

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1729

H.P. 1186

House of Representatives, April 29, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative FARNSWORTH of Hallowell.

Cosponsored by Representative ANTHONY of South Portland, Senator BUSTIN of Kennebec and Senator CONLEY of Cumberland.

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STATE OF MAINE

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

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An Act Relating to the Maine Criminal Justice Commission.

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- 2           F. One member from the Maine Chiefs of Police Association  
3           appointed by the Governor;
- 4           G. One member from the Maine Sheriffs' Association  
5           appointed by the Governor;
- 6           H. One member from the Maine Prosecutors Association  
7           appointed by the Governor;
- 8           I. One member from the Department of the Attorney General  
9           appointed by the Attorney General;
- 10           J. One attorney experienced in criminal defense appointed  
11           by the Governor;
- 12           K. One member from the faculty of the University of Maine  
13           School of Law appointed by the Governor; and
- 14           L. Ten other persons appointed by the Governor, including  
15           at least:
- 16                   (1) One member representing both the Governor's office  
17                   and the Department of Corrections;
- 18                   (2) One full-time nonadministrative employee from the  
19                   Department of Corrections;
- 20                   (3) One former inmate of the State's correctional  
21                   system;
- 22                   (4) Two nongovernmental providers of the State's  
23                   correctional services;
- 24                   (5) Two persons who have a demonstrated interest in  
25                   the State's correctional system and who are  
26                   representatives of nongovernmental organizations or  
27                   groups; and
- 28                   (6) One representative of a nongovernmental  
29                   organization or group of victims.
- 30           3. Chair. The commission shall select a chair from among  
31           its members.
- 32           4. Terms of appointment. The terms of appointments are as  
33           follows.
- 34                   A. Of the initial gubernatorial appointments, 6 must be for  
35                   terms of 3 years, 5 must be for terms of 2 years and 5 must  
36                   be for terms of one year.

2           B. Subsequent gubernatorial appointments must be for terms  
3           of 3 years. Members may serve beyond their designated terms  
4           until their successors are appointed.

6           C. Terms of appointment for Legislators must be for the  
7           legislative term of office of the person appointed.

8           D. Other members who are neither Legislators nor  
9           gubernatorial appointments shall serve for terms of 3 years.

11           5. Meetings. The commission may meet as often as necessary  
12           but must meet at least quarterly. A meeting may be called by the  
13           chair or by any 4 members.

15           6. Staffing. The commission may employ a full-time  
16           executive director. The executive director serves at the  
17           pleasure of the commission and is not subject to the civil  
18           service laws or approval of the Governor or the Legislature. The  
19           executive director is entitled to compensation in an amount to be  
20           determined by the commission within the same pay range authorized  
21           for the Executive Director of the Maine Commission on Mental  
22           Health and the Human Services Council. The executive director  
23           shall perform those duties as assigned by the commission. The  
24           commission may employ a secretary as it determines necessary.  
25           The staffs of various appropriate departments, as needed, shall  
26           assist the commission in carrying out its functions and duties.  
27           The executive director may make recommendations to the  
28           commission. The commission may contract for administrative,  
29           professional and clerical services with available funds.

31           7. Funding. The commission is authorized to seek and  
32           accept outside sources of funding to finance the commission's  
33           activities. Expenditures may not be incurred that have an impact  
34           on the General Fund.

36           8. Duties. The commission shall:

38           A. Regularly advise the Governor and executive officers,  
39           the Legislature and the Judicial Department on issues  
40           concerning criminal justice policy;

42           B. Prepare a report, containing the results of its studies,  
43           findings and recommendations that must be submitted to the  
44           Governor and appropriate legislative committees having  
45           jurisdiction over criminal justice by December 31st of each  
46           year.

48           The report must include, without limitation:

- 2           (1) A detailed assessment of existing and needed  
4           resources within correctional institutions, the  
6           Division of Probation and Parole and community  
8           corrections services. The assessment must include an  
10           evaluation of population growth management, with  
12           respect to appropriate utilization of corrections  
14           facilities and community resources;
- 16           (2) An evaluation of existing programs for  
18           incarcerated and nonincarcerated offenders, including  
20           recommendations for improvements or new programs;
- 22           (3) An evaluation of the current offender  
24           classification system and any necessary proposals for a  
26           comprehensive classification system that formally and  
28           objectively assesses risk and need and provides  
30           objective data for the basis of decision making at  
32           times of sentencing, institutional placement and  
34           movement, probations case management and prerelease;
- 36           (4) Recommendations for effective management of the  
38           offender population within a range or set of strategies  
40           that provide multiple options for dealing with risk and  
42           need.
- 44           To assist in the development of recommendations, the  
46           commission may undertake studies of offender population  
48           management options in other states, including, but not  
50           limited to:
- 32           (a) Utilization of probation and parole;
  - 34           (b) Fining systems, including day fines;
  - 36           (c) Community corrections;
  - 38           (d) State and local relationships; and
  - 40           (e) Alternative sentencing methodologies;
- 42           (5) Recommendations for appropriate prevention  
44           strategies for young adults;
- 46           (6) Recommendations for an effective long-range  
48           evaluation procedure for the State's corrections  
50           system; and
- 50           (7) Evaluation and recommendations with respect to  
              provision of criminal legal defense assistance to  
              indigent criminal defendants;

2 C. Develop rules of procedure necessary to carry out its  
4 duties;

6 D. Conduct public hearings, conferences, workshops and  
8 other such meetings to obtain information about, discuss and  
10 publicize the needs of and solutions to, problems concerning  
12 the State's criminal justice system, including  
14 institutional, programmatic and community corrections and  
16 sentencing issues; and

18 E. Prepare legislation for submission to the Legislature to  
20 implement any recommendations of the commission.

### STATEMENT OF FACT

22 This bill replaces the Maine Correctional Advisory  
24 Commission, which existed within the Department of Corrections,  
26 with an independent agency known as the Maine Criminal Justice  
Commission. The new commission will ensure greater  
representation by persons and agencies involved with or with an  
interest in, the correctional system. The independent commission  
is given specific duties and study topics to continue monitoring  
corrections policy issues in the State.