

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 43

S.P. 60

In Senate, January 31, 1989

Reported by Senator BUSTIN of Kennebec for the Joint Select Committee on Corrections pursuant to Joint Order S.P. 16.

Reference to the Joint Select Committee on Corrections suggested and ordered printed pursuant to Joint Rule 18.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

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

An Act Relating to the Maine Correctional Advisory Commission.

(EMERGENCY)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
3 as emergencies; and

4 Whereas, the Maine Correctional Policy Advisory Commission
5 needs to begin its work immediately; and

6
7 Whereas, in the judgment of the Legislature, these facts
8 create an emergency within the meaning of the Constitution of
9 Maine and require the following legislation as immediately
10 necessary for the preservation of the public peace, health and
11 safety; now, therefore,

12
13 **Be it enacted by the People of the State of Maine as follows:**

14 **Sec. 1.** 5 MRSA §12004-I, sub-§4, as enacted by PL 1987, c. 786,
15 §5, is amended to read:

16
17 4. Correc- Maine Correc- \$25/Day 34-A MRSA
18 tions tional Policy §1204-A
19 Advisory Commission

20
21 **Sec. 2.** 34-A MRSA §1204, as amended by PL 1985, c. 666, §§1
22 and 2, is repealed.

23
24 **Sec. 3.** 34-A MRSA §1204-A is enacted to read:

25
26 §1204-A. Maine Correctional Policy Advisory Commission

27
28 The Maine Correctional Policy Advisory Commission, as
29 established by Title 5, §12004-I, sub-§4, is within the
30 department.

31
32 1. Composition. The commission shall consist of 22 members
33 to be appointed as follows:

34
35 A. Three members of the House of Representatives appointed
36 by the Speaker of the House;

37
38 B. Two Senators appointed by the President of the Senate;

39
40 C. One member from the Juvenile Justice Advisory Group
41 appointed by the Governor;

42
43 D. One member from the Criminal Law Advisory Commission
44 appointed by the Attorney General;

45
46 E. One member from the Maine Police Chiefs Association
47 appointed by the Governor;

48
49 F. One member from the Maine Sheriffs Association appointed
50 by the Governor;

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1 G. One member from the District Attorneys Association
3 appointed by the Governor;

5 H. One member from the Department of the Attorney General
7 appointed by the Attorney General;

9 I. One attorney experienced in criminal defense appointed
11 by the Governor; and

13 J. Ten other persons appointed by the Governor, including
15 at least:

17 (1) One full-time nonadministrative employee from the
19 state correctional system;

21 (2) One former inmate of the correctional system;

23 (3) Two nongovernmental providers of correctional
25 services;

27 (4) Two persons who have a demonstrated interest in the
29 correctional system and who are representatives of
31 nongovernmental organizations or groups; and

33 (5) One representative of a nongovernmental
35 organization or group of victims.

37 The commission shall ask the Chief Justice of the Supreme
39 Judicial Court to designate a judge from the District Court and a
41 judge from the Superior Court, both of whom serve on the Maine
43 Judicial Council, to act as advisors to the commission.

45 2. Chair. The commission shall elect a chair from its
47 membership.

49 3. Terms of appointment. The terms of appointments are as
51 follows.

53 A. Terms of appointments for persons other than Legislators
55 shall be for 3 years; provided that of the first
57 appointments, 6 shall be for terms of 3 years, 6 shall be
59 for terms of 2 years, including the appointments made by the
61 Attorney General and 5 shall be for terms of one year.

63 B. Terms of appointments for Legislators shall be for the
65 legislative term of office of the person appointed.

67 4. Expenses. Commission expenses shall be treated as
69 follows.

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3 A. Each member of the commission shall be compensated according to the provisions of Title 5, chapter 379.

5 B. The commission may receive public and private grants to aid in defraying the expenses of its operation.

7
9 C. The commission may employ a full-time correctional specialist, who shall serve at the pleasure of the commission, and such additional staff as necessary.

11
13 D. Clerical staff shall be employed subject to the Civil Service Law.

15 5. Meetings. The commission shall meet at least once each month. Additional meetings may be held as necessary and may be convened at the call of the chair or any 2 members. A representative of the department shall act as liaison between the commission and the department and shall act as an ex officio member of the commission.

21 6. Duties. The commission shall:

23
25 A. Regularly advise the Governor, Commissioner of Corrections, the Legislature and the Judiciary on issues concerning corrections policy; and

27
29 B. Prepare a report which shall be submitted to the commissioner and the joint standing committee of the Legislature having jurisdiction over corrections by December 31st of each year. The report shall include:

33 (1) A detailed assessment of existing and needed resources within correctional institutions, the Division of Probation and Parole and community corrections services. The assessment shall include an evaluation of population growth management, with respect to appropriate utilization of corrections facilities and community resources;

41 (2) An evaluation of existing programs for incarcerated and nonincarcerated offenders, including recommendations for improvements or new programs;

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45 (3) Evaluation of the current offender classification system and any necessary proposals for a comprehensive classification system which formally and objectively assesses risk and need, and provides objective data for the basis of decision making at times of sentencing, institutional placement and movement, probation case management and prerelease;

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(4) Recommendations for effective management of the offender population within a range or set of strategies which provide multiple options for dealing with risk and need.

To assist in the development of recommendations, the commission may undertake studies of offender population management options in other states including, but not limited to:

(a) Utilization of probation and parole;

(b) Fining systems, including day fines;

(c) Community corrections;

(d) State and local relationships; and

(e) Alternative sentencing methodologies;

(5) Recommendations for appropriate prevention strategies for young adults; and

(6) Recommendations for an effective long-range evaluation procedure for the State's corrections system.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
CORRECTIONS, DEPARTMENT OF		
Administration-Corrections		
Positions	(2.0)	(2.0)
Personal Services	\$56,034	\$60,338
All Other	8,231	6,900
Capital Expenditures	2,994	
TOTAL	<u>\$67,259</u>	<u>\$67,238</u>

Provides funds for a Correctional Planning Analyst, a Clerk Typist II, per diem, office expenses, and related commission costs.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

1 **STATEMENT OF FACT**

3 This bill has 3 purposes:

5 1. To change the name of the Maine Correctional Advisory
7 Commission to the Maine Correctional Policy Advisory Commission
9 and enable the commission to be more representative of persons
and agencies involved in or with an interest in the correctional
system;

11 2. To ensure ongoing evaluation and assessment of programs
13 and resources within the corrections system and to continue study
of options for the effective management of offenders; and

15 3. To give the commission the resources necessary to carry
17 out its responsibilities.