18           It amends the provision of the Intensive Supervi-  
19 sion Program as follows:

20           1. It rewrites portions of the original bill  
21 without substantive change for purposes of clarity or  
22 to make technical corrections;

23           2. It requires a minimum of 5 contacts by the  
24 Intensive Supervision Program officers with each of-  
25 fender;

26           3. It tracks the provisions for revocation, ter-  
27 mination or modification of a prisoner's Intensive  
28 Supervision Program or subsequent probation with the  
29 current provisions for revocation, termination or  
30 modification of probation;

31           4. It clarifies the mandatory conditions of in-  
32 tensive supervision to specify that the administra-  
33 tion of certain conditions is determined by the In-

1 intensive Supervision Program officer, such as the spe-  
2 cific hours of curfew or the travel or movement re-  
3 strictions;

4 5. It requires that a violation of state or Fed-  
5 eral criminal laws is a violation of the mandatory  
6 conditions of intensive supervision; and

7 6. It clarifies the provision regarding search  
8 of the prisoner or his residence, etc. It requires a  
9 waiver of the constitutional search requirements for  
10 someone living with the prisoner to the extent that  
11 the search would involve areas related to the  
12 prisoner's area of residence. This provision does  
13 not modify the department's authority to approve or  
14 disapprove all living arrangements under the bill.

15 This new draft deletes the county prisoner provi-  
16 sions except that it establishes a full-time position  
17 to provide technical assistance to the counties and a  
18 full-time position to oversee community correctional  
19 programs.

20 In addition the following changes were also made  
21 to the original bill in this new draft:

22 1. It requires the development of policies con-  
23 cerning safety of prison employees in work programs,  
24 job displacement due to prison industries programs  
25 and the development of opportunities for jobs for  
26 prisoners;

27 2. It requires the department to report on the  
28 status of the Intensive Supervision Program enacted  
29 by this new draft to the Legislature in 1991; and

30 3. It increases the authorized periods of proba-  
31 tion to a lesser degree than they were increased in  
32 the original bill.