

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2038

S.P. 781

In Senate, January 13, 1988

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

Reference to the Committee on Human Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Representative THISTLE of Dover-Foxcroft, Senator GILL of Cumberland, Representative GREENLAW of Standish.

STATE OF MAINE

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

1 **AN ACT to Include Certain Prisoners Within the**
2 **Provisions of the Workers' Compensation Act.**
3

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

6 **Sec. 1. 39 MRSA §2, sub-§5, ¶E, as enacted by**
7 **PL 1987, c. 210, is amended to read:**

8 **E. The term "employee" does not include any**
9 **prisoner performing services, with or without**

1 remuneration, either within or outside a state
2 correctional facility or county jail, excluding:

3 (1) County prisoners under final sentence of
4 72 hours or less who are assigned to work
5 outside of the county jail; and

6 (2) Prisoners who are performing services
7 under a work release program; and

8 (3) Prisoners within or outside a
9 correctional facility who are receiving
10 remuneration, directly or indirectly, from a
11 private agency for performing services.

12 Sec. 2. 39 MRSA §102-A, as enacted by PL 1987,
13 c. 559, Pt. B, §43, is amended to read:

14 §102-A. Incarceration of employee

15 No incapacity benefits under section 54-B or 55-B
16 may be paid to an employee during any period in which
17 he is a sentenced prisoner in actual execution of a
18 term of incarceration imposed in this State or any
19 other jurisdiction for a criminal offense, except when
20 the employee is participating in a work-release or
21 similar program or is sentenced to imprisonment with
22 intensive supervision under Title 17-A, section 1261,
23 or is within or outside a correctional facility and is
24 receiving remuneration, directly or indirectly, from a
25 private agency for performing services. All
26 compensation under those sections is forfeited during
27 the period of incarceration except for any period in
28 which the employee is participating in a work-release
29 or similar program or is sentenced to imprisonment
30 with intensive supervision under Title 17-A, section
31 1261, or is within or outside a correctional facility
32 and is receiving remuneration, directly or indirectly,
33 from a private agency for performing services.

1

STATEMENT OF FACT

2 Work release programs are not available to
3 prisoners with the more restrictive security
4 classifications and long-term sentences; thus, they
5 are excluded from meaningful employment and the
6 earning of prevailing wages which tends to have a
7 negative effect upon rehabilitation. This bill allows
8 correctional facilities to apply for federal
9 certification for programs which will provide
10 purposeful work for them, thereby reducing prison
11 tensions, increasing job skills and providing a
12 greater opportunity for prisoner rehabilitation, as
13 well as some support for dependents. This bill is
14 urgently needed in order that the Department of
15 Corrections may qualify or even submit an application
16 for certification, since the federal law limits the
17 total number of projects to 20. As of August 1987,
18 there were 10 applications already approved, 3 pending
19 and 3 or 4 more jurisdictions were in the process of
20 making application. Because of this, this bill is
21 needed as soon as possible.

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