

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

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Legislative Document

No. 1489

S.P. 569

In Senate, April 11, 1991

Submitted by the Department of Corrections pursuant to Joint Rule 24.  
Reference to the Joint Select Committee on Corrections suggested and ordered printed.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator HOLLOWAY of Lincoln  
Cosponsored by Senator SUMMERS of Cumberland, Representative MANNING of Portland  
and Representative BAILEY of Farmington.

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STATE OF MAINE

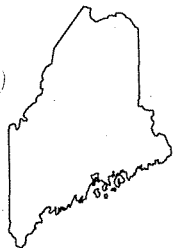
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

An Act to Make Miscellaneous Changes to the Maine Revised Statutes,  
Title 34-A.

---



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

2  
4       Sec. 1. 34-A MRSA §1001, sub-§1, as enacted by PL 1983, c.  
459, §6, is amended to read:

6       1. **Chief administrative officer.** "Chief administrative  
8 officer ~~of a correctional facility~~" means the head of a  
correctional facility, ~~including, but not limited to:~~ or a  
10 detention facility.

12       A. ~~The Warden of the Maine State Prison;~~

14       B. ~~The Superintendent of the Maine Correctional Center;~~

16       C. ~~The Director of the Charlesten Correctional Facility; and~~

18       D. ~~The Superintendent of the Maine Youth Center.~~

20       Sec. 2. 34-A MRSA §1001, sub-§1-A is enacted to read:

22       1-A. Client. "Client" means any person in the custody or  
24 under the supervision of the department, including, but not  
limited to, a prisoner, juvenile client, contract client,  
probationer, parolee, juvenile detainee and an informally  
26 adjusted juvenile.

28       Sec. 3. 34-A MRSA §1001, sub-§3, as enacted by PL 1983, c.  
459, §6, is repealed.

30       Sec. 4. 34-A MRSA §1001, sub-§5, as enacted by PL 1983, c.  
459, §6, is amended to read:

32       5. **Contract client.** "Contract client" means a committed  
34 offender client residing in a facility or participating in a  
36 program outside the jurisdiction of the department under an  
agreement between the department and the contract agency.

38       Sec. 5. 34-A MRSA §1001, sub-§6, as amended by PL 1989, c.  
898, §3, is further amended to read:

40       6. **Correctional facility.** "Correctional facility" means  
42 ~~the Maine State Prison, Maine Correctional Center, Charlesten~~  
~~Correctional Facility, Downeast Correctional Facility, community~~  
44 ~~restitution centers, Maine Youth Center or any other entity~~  
facility that falls under the jurisdiction of the department, but  
46 does not include a county jail, holding facility or a short-term  
detention area or a detention facility.

48       Sec. 6. 34-A MRSA §1001, sub-§§8-A and 11-A are enacted to  
50 read:

2           **8-A. Detention facility.** "Detention facility" means the  
Northern Maine Regional Juvenile Detention Facility.

4           **11-A. Juvenile detainee.** "Juvenile detainee" means a  
juvenile detained at the Maine Youth Center or a detention  
6           facility pending a court proceeding, pending a preliminary  
hearing under Title 17-A, section 1205 or pursuant to Title 15,  
8           section 3314, subsection 1, paragraph H.

10           **Sec. 7. 34-A MRSA §1001, sub-§14,** as enacted by PL 1983, c.  
459, §6, is repealed and the following enacted in its place:

12           **14. Prisoner.** "Prisoner" means an adult person sentenced  
14           and committed to, transferred to or detained in the custody of  
the department, including, where the context indicates, a person  
16           under intensive supervision.

18           **Sec. 8. 34-A MRSA §1001, sub-§16,** as enacted by PL 1983, c.  
459, §6, is amended to read:

20           **16. Segregation.** "Segregation" means the separation of a  
22           ~~committed-offender~~ prisoner from the general population of a  
correctional facility for administrative or punitive reasons.

24           **Sec. 9. 34-A MRSA §1201,** as enacted by PL 1983, c. 459, §6,  
26           is amended to read:

28           **§1201. Legislative intent**

30           Recognizing the need to firmly control all of the state's  
32           State's correctional and detention facilities, provide for the  
safety of guards staff and ~~committed-offenders~~ clients, undertake  
34           appropriate programming for the classification, education,  
rehabilitation and maintenance of ~~committed-offenders~~ clients and  
36           assure an effective system for the supervision of parolees and  
probationers, it is the intent of the Legislature to create a  
38           Department of Corrections to improve the administration of  
correctional facilities, programs and services for ~~committed~~  
40           offenders clients.

42           **Sec. 10. 34-A MRSA §1203, sub-§1,** as amended by PL 1987, c.  
744, §10, is further amend to read:

44           **1. Establishment.** The Office of Advocacy is established  
within the department to investigate the claims and grievances of  
46           ~~committed-offenders,--informally-adjusted--juveniles--and--contract~~  
clients, to investigate, in conjunction with the Department of  
48           Human Services, as appropriate, allegations of adult and child  
abuse or neglect in correctional facilities and detention  
50           facilities and to advocate for compliance by the department, any  
correctional facility, any detention facility or any contract  
52           agency with all laws, administrative rules and institutional and

2 other policies relating to the rights and dignity of committed  
3 offenders, ~~informally-adjusted-juveniles-and-contract~~ clients.

4 **Sec. 11. 34-A MRSA §1203, sub-§3, ¶¶A, B and C**, as enacted by  
5 PL 1983, c. 459, §6, are amended to read:

6 A. Receive or refer complaints made by committed-offenders,  
7 ~~informally-adjusted-juveniles-and-contract~~ clients;

10 B. Intercede on behalf of these persons with officials of  
11 the department, any correctional facility, any detention  
12 facility or any contract agency or assist these persons in  
13 the initiation of grievance proceedings established by the  
14 commissioner under section 1402, subsection 5;

16 C. As Act as an information source regarding the rights of  
17 these persons, keep informed about all laws, administrative  
18 rules and institutional and other policies relating to the  
19 rights and dignity of these persons and about relevant legal  
20 decisions and other developments related to the field of  
21 corrections, both in this State and in other parts of the  
22 country; and

24 **Sec. 12. 34-A MRSA §1203, sub-§4, ¶B**, as enacted by PL 1983,  
25 c. 459, §6, is amended to read:

26 B. Have access, limited only by the law, to the files,  
27 records and personnel of the department, any correctional  
28 facility, any detention facility or any contract agency.

30 **Sec. 13. 34-A MRSA §1203, sub-§5, ¶A**, as enacted by PL 1983,  
31 c. 459, §6, is amended to read:

34 A. Any request by a committed-offender, ~~informally-adjusted~~  
35 ~~juvenile-or-contract~~ client for action by the office and all  
36 written records or accounts related to the request ~~shall-be~~  
37 are confidential as to the identity of the requesting person.

38 **Sec. 14. 34-A MRSA §1204-A, sub-§1, ¶E**, as enacted by PL 1989,  
39 c. 808, §3, is amended to read:

42 E. Eight other members appointed by the Governor, including  
43 at least:

44 (1) One full-time nonadministrative employee from the  
45 state correctional system;

48 (2) One former inmate prisoner of the correctional  
49 system;

50 (3) One person representing victims of crimes; and  
51

(4) Two members of the public.

2  
4 Sec. 15. 34-A MRSA §1205, sub-§3, ¶C, as amended by PL 1987, c. 445, §1, is further amended to read:

6 C. The commissioner shall pay for additional expenses  
8 incurred by the counties in providing security and  
10 transportation services to ~~committed-offenders~~ clients who  
12 commit new offenses while serving their sentences in state  
correctional facilities. The effective date of this  
paragraph is July 1, 1989.

14 Sec. 16. 34-A MRSA §1208-A, as enacted by PL 1989, c. 321,  
§2, is amended to read:

16 **§1208-A. Standards for additional accommodations**

18 The commissioner shall establish standards for facilities  
20 not covered by section 1208 which that are used to house county  
22 prisoners, including secure detention facilities as defined in  
24 Title 15, section 3003, subsection 24-A and temporary holding  
resources as defined in Title 15, section 3003, subsection 26 and  
has the same power to enforce those standards as provided under  
section 1208.

26 Sec. 17. 34-A MRSA §1402, sub-§1, as enacted by PL 1983, c.  
28 459, §6, is amended to read:

30 1. **General.** The commissioner shall--~~have~~ has general  
32 supervision, management and control of the research and planning,  
34 grounds, buildings, property, officers, employees and ~~committed~~  
offenders clients of any correctional facility, detention  
facility or correctional program.

36 Sec. 18. 34-A MRSA §1402, sub-§3, ¶B, as enacted by PL 1983,  
c. 459, §6, is amended to read:

38 B. The central principle underlying all rules, regulations,  
40 procedures and practices relating to ~~committed-offenders~~  
clients is that the ~~committed-offenders-shall~~ clients retain  
42 all rights of an ordinary citizen, except those expressly or  
by necessary implication taken from them by law.

44 Sec. 19. 34-A MRSA §1402, sub-§5, as enacted by PL 1983, c.  
46 459, §6, is amended to read:

48 5. **Grievance procedures.** The commissioner shall establish  
50 procedures for hearing grievances of ~~committed--offenders,~~  
~~informally-adjusted-juveniles-and-contract~~ clients as described  
in section 1203.

2           **Sec. 20. 34-A MRSA §1402, sub-§§7 and 8, as enacted by PL 1987,**  
3           **c. 744, §11, are amended to read:**

4           **7. Abuse allegations in correctional and detention**  
5           **facilities.** The commissioner shall--be is responsible for  
6           ensuring appropriate intervention and remediation in cases of  
7           substantiated abuse and neglect in correctional and detention  
8           facilities. The commissioner shall ensure, through inspection at  
9           least every 2 years, that all correctional and detention  
10          facilities meet applicable federal and state standards relating  
11          to the health and safety of clients of these facilities.

12           **8. Allegations of child abuse or neglect in correctional**  
13          **and detention facilities.** The commissioner shall--be is  
14          responsible for the investigation of all reports of suspected  
15          child abuse or neglect in correctional and detention facilities.

16           A. These investigations shall must be conducted with the  
17          Department of Human Services, as appropriate, and, in cases  
18          where there are allegations or indications of criminal  
19          conduct, with the Department of the Attorney General, as  
20          appropriate.

21           B. The commissioner shall negotiate joint working  
22          agreements with the Department of Human Services and the  
23          Department of the Attorney General concerning procedures and  
24          respective responsibilities for conducting investigations of  
25          allegations of child abuse or neglect in correctional and  
26          detention facilities.

27           **Sec. 21. 34-A MRSA §1403, sub-§1, as enacted by PL 1983, c.**  
28           **459, §6, is amended to read:**

29           **1. General powers.** The commissioner may perform any legal  
30          act relating to the care, custody, treatment, relief and  
31          improvement of ~~committed--offenders~~ clients or may purchase  
32          residential services when the department's correctional and  
33          detention facilities do not provide the appropriate services for  
34          the ~~committed-offender~~ client.

35           **Sec. 22. 34-A MRSA §1403, sub-§3, ¶¶A and B, as enacted by PL**  
36           **1983, c. 459, §6, are amended to read:**

37           A. Unless a specific statute otherwise directs, the  
38          commissioner may delegate powers and duties given under this  
39          Title to the associate commissioner and to chief  
40          administrative officers ~~of--correctional-facilities~~.

41           B. The commissioner may empower the associate commissioner  
42          and chief administrative officers ~~of--correctional-facilities~~  
43          to further delegate powers and duties delegated to them by  
44          the commissioner.

2           **Sec. 23. 34-A MRSA §1403, sub-§3, ¶B-1** is enacted to read:

4           B-1. Unless a specific statute otherwise directs, the  
6           commissioner may empower chief administrative officers to  
          delegate powers and duties given to them by chapter 3.

8           **Sec. 24. 34-A MRSA §1403, sub-§5**, as enacted by PL 1989, c.  
10          459, §6, is amended to read:

12          5. **Lease of unused buildings.** The commissioner may, with  
14          the approval of the Director of Public Improvements, lease unused  
          buildings at the correctional and detention facilities for the  
          purposes of providing services to ~~committed-offenders~~ clients.

16          A. The leases shall must be for a period not to exceed one  
18          year.

20          B. The commissioner shall submit a plan of the proposed  
22          leases and their impact on the correctional and detention  
24          facilities and ~~committed-offenders~~ clients to the joint  
          standing committee of the Legislature having jurisdiction  
          over ~~health-and-institutional-services~~ corrections no later  
          than January 31st of each year.

26          **Sec. 25. 34-A MRSA §1403, sub-§6**, as enacted by PL 1983, c.  
28          581, §§12 and 59, is amended to read:

30          6. **Acceptance or conveyance of donated personal property.**  
32          The commissioner may accept donations of personal property to be  
34          used at a correctional or detention facility. If, at a later  
36          date, the donated property ceases to be useful to the  
          correctional or detention facility, the commissioner may sell the  
          property and use the proceeds for the benefit of the correctional  
          or detention facility to which the property was originally  
          donated.

38          **Sec. 26. 34-A MRSA §3001**, as enacted by PL 1983, c. 459, §6,  
40          is amended to read:

42          **§3001. Chief administrative officers**

44          1. **Appointment.** The commissioner may appoint chief  
46          administrative officers ~~of--a--correctional--facilities~~ as necessary  
          for the proper performance of the functions of the department.

48          A. To be eligible for appointment as a chief administrative  
50          officer ~~of--a--correctional--facility~~, a person must be  
          experienced in the management of the particular type of  
          ~~correctional~~ facility to which he that person is assigned.



2 B. Chief administrative officers ~~of correctional facilities~~  
shall report directly to the commissioner.

4 2. **Acting chief administrative officer.** Notwithstanding any  
6 other provision of law, the commissioner may delegate any  
employee of the department to serve as the acting chief  
8 administrative officer of any ~~correctional~~ facility, if the  
office of the chief administrative officer of the facility is  
vacant.

10 A. The acting chief administrative officer shall serve for  
12 a period not to exceed 180 days.

14 B. Service as the acting chief administrative officer of a  
~~correctional~~ facility is considered a temporary additional  
16 duty for the person so delegated.

18 **Sec. 27. 34-A MRSA §3003, sub-§1,** as amended by PL 1987, c.  
633, §§2 and 3, is further amended to read:

20 1. **Limited disclosure.** All orders of commitment, medical  
22 and administrative records, applications and reports, and facts  
contained in them, pertaining to any person receiving services  
24 from the department, shall must be kept confidential and may not  
be disclosed by any person, except that criminal history record  
26 information may be disseminated in accordance with Title 16,  
chapter 3, subchapter VIII, and documents, other than those  
28 documents pertaining to information obtained by the department  
for the purpose of evaluating a ~~committed-offender's~~ client's  
30 ability to participate in a community-based program or from  
informants in a correctional or detention facility for the  
32 purpose of determining whether ~~prison~~ facility rules have been  
violated, or a victim's request for notice of release, may be  
34 disclosed:

36 A. To any person, if the person receiving services, his  
38 that person's legal guardian, if any, or, if he that person  
is a minor, his that person's parent or legal guardian,  
40 gives his informed written consent to the disclosure of the  
documents referred to in this subsection after being given  
42 the opportunity to review the documents sought to be  
disclosed;

44 B. To any state agency if necessary to carry out the  
statutory functions of that agency;

46 C. If ordered by a court of record, subject to any  
48 limitation in the Maine Rules of Evidence, Rule 503; and

50 D. To any criminal justice agency if necessary to carry out  
the administration of criminal justice, the administration

2 of juvenile criminal justice or for criminal justice agency  
employment.

4 **Sec. 28. 34-A MRSA §3004**, as enacted by PL 1983, c 459, §6,  
is amended to read:

6 **§3004. Legal actions**

8  
10 **1. Contract actions.** Actions founded on any contract made  
with the State Purchasing Agent, or with any official of the  
12 department under the authority granted by the State Purchasing  
Agent, on behalf of a correctional or detention facility may be  
14 brought by the official making the contract or his the official's  
successor in office.

16 **2. Actions for injuries to property.** Actions for injuries  
to the real or personal property of the State, used by any  
18 correctional or detention facility and under the management of an  
officer of the facility, may be prosecuted in the name of the  
20 officer or his the officer's successor in office.

22 **Sec. 29. 34-A MRSA §3005, first ¶**, as enacted by PL 1983, c.  
459, §6, is amended to read:

24  
26 When emergency situations are certified by the chief  
administrative officer to exist at a ~~correctional~~ facility, the  
28 commissioner may, with the approval of the Governor, assign  
personnel as may be necessary from another facility or division  
of the department to assist in controlling the emergency  
30 situation.

32 **Sec. 30. 34-A MRSA §3007, first ¶**, as enacted by PL 1983, c.  
459, §6, is amended to read:

34  
36 The chief administrative officer of each ~~correctional~~  
facility shall provide in at least one accessible area in each  
38 facility an appropriate space for the posting of written  
political material sent for that purpose to the chief  
40 administrative officer by candidates for state office or federal  
office in this State.

42 **Sec. 31. 34-A MRSA §3009, sub-§1**, as enacted by PL 1989, c.  
459, §6, is amended to read:

44  
46 **1. Rules.** The chief administrative officers of ~~correctional~~  
facilities may ~~promulgate~~ adopt and enforce rules, subject to the  
48 approval of the commissioner, governing the use of public ways  
and parking areas maintained by the State at the facilities.

50 A. The rules shall must be ~~promulgated~~ adopted in  
52 accordance with the Maine Administrative Procedure Act,  
Title 5, chapter 375.

2 B. The Secretary of State shall forward a copy of the  
3 rules, attested under the Great Seal of the State of Maine,  
4 to the District Court in the area of jurisdiction.

6 Sec. 32. 34-A MRSA §3009, sub-§2, as amended by PL 1985, c.  
7 785, Pt. B, §153, is further amended to read:

8  
9 2. **Special police officers.** The chief administrative  
10 officers of ~~correctional~~ facilities may appoint and employ,  
11 subject to the Civil Service Law, special police officers for the  
12 purpose of enforcing rules promulgated under subsection 1.

14 A. The special police officers shall:

16 (1) Patrol all the public ways and parking areas  
17 subject to this section;

18 (2) Enforce rules promulgated under this section; and

20 (3) Arrest and prosecute violators of the rules.

22  
23 B. The State Police, sheriffs, deputy sheriffs, police  
24 officers and constables who have jurisdiction over the areas  
25 in which the ~~correctional~~ facilities are located shall,  
26 insofar as possible, cooperate with the special police  
27 officers in the enforcement of the rules promulgated under  
28 subsection 1.

30 Sec. 33. 34-A MRSA §3009, sub-§3, as enacted by PL 1983, c.  
31 459, §6, is amended to read:

32  
33 3. **Court procedure.** The District Court, in the areas in  
34 which the ~~correctional~~ facilities are located, has jurisdiction  
35 in all proceedings brought under this section.

36  
37 A. The District Court shall take judicial notice of all  
38 rules promulgated under subsection 1.

40 B. In any prosecution for a violation of the rules, the  
41 complaint may allege the offense as in prosecutions under a  
42 general statute and need not recite the rule.

44 Sec. 34. 34-A MRSA §3031, first ¶, as enacted by PL 1983, c.  
45 459, §6, is amended to read:

46  
47 Any person residing in a correctional or detention facility  
48 has a right to:

50 Sec. 35. 34-A MRSA §3031, sub-§2, as amended by PL 1987, c.  
51 276, is further amended to read:

52

2           **2. Medical care.** Adequate professional medical care, not  
3 including medical treatment requested by the ~~committed-offender~~  
4 which client that the correctional facility's treating physician  
5 deems determines unnecessary. The State may bring a civil action  
6 in any court of competent jurisdiction to recover the cost of  
7 any medical, dental, psychiatric or psychological expenses  
8 incurred by the State on behalf of any ~~committed-offender~~ client  
9 incarcerated in a ~~correctional~~ facility. The following assets are  
10 not subject to judgment under this subsection:

11           A. Joint ownership, if any, that the ~~offender~~ client may  
12 have in real property;

13           B. Joint ownership, if any, that the ~~offender~~ client may  
14 have in any assets, earnings or other sources of income; and

15           C. The income, assets, earnings or other property, both  
16 real and personal, owned by the ~~offender's~~ client's spouse  
17 or family.

18           **Sec. 36. 34-A MRSA §3032, first ¶,** as enacted by PL 1983, c.  
19 459, §6, is amended to read:

20           The commissioner shall ~~promulgate~~ adopt rules describing  
21 disciplinary offenses and punishments in ~~correctional~~ facilities  
22 under the general administrative supervision of the department  
23 and establishing a fair and orderly procedure for processing  
24 disciplinary complaints. The rules shall must conform to the  
25 following requirements.

26           **Sec. 37. 34-A MRSA §3032, sub-§5, ¶B,** as amended by PL 1985,  
27 c. 352, §3, is further amended to read:

28           B. Punishment at the Maine Youth Center and any detention  
29 facility may consist of seclusion, in accordance with  
30 section 3809, warnings, restitution, labor at any lawful  
31 work and loss of privileges.

32           **Sec. 38. 34-A MRSA §3032, sub-§5-A,** as enacted by PL 1985, c.  
33 352, §4, is amended to read:

34           **5-A. Restitution.** The imposition of restitution at all  
35 ~~correctional~~ facilities shall ~~be~~ is subject to the following  
36 conditions.

37           A. Restitution may be imposed for the purpose of replacing  
38 or repairing property destroyed or damaged by the ~~inmate~~  
39 prisoner or juvenile while he the prisoner or juvenile is at  
40 the institution. When restitution is imposed as a  
41 punishment at a ~~correctional~~ facility, any prisoner, or any  
42 juvenile ~~committed-to-the-Maine-Youth-Center-or-who-is~~  
43 ~~committed-to-the-custody-of-the-Department-of-Corrections~~  
44

2 and-placed-at-the-Maine-Youth-Center, who is subject to that  
punishment and who is able to generate income from whatever  
4 source, shall pay 25% of that income to the facility where  
the damage occurred. The facility shall collect that income  
6 and apply it to defray the cost of replacement or repair of  
the items destroyed or damaged. Restitution shall is not be  
8 authorized if the imposition of that punishment would create  
an excessive financial hardship, as determined by the  
department, on the dependents of the offender client. Any  
10 payments made for the support of the dependents which that  
is required by the Department of Human Services shall is not  
12 be available for restitution payments.

14 B. ~~An-inmate~~ A prisoner or juvenile who is transferred to  
another facility remains liable for any restitution  
16 authorized under this chapter. The facility receiving the  
inmate prisoner or juvenile shall must collect the  
18 restitution and transfer it to the facility where the damage  
occurred.

20 **Sec. 39. 34-A MRSA §3032, sub-§6, as amended by PL 1987, c.**  
22 **299, is further amended to read:**

24 **6. Impartial hearing.** If the punishment may affect the term  
of commitment, sentence or parole eligibility or may involve  
26 restitution, labor at any lawful work or segregation, the chief  
administrative officer of the facility shall, before imposing  
28 punishment, provide an impartial hearing at which the ~~committed~~  
offender client has the following rights.

30 A. He The client is entitled to be informed in writing of  
32 the specific nature of his the alleged misconduct.

34 B. He The client is entitled to the right to be present at  
the hearing, except that he the client may be prevented from  
36 attending or be removed if his the client's behavior  
indicates that he the client is in danger of self-injury or  
38 a danger to himself, other persons or property.

40 C. He The client is entitled to present evidence on his-own  
the client's behalf.

42 D. He The client is entitled to call one or more witnesses,  
44 which right may not be unreasonably withheld or restricted.

46 E. He The client is entitled to question any witness who  
testifies at the hearing, which right may not be  
48 unreasonably withheld or restricted.

50 F. He The client is entitled to be represented by counsel  
substitute as prescribed in the rules.  
52

2 G. A record shall must be maintained of all disciplinary complaints, hearings, proceedings and dispositions.

4 H. ~~He~~ The client is entitled to appeal the final disposition, before imposition of punishment, to the chief administrative officer of the ~~correctional~~ facility.

8 I. If, at any stage of the proceedings, ~~he~~ the client is cleared of the charges in a complaint, or the complaint is withdrawn, all documentation relating to the complaint shall must be expunged.

12 Sec. 40. 34-A MRSA §3035, as amended by PL 1987, c. 729, §§1 and 2, is further amended to read:

16 **§3035. Rehabilitative programs**

18 The commissioner may adopt, implement and establish rules for rehabilitative programs, including work release, restitution and furlough, as authorized by Title 17-A, chapter 54, within the ~~correctional~~ facilities under ~~his~~ the commissioner's control.

22 1. **Work release and restitution.** The chief administrative officer ~~of a correctional facility~~ may permit any ~~committed offender~~ client under sentence to the department and any juvenile client considered to be worthy of trust to participate in activities outside the facility under the following conditions.

28 A. Activities may include training and employment.

30 B. Activities are subject to rules promulgated by the commissioner.

34 C. Activities shall must, in the judgment of the chief administrative officer, contribute to the reformation of the ~~committed-offender~~ client and assist in preparing ~~him~~ the client for eventual release.

38 D. Transportation to work release job sites shall must be arranged by the commissioner.

42 (1) ~~Prisoners~~ Clients participating in the work release program shall must be assessed an equitable share of the cost of the transportation.

46 (2) Funds received from ~~prisoners~~ clients for work release transportation shall must be placed in the General Fund.

50 E. Every ~~prisoner~~ client participating in the work release program shall ~~be~~ is liable for the cost of his board in the ~~correctional~~ facility.

2 (1) The reasonable cost of board for a prisoner client  
3 in a correctional facility shall ~~be~~ is fixed by the  
4 commissioner. In fixing the reasonable cost of the  
5 board to be paid, the commissioner shall take into  
6 consideration other state laws or judicial  
7 determinations which that affect the prisoner's  
8 client's income.

10 (2) Funds received from prisoners clients for the  
11 board shall must be placed in the General Fund.

12  
13 2. Furlough. Subject to subsection 5, the commissioner may  
14 grant to a committed--offender client under sentence to the  
15 department and a juvenile client furlough from the facility in  
16 which he the client is confined under the following conditions.

18 A. Furlough may only be granted subject to rules adopted by  
19 the commissioner.

20 B. Furlough may be granted for not more than 10 days at one  
21 time for a visit to a dying relative, for attendance at the  
22 funeral of a relative, for the contacting of prospective  
23 employers or for any other reason consistent with the  
24 rehabilitation of a committed--offender client.

25 C. Furlough may be granted for the obtaining of medical  
26 services for a period longer than 10 days if medically  
27 required.

28  
29 3. Copy of rules. Copies of rules shall must be provided to  
30 committed--offenders clients as follows.

31  
32 A. The chief administrative office of a facility adopting a  
33 rehabilitative program under this section shall provide, to  
34 any committed--offender client permitted outside a facility  
35 under this section, a copy of the rules of the commissioner  
36 applicable to the program in which he the client is  
37 permitted to participate, or to his the client's furlough.

38 B. The committed--offender client shall attest to the  
39 receipt of the copy of the rules.

40  
41 4. Prohibited acts. Prohibited acts under this section are  
42 governed as follows.

43 A. A person who has ~~passed his 17th birthday~~ is 17 years of  
44 age or older is guilty of interference with a rehabilitative  
45 program or furlough if he the person willfully obstructs,  
46 intimidates or otherwise abets any committed--offender client  
47 participating in a program, or on furlough, under this  
48 section, and thereby contributes or causes the committed  
49

2            ~~effender~~ client to violate the terms of his the client's  
3            program participation or furlough, after having been warned  
4            by the chief administrative officer of the facility to end  
5            the relationship or association with the ~~committed-offender~~  
6            client.

7            B. Interference with a rehabilitative program or furlough  
8            is a Class E crime, except that, notwithstanding Title  
9            17-A, the court may sentence a person to imprisonment for  
10           not more than 11 months.

11           5. Time served before furlough. No furlough may be granted  
12           until the ~~effender~~ client has served 50% of the original sentence  
13           imposed, after consideration of any good time that the ~~effender~~  
14           client has received and retained under Title 17-A, section 1253.  
15           This section does not apply to furloughs granted under subsection  
16           2, paragraph B or C.

17           Sec. 41. 34-A MRSA §3036, sub-§2, as enacted by PL 1983, c.  
18           459, §6, is amended to read:

19           2. Participation. ~~Committed--offenders~~ Clients at any  
20           correctional or detention facility or at any county jail may be  
21           paroled, furloughed, transferred or entrusted to participate in  
22           the halfway house program in accordance with applicable  
23           provisions of law.

24           Sec. 42. 34-A MRSA §3037, sub-§1, as enacted by PL 1983, c.  
25           459, §6, is amended to read:

26           1. Requirement. The commissioner may require a physical and  
27           mental examination of any ~~committed-offender~~ client.

28           Sec. 43. 34-A MRSA §3038, first ¶, as enacted by PL 1983, c.  
29           459, §6, is amended to read:

30           The administration of medication in ~~correctional~~ facilities  
31           operated by the department shall must be in accordance with rules  
32           established by the State Board of Nursing.

33           Sec. 44. 34-A MRSA §3038-A, sub-§1, as amended by PL 1989, c.  
34           127, §10, is further amended to read:

35           1. Commitment of child. If a ~~committed-offender~~ client, at  
36           the time of commitment to the custody of the Department of  
37           Corrections, is the parent of and is providing exclusive care for  
38           any child who might otherwise be left without proper care or  
39           guardianship, the judge committing that ~~effender~~ client shall  
40           cause the child to be committed to:

41           A. A children's home provided by law for the child's care  
42           or guardianship;



2 B. The care and custody of some relative or proper person  
willing to assume the care; or

4 C. The custody of the Department of Human Services.

6  
8 Sec. 45. 34-A MRSA §3039, as repealed and replaced by PL  
1983, c. 581, §§21 and 59, is amended to read:

10 **§3039. Clients' money**

12 When any ~~committed--offender~~ client confined in a  
14 correctional or detention facility receives money from any  
16 source, including compensation for work authorized under other  
sections of Maine law or by a policy of the department, the money  
shall must be deposited in that ~~correctional~~ facility's ~~committed~~  
~~offenders'~~ clients' account.

18 1. **Accounts.** The chief administrative officer shall  
20 promulgate rules for use of the ~~committed--offenders'~~ clients'  
account. These rules shall must include a provision allowing an  
22 inmate a client to remove his that client's money from the  
~~committed--offenders'~~ clients' account and place it in any type of  
24 investment outside the ~~correctional~~ facility ~~that--he--chooses~~  
chosen by the client. The chief administrative officer shall keep  
26 a record of all money in the ~~committed--offenders'~~ clients'  
account and shall ~~be~~ is responsible for safekeeping of the money  
28 while the ~~committed--offender~~ client is in the custody of the  
department and for the delivery of that money to the ~~committed~~  
30 ~~offender~~ client upon his the client's discharge.

32 2. **Interest.** Any interest accruing as a result of the  
34 deposit of that money in the ~~committed--offenders'~~ clients'  
account may, after first being used to defray expenses of the  
36 account, be expended by the chief administrative officer of the  
~~correctional~~ facility for the general welfare of all inmates  
clients at that facility.

38 3. **Use.** During his ~~commitment~~ the client's confinement, any  
40 ~~committed--offender~~ client may use his that client's money in the  
~~committed--offenders'~~ clients' account by authorizing the warden  
42 chief administrative officer to disburse the money in accordance  
with the rules governing the ~~committed--offenders'~~ clients'  
44 account.

46 Sec. 46. 34-A MRSA §3040, as enacted by PL 1983, c. 459, §6,  
is amended to read:

48 **§3040. Clients' abandoned property**

2 Any property abandoned or unclaimed by a ~~committed-offender~~  
client in a correctional or detention facility shall must be  
4 disposed of according to Title 33, chapter 27.

6 **Sec. 47. 34-A MRS §3040-A**, as enacted by PL 1983, c. 581,  
§§22 and 59, is amended to read:

8 **§3040-A. Property of deceased clients**

10 Property remaining in a correctional or detention facility  
12 as a result of a ~~committed-offender's~~ client's death is governed  
as follows.

14 1. **Payment.** Except as provided in paragraph D, if any  
16 ~~committed-offender~~ client under the control of the department  
dies, leaving on deposit in the ~~committed-offenders'~~ clients'  
18 account at a correctional or detention facility an amount not  
exceeding \$1,000, and no personal representative of his the  
20 client's estate is appointed, the chief administrative officer  
may pay the balance of his the client's account to the surviving  
22 spouse or next of kin in accordance with the Probate Code, Title  
18-A, sections 2-101 to 2-114, to the funeral director having any  
24 bill outstanding for the burial of the decedent or to other  
preferred creditor or creditors who may appear to be entitled  
26 thereto, and shall deliver personal property in his the chief  
administrative officer's custody to the surviving spouse or next  
of kin in accordance with the Probate Code, Title 18-A, sections  
28 2-101 to 2-114.

30 2. **Time of payment.** Payments or delivery pursuant to  
32 subsection 1 shall may not be made until 60 days have elapsed  
following the date of death of the ~~committed-offender~~ client.

34 3. **Liability of payment.** For any payment or delivery made  
pursuant to subsections 1 and 2, the chief administrative officer  
36 or his the chief administrative officer's designee acting under  
this section may not be held liable to the decedent's personal  
38 representative thereafter appointed, or to his the decedent's  
heirs, successors or assigns.

40 4. **Alternative payment.** Notwithstanding subsection 1, upon  
42 presentation of an affidavit under Title 18-A, section 3-1201,  
the chief administrative officer shall pay the balance of any  
44 deposit in the ~~committed--offenders'~~ clients' account at a  
correctional or detention facility and deliver his the decedent's  
46 personal property to the ~~committed-offender's~~ client's successor  
under Title 18-A, sections 3-1201 and 3-1202. The payments under  
48 this paragraph shall take precedence over payments under  
subsection 1 to the extent of the balance of the deposits in the  
50 ~~committed-offenders'~~ clients' account and the personal property  
remaining in the custody of the chief administrative officer at  
52 the time the affidavit is presented.

2           **Sec. 48. 34-A MRSA §3044, sub-§1**, as repealed and replaced by  
PL 1983, c. 581, §§24 and 59, is amended to read:

4  
6           **1. Escapees.** The commissioner shall take all proper  
measures for, and may, with the approval of the Governor, offer a  
reward for the apprehension and return of any ~~committed-offender~~  
8           client in any correctional or detention facility who has escaped  
from the control of the department.

10           A. The reward may not exceed \$1,000.

12           B. Upon satisfactory proof that the terms of the reward  
14           offer have been complied with, the Governor may draw his a  
warrant upon the Treasurer of State for the payment of the  
16           reward.

18           **Sec. 49. 34-A MRSA §3045**, as enacted by PL 1983, c. 459, §6,  
is amended to read:

20           **§3045. Unnatural death of client**

22           When the death of any ~~committed-offender~~ client in any  
24           correctional or detention facility is not clearly the result of  
natural causes, an examination and inquest shall must be held as  
26           in other cases, and the commissioner or the chief administrative  
officer of the facility shall cause a medical examiner to be  
28           immediately notified for that purpose.

30           **Sec. 50. 34-A MRSA §3046, first ¶**, as enacted by PL 1983, c.  
581, §§25 and 59, is amended to read:

32           At the discretion of and under conditions prescribed by the  
34           commissioner, a ~~committed-offender~~ client confined in a  
correctional or detention facility may attend the funeral of his  
36           the client's spouse, ~~or his~~ natural or adoptive mother, father,  
son, daughter, grandfather or grandmother, grandchild, brother or  
38           sister, or may be permitted deathbed visits to any of those  
persons, if the funeral or visit is held within the State.

40           **Sec. 51. 34-A MRSA §3046, sub-§2**, as enacted by PL 1983, c.  
42           581, §§25 and 59, is amended to read:

44           **2. Costs.** The ~~prisoner~~ client, if able, shall pay the cost  
of transportation and the per diem compensation of the  
46           accompanying officers if the officers are required by the  
commissioner.

48           **Sec. 52. 34-A MRSA §3047**, as enacted by PL 1983, c. 581, §§25  
50           and 59, is amended to read:

52           **§3047. Discharge or parole**

2           When any ~~committed--offender~~ prisoner sentenced to the  
3 department is paroled or discharged, the commissioner:

4  
5           1. **Clothing.** Shall ~~insure~~ ensure that the ~~effender~~ prisoner  
6 is provided with decent clothing;

7  
8           2. **Money.** May give the ~~effender~~ prisoner no more than \$50,  
9 except that the commissioner may not give money to a ~~committed~~  
10 ~~effender~~ prisoner who:

11           A. Has, within the 6 months prior to the date of his parole  
12 or discharge, transferred from ~~his--correctional-facilities'~~  
13 the clients' account to any person more than \$500, excluding  
14 any money transferred for the support of his dependents; or

15           B. Has, on the date of his parole or discharge, more than  
16 \$500 in personal assets.

17  
18           3. **Transportation.** Shall furnish transportation to the  
19 place where the ~~effender~~ prisoner was convicted, except that:

20           A. If the ~~committed--offender's~~ prisoner's home is within  
21 the State, transportation shall must be furnished to his the  
22 prisoner's home;

23           B. If the ~~committed--offender~~ prisoner has secured  
24 employment within the State, transportation shall must be  
25 furnished to the place of employment;

26           C. If the ~~committed--offender's~~ prisoner's home is outside  
27 the State, or if the ~~committed--effender~~ prisoner has secured  
28 employment outside the State, transportation shall must be  
29 furnished to the place on the Maine border nearest the place  
30 of employment; or

31           D. If the ~~committed--effender~~ prisoner requests a reasonable  
32 place nearer the place of incarceration than any of the  
33 foregoing, transportation shall must be furnished to that  
34 place; or

35  
36           4. **Extreme circumstances.** May, in extreme circumstances, if  
37 the ~~committed--effender's~~ prisoner's home is outside the State, or  
38 if the ~~committed--effender~~ prisoner has secured employment outside  
39 the State, furnish transportation to the ~~committed--offender's~~  
40 prisoner's home or place of employment.

41  
42           **Sec. 53. 34-A MRSA §3061, sub-§1, as repealed and replaced by**  
43 **PL 1983, c. 581, §§26 and 59, is amended to read:**

44  
45           1. **Juveniles; exception.** The commissioner may transfer any  
46 ~~committed--offender~~ client from one correctional or detention

2 facility or program, including prerelease centers, work release  
3 centers, halfway houses or specialized treatment facilities, to  
4 another, provided except that no juvenile may be transferred to  
5 another facility or program for adult offenders.

6 **Sec. 54. 34-A MRSA §3062, sub-§1**, as repealed and replaced by  
7 PL 1983, c. 581, §§27 and 59, is amended to read:

8  
9 **1. Requirements.** The commissioner may transfer any  
10 ~~committed--offender~~ prisoner sentenced to the department to a  
11 federal penal or correctional institution if the United States  
12 Bureau of Prisons accepts the commissioner's application for  
13 transfer of the ~~committed--offender~~ prisoner.

14  
15 **Sec. 55. 34-A MRSA §3062, sub-§2, ¶¶A and B**, as enacted by PL  
16 1983, c. 459, §6, are amended to read:

17  
18 A. The contract shall must provide for the reimbursement of  
19 the United States in full for all costs or other expenses  
20 involved, the costs and expenses to be paid from the  
21 appropriation for the operation of the ~~prison~~ correctional  
22 facility.

23  
24 B. The warden chief administrative officer shall affix to  
25 the contract a copy of the mittimus or mittimuses under  
26 which the prisoner is held.

27  
28 **Sec. 56. 34-A MRSA §3063**, as repealed and replaced by PL  
29 1983, c. 581, §§28 and 59, is amended to read:

30 **§3063. Transfer to jails**

31  
32 **1. Requirements.** The commissioner may authorize the  
33 transfer of ~~committed--offenders~~ prisoners sentenced to the  
34 department to any county jail.

35  
36 **2. Jailer's compensation.** The jailer who receives prisoners  
37 under subsection 1 is entitled to receive whatever compensation  
38 from the State Treasury that he the jailer and the commissioner  
39 agree upon.

40  
41 **3. Return to a correctional facility.** When the commissioner  
42 determines that the ~~committed--offender~~ prisoner should be  
43 returned to a correctional facility, he the commissioner shall  
44 transfer the ~~committed--offender~~ prisoner back to such a facility.

45  
46 **4. Applicable rules.** Any person transferred under this  
47 section shall ~~be~~ is subject to the general rules of the jail to  
48 which he the person is transferred, except that:

49  
50 A. The term of his the original sentence or commitment  
51 remains the same unless altered by the court;

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B. The person becomes eligible for release and discharge as provided in Title 17-A, section 1254;

C. ~~Committed-offenders~~ Prisoners are entitled to have the time served in jail under this section deducted from their sentences; and

D. A prisoner transferred pursuant to this section remains eligible for programs authorized by section 3035 and may apply pursuant to the rules governing the correctional facility from which he the prisoner was transferred.

Sec. 57. 34-A MRSA §3069, as enacted by PL 1983, c. 459, §6, is amended to read:

**§3069. Hospitalization for mental illness**

1. **Involuntary.** When the chief administrative officer of a correctional or detention facility believes that any person in his the facility is mentally ill, requires hospitalization and meets requirements for admission, the chief administrative officer shall make application in accordance with Title 34-B, section 3863.

A. Any person with respect to whom an application and certification under Title 34-B, section 3863 are made may be admitted to either state mental health institute.

B. Except as otherwise specifically provided in this section, Title 34-B, chapter 3, subchapter IV, Article III, is applicable to the person as if the admission of the person were applied for under Title 34-B, section 3863.

C. A copy of the document by which the person is held in the ~~correctional~~ facility shall must accompany the application for admission.

D. If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the time the person is ready for discharge from hospitalization, he ~~shall~~ the person must be returned by the appropriate officers of the correctional or detention facility.

E. Admission to a hospital under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law.

2. **Voluntary.** The chief administrative officer of a correctional or detention facility may permit a person confined

2 in the facility to apply for informal admission to a state mental  
health institute under Title 34-B, section 3831.

4 A. Except as otherwise provided in this section, the  
6 provisions of law applicable to persons admitted to a state  
mental health institute under Title 34-B, chapter 3,  
8 subchapter IV, Article II, shall apply to any person  
confined in a correctional or detention facility who is  
admitted to a state mental health institute under that  
10 section.

12 B. A copy of the document by which the person is held in  
the ~~correctional~~ facility shall must accompany the  
14 application for admission.

16 C. If the sentence being served at the time of admission  
has not expired or commitment has not been terminated in  
18 accordance with law at the time the person is ready for  
discharge from hospitalization, ~~he shall~~ the person must be  
20 returned by the appropriate officers of the correctional or  
detention facility.

22 D. Admission to a mental health institute under this  
24 section has no effect upon a sentence then being served or a  
commitment then in effect. The sentence continues to run  
26 and the commitment remains in force, unless terminated in  
accordance with law.

28 **Sec. 58. 34-A MRSA §3070, sub-§§1, 2 and 4, as enacted by PL**  
30 **1983, c. 459, §6, are amended to read:**

32 1. **Application.** When the chief administrative officer of a  
34 correctional or detention facility believes that any person  
confined in ~~his~~ the facility is mentally retarded and in need of  
services available at the Pineland Center and is a proper subject  
36 for admission to the Pineland Center, ~~he~~ the chief administrative  
officer shall apply in writing for the admission of the person.

38 A. A copy of the document by which the person is held in  
40 the ~~correctional~~ facility shall must accompany the  
application for admission.

42 B. Admission to the Pineland Center shall must be effected  
44 in accordance with Title 34-B, sections 5473 to 5478.

46 2. **Unexpired sentence.** If the sentence being served at the  
time of admission has not expired or commitment has not been  
48 terminated in accordance with law at the time the person is ready  
for discharge from the Pineland Center, ~~he shall~~ the person must  
50 be returned by the appropriate officers of the correctional or  
detention facility.

2           **4. Effect on sentence.** The sentences of hospitalized  
prisoners persons are governed as follows.

4           A. Admission to a hospital under this section has no effect  
upon a sentence then being served or a commitment then in  
6           effect.

8           B. The sentence continues to run and the commitment remains  
in force, unless terminated in accordance with law.

10           **Sec. 59. 34-A MRSA §3071, sub-§2,** as enacted by PL 1983, c.  
12           459, §6, is amended to read:

14           **2. Contagious diseases.** If a pestilence or contagious  
disease breaks out among the ~~committed-offenders~~ clients in any  
16           correctional or detention facility or county jail, the  
commissioner may:

18           A. Cause any of the ~~committed-offenders~~ clients to be  
20           removed to some suitable place of security where they shall  
will receive all necessary care and medical attention; and

22           B. Cause the ~~committed-offender~~ client or ~~offenders~~ clients  
24           to be returned as soon as possible to the jail or  
institution to be confined according to their sentences, if  
26           unexpired.

28           **Sec. 60. 34-A MRSA §3071, sub-§3,** as enacted by PL 1983, c.  
30           459, §6, is repealed.

32           **Sec. 61. 34-A MRSA §3071, sub-§4,** as enacted by PL 1985, c.  
752, §4, is amended to read:

34           **4. Civil action to recover certain costs.** The State may  
bring a civil action in any court of competent jurisdiction to  
36           recover the cost of any medical, dental, psychiatric or  
psychological expenses incurred by the State on behalf of a  
38           ~~committed-offender~~ client under this section. The following  
assets are not subject to judgment under this subsection:

40           A. Joint ownership, if any, that the ~~effender~~ client may  
42           have in real property;

44           B. Joint ownership, if any, that the ~~effender~~ client may  
46           have in any assets, earnings or other sources of income; and

48           C. The income, assets, earnings or other property, both  
real and personal, owned by the ~~effender's~~ client's spouse  
or family.

50           **Sec. 62. 34-A MRSA §3201,** as enacted by PL 1983, c. 459, §6,  
52           is amended to read:



2       **§3201. Maintenance**

4           The commissioner shall maintain the Maine State Prison at  
6 Thomaston, in Knox County, as the prison and penitentiary of the  
8 State, and shall confine, employ and govern persons lawfully  
committed to the prison department, as provided by law.

10       **Sec. 63. 34-A MRSA §3403, sub-§1, ¶¶A and B**, as enacted by PL  
1983, c. 459, §6, are amended to read:

12           A. The superintendent shall detain and confine all persons  
14 committed to the ~~center~~ department in accordance with the  
sentences of the courts and with the rules of the ~~center~~  
department.

16           B. The superintendent shall provide for the safekeeping or  
18 employment of persons committed to the ~~center~~ department in  
order to teach them a useful trade or profession and to  
20 improve their mental and moral condition.

22       **Sec. 64. 34-A MRSA §3809, sub-§1**, as enacted by PL 1983, c.  
459, §6, is repealed and the following enacted in its place:

24           **1. Generally.** When the behavior of a juvenile residing at  
26 the Maine Youth Center presents a high likelihood of harm to the  
28 juvenile or to others, presents a substantial and imminent threat  
of destruction of property or demonstrates a proclivity to be  
30 absent from the facility without leave, the juvenile may be  
32 placed in seclusion if the juvenile has demonstrated that  
anything less restrictive would be ineffectual in the control of  
the juvenile's behavior.

34       **Sec. 65. 34-A MRSA §3809, sub-§2**, as amended by PL 1983, c.  
581, §§50 and 59, is further amended to read:

36           **2. Conditions.** The use of seclusion is subject to the  
38 following conditions.

40           A. The use of seclusion shall must be first approved by the  
superintendent.

42           B. The juvenile ~~client~~ shall must be provided with a  
44 sufficient quantity of wholesome and nutritious food.

46           C. Adequate sanitary and other conditions required for the  
health of the juvenile ~~client~~ shall must be maintained.

48           D. The use of seclusion may not exceed the period of time  
50 necessary to alleviate and prevent the reoccurrence of the  
behavior described in subsection 1.

52

2 E. When seclusion exceeds 12 hours, the superintendent  
shall cause the center facility physician or a member of the  
4 center facility medical staff to visit the juvenile client  
period the client juvenile remains in seclusion, to examine  
6 the client's juvenile's state of health.

8 (1) The superintendent shall give full consideration  
to recommendations of the physician or medical staff  
10 member as to the juvenile-client's juvenile's dietary  
needs and the conditions of his confinement required to  
12 maintain his the juvenile's health. If the  
recommendations of the physician or medical staff  
14 member are not carried out, the superintendent shall  
immediately convey the reasons and circumstances for  
16 this decision to the commissioner for his review and  
final disposition.

18 (2) Use of seclusion shall must be discontinued if the  
20 superintendent, upon advice of a physician, determines  
that seclusion is harmful to the mental or physical  
22 health of the juvenile client. Seclusion may be  
continued if the behavior of the juvenile client  
24 presents a high likelihood of physical harm to himself  
that juvenile or to others and there is no less  
26 restrictive setting in which the juvenile's safety or  
that of others may be ensured.

28 F. Seclusion may not exceed 72 hours without the  
30 commissioner's approval, which shall must:

- 32 (1) Be in writing;
- 34 (2) State the reasons for the approval; and
- 36 (3) Be kept on file.

38 G. If the recommendations of the physician or medical staff  
member regarding the juvenile-client's juvenile's dietary or  
40 other health needs while in seclusion are not carried out,  
the superintendent shall send a written justification to the  
42 commissioner.

44 **Sec. 66. 34-A MRSA §3814** is enacted to read:

46 **§3814. Court-ordered transport of juvenile detainees**

48 All court-ordered transport of juvenile detainees to and  
50 from the Maine Youth Center is the responsibility of the sheriff.

## STATEMENT OF FACT

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This bill makes changes to various sections of the Maine Revised Statutes, Title 34-A to make the law internally consistent with actual practice. In particular, there are still many places in Title 34-A referring to commitment to particular facilities instead of the Department of Corrections. Some provisions are revised to reflect the fact that the department holds some persons on transfer from other jurisdictions and on court order awaiting trial or other proceedings. Some provisions are revised because of the creation of the Northern Maine Regional Juvenile Detention Facility. Finally, some changes simplify and clarify Title 34-A.