

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2273

H.P. 1640

House of Representatives, February 1, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative ANTHONY of South Portland.

Cosponsored by Senator BRANNIGAN of Cumberland, Senator BUSTIN of Kennebec and Representative MELENDY of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Create a Community Restitution Center.



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

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Sec. 1. 5 MRSA §12004-I, sub-§5-A is enacted to read:

<u>5-A. Correc-</u>	<u>Community</u>	<u>Expenses</u>	<u>34-A</u>
<u>tions</u>	<u>Liaison</u>	<u>Only</u>	<u>MRSA</u>
	<u>Advisory</u>	<u>for Non-</u>	<u>§3953</u>
	<u>Board</u>	<u>state</u>	
		<u>Employees</u>	

Sec. 2. 17-A MRSA §1204, sub-§2-A, ¶B-1 is enacted to read:

B-1. To reside in a restitution center, as established by Title 34-A, chapter 3, subchapter VII, and abide by its rules. This condition of probation is contingent upon acceptance of the convicted person by a restitution center. The court shall specify the length of the term of residence up to a maximum of one year of the total probationary period;

Sec. 3. 34-A MRSA §1001, sub-§6, as enacted by PL 1983, c. 459, §6, is amended to read:

6. Correctional facility. "Correctional facility" means the Maine State Prison, Maine Correctional Center, Charleston Correctional Facility, Downeast Correctional Facility, Southern Maine Community Restitution Center, Maine Youth Center or any other entity which that falls under the jurisdiction of the department, but does not include a county jail, holding facility or short-term detention area.

Sec. 4. 34-A MRSA c. 3, sub-c. VII is enacted to read:

SUBCHAPTER VII

SOUTHERN MAINE COMMUNITY RESTITUTION CENTER

§3951. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Board. "Board" means the Community Liaison Advisory Board.

2. Center. "Center" means the Southern Maine Community Restitution Center.

3. Director. "Director" means the Director of the Southern Maine Community Restitution Center.

2 **§3952. Establishment**

4 The Southern Maine Community Restitution Center is
6 established for the residence and rehabilitation of persons who
8 have been sentenced to the center as a condition of probation
10 under Title 17-A, section 1204. The center shall provide
12 structured residential supervision and community-based employment
14 for minimum security offenders who are convicted of nonviolent
16 crimes. Residents shall make restitution to the victims of their
18 crimes and shall contribute to the cost of their own
20 incarceration as well as to the support of their dependents.

22 **§3953. Community Liaison Advisory Board**

24 1. Establishment. The Community Liaison Advisory Board, as
26 established by Title 5, section 12004-I, subsection 5-A, shall
28 advise the director of the center regarding the development and
30 operation of the center and shall serve as a liaison between the
32 department and the community.

34 2. Membership. The board consists of 12 members, appointed
36 by the commissioner. Members shall serve for terms of 3 years;
38 except that, for those first appointed, 4 members shall serve for
40 3-year terms, 4 members for 2-year terms and 4 members for
42 one-year terms. All members must work or live in the
44 municipality where the center is established or in a nearby
46 municipality. Membership must include at least the following:

- 48 A. Two representatives of the local business community;
- 50 B. One representative of the local probation office;
- C. One local law enforcement official;
- D. One municipal government official;
- E. One defense attorney;
- F. One prosecuting attorney;
- G. One representative of a local social service agency; and
- H. Two representatives of the general public.

3. Chair. The commissioner shall designate the chair of
 the board.

4. Responsibilities. The board shall:

- A. Advise the commissioner and the director in the

2 development of center policy to foster positive relations
3 with the community;

4 B. Assist the commissioner and director in the development
5 and evaluation of admission criteria for the center;

6 C. Assist the director in locating and developing
7 employment opportunities for residents;

8 D. Act as a liaison between the department and the
9 community;

10 E. Meet as often as necessary at the discretion of the
11 chair; and

12 F. Adopt rules of procedure necessary to carry out its
13 duties.

14 **§3954. Director**

15 1. Appointment of director. The director is the chief
16 administrative officer of the center. The director is appointed
17 by and is responsible to the commissioner.

18 2. Duties. In addition to other duties set out in this
19 subchapter, the director has the following duties.

20 A. The director shall exercise proper supervision over the
21 employees, grounds, buildings and equipment at the center.

22 B. The director, with the approval of the commissioner,
23 shall establish admission criteria at the center, and is
24 responsible for the supervision and control of the residents
25 in accordance with department rules.

26 C. The director shall work with the board in the
27 development of center policy, employment opportunities for
28 residents and community relations.

29 3. Appointment of assistant director. The director may
30 appoint one assistant director, subject to the Civil Service
31 Law. The assistant director has the powers, duties, obligations
32 and liabilities of the director when the director is absent or
33 unable to perform the director's duties.

34 **§3955. Residents generally**

35 1. Evaluation. Before being accepted for residence in the
36 center, prospective residents must be determined to be nonviolent
37 and minimum security risks, in accordance with admission criteria
38 and minimum security risks, in accordance with admission criteria

2 developed by the director with the advice of the board and
3 approved by the commissioner.

4 2. Residence. All residents at the center are under the
5 control of the director in accordance with the rules of the
6 department, and are subject to any additional conditions of
7 probation which may have been set at the time of the resident's
8 sentencing. The director shall ensure that all residents attend
9 work and other community activities as scheduled and shall
10 subject residents to drug and alcohol testing, as appropriate,
11 which may be on a random basis.

12 3. Employment and employment training. All residents must
13 be employed full time or must participate in a full-time
14 equivalent combination of employment, employment training and
15 employment placement activities pursuant to employment policies
16 developed in consultation with the board and approved by the
17 commissioner.

18 4. Community service. To the greatest extent practicable,
19 all residents shall engage in community service. The minimum
20 amount of community service required and the definition of
21 community service must be established by the director with the
22 advice of the board and the approval of the commissioner.

23 5. Rehabilitation. To the greatest extent practicable,
24 residents shall participate in existing community education, life
25 skills and other rehabilitation programs. Programs must be
26 provided at the center for those residents who are unable to
27 participate in programs located in the community.

28 6. Funds. No person may be admitted to the center unless
29 the person consents to surrender all funds received from
30 employment and other sources to the director for disbursement.
31 The director, with the approval of the commissioner, shall adopt
32 rules for the disbursement of the funds. The rules must include
33 provisions for the payment of fines, court fees and restitution
34 to the resident's victim or victims when appropriate,
35 contributions toward the resident's cost of residency,
36 contributions toward the cost of court-appointed counsel,
37 contributions to the support of the resident's dependents, and
38 any other financial obligations the resident may have. The rules
39 must also include provisions for personal expense funds that the
40 resident may use during residency, and personal savings to be
41 accumulated until discharge. All resident funds received by the
42 director must be placed in a specific center account and any
43 interest that accrues may be used to pay account service charges
44 or to provide center programs for residents.

2 7. Unauthorized leave. Any resident who leaves the center
4 without authorization or fails to appear for or leaves any
6 activity beyond the grounds of the center without authorization,
8 commits escape under Title 17-A, section 755.

10 §3956. Employees

12 Employees of the center have the same power as sheriffs in
14 their respective counties to search for and apprehend escapees
16 from the center, when authorized to do so by the director.

18 STATEMENT OF FACT

20 This bill establishes the Southern Maine Community
22 Restitution Center, within the Department of Corrections, for
24 low-security residents who need more than probation but less than
26 incarceration in one of the existing correctional facilities.
28 Inmates live in the center as a special condition of probation,
30 holding jobs in the community, paying restitution to the victims
32 and contributing toward the costs of their incarceration. As a
34 consequence, the cost to the State would be considerably lower
36 than incarceration in existing correctional facilities. Strict
rules would be established to govern behavior of residents, and
leaving the facility without authorization would be deemed an
escape.

The bill creates the Community Liaison Advisory Board to
assist in establishing and operating the center in a manner
acceptable to the community. The board will also assist in
developing employment possibilities for residents of the center.

If the restitution center is successful, it is envisioned
that additional restitution centers would be established in other
areas of the State in the future.