

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1575

S.P. 523

In Senate, May 15, 1987

Submitted by the Department of Corrections pursuant to
Joint Rule 24.

Reference to the Committee on Judiciary suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator GILL of Cumberland.

Cosponsored by Senator MATTHEWS of Kennebec,
Representative TAYLOR of Camden, Representative MANNING of
Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 **AN ACT to Clarify the Right to Remove a**
2 **Committed Offender from a Disciplinary**
3 **Hearing.**
4

5 Be it enacted by the People of the State of Maine as
6 follows:

7 34-A MRSA §3032, sub-§6, ¶B, as enacted by PL
8 1983, c. 459, §6, is amended to read:

9 B. He is entitled to the right to be present
10 which right may not be unreasonably withheld or
11 restricted.

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STATEMENT OF FACT

2 Committed offenders, adult and juvenile, who
3 break a rule of the department or the correctional
4 facility they are housed in may have a disciplinary
5 hearing to prove guilt or innocence and, if guilty,
6 what their punishment will be. The Maine Revised
7 Statutes, Title 34-A, section 3032, subsection 6,
8 paragraph B, provides the safeguards that must be
9 followed in the disciplinary policy used by the de-
10 partment. The present law is not clear whether a
11 committed offender could be removed from his disci-
12 plinary hearing if he behaves in such a manner that
13 he threatens the safety of himself or others or his
14 behavior at the time of or during the disciplinary
15 hearing is such that the rules of the hearing cannot
16 be executed.

17 The bill allows a disciplinary hearing to take
18 place or continue without the presence of the commit-
19 ted offender at the hearing when he is a danger to
20 himself or others or when due to his behavior the
21 rules of the hearing cannot be carried out in his
22 presence.

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