

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 274

H.P. 212

House of Representatives, February 2, 1993

**An Act to Revise the Correctional Facility Board of Visitors Laws.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JOHNSON of South Portland.  
Cosponsored by Representatives: AHEARNE of Madawaska, CLOUTIER of South Portland,  
DiPIETRO of South Portland, HOLT of Bath, LARRIVEE of Gorham, RICHARDSON of  
Portland, SIMONEAU of Thomaston, TOWNSEND of Portland.

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

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3           Sec. 1. 34-A MRSA §3002, as amended by PL 1989, c. 503, Pt.  
4 B, §159, is further amended to read:

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**§3002. Boards of visitors**

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9           1. ~~Appointment. The Governor shall appoint a board of 5~~  
10 ~~visitors for each correctional facility under the department, as~~  
11 ~~authorized by Title 5, section 12004-I, subsection 5. There is~~  
12 established pursuant to Title 5, section 12004, subsection 10 a  
13 board of visitors for each correctional facility under the  
14 department. The board consists of 7 members, 4 appointed by the  
15 Governor and 3 jointly by the President of the Senate and the  
16 Speaker of the House of Representatives. Each appointing officer  
17 shall make appointments that provide representation to all areas  
18 of the State.

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19           A. The terms of the members of the boards of visitors are  
20 for one calendar year. Appointing authorities shall  
21 complete their appointments by January 1st of the year for  
22 which the members are appointed.

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25           B. Members of the boards of visitors are eligible for  
26 reappointment at the expiration of their terms, except that  
27 a member may not be reappointed who has failed to attend 1/2  
28 or more of the board's meetings in the previous year.  
29 Members may not continue to serve after their term has  
30 expired unless reappointed.

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31           C. No A member of the Legislature may not serve on any  
32 board of visitors.

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35           D. Each member of the boards of visitors ~~shall be~~  
36 compensated is entitled to compensation according to the  
37 provisions of Title 5, chapter 379.

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39           E. The Governor shall appoint an interim chair for the  
40 board. The board shall elect a permanent chair at the  
41 conclusion of the first meeting.

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43           F. The interim chair of the board shall call the first  
44 meeting of the board for no later than January 30th of each  
45 year. If the chair fails to call the meeting, the  
46 commissioner shall call the meeting no later than February  
47 15th. A quorum consists of a majority of members appointed  
48 at that time.

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49           2. **Powers.** Each board of visitors may shall inspect the  
50 correctional facility to which it is assigned and may make a  
51 report and recommendations on the management of the facility to  
52 the commissioner by November 1st of each year.

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**3. Duties.** Boards of visitors have the following duties.

A. Boards of visitors shall send copies of all reports and recommendations to the members of the joint standing select committee of the Legislature having jurisdiction over health and---institutional---services corrections matters, the Executive Director of the Legislative Council and the Law and Legislative Reference Library.

B. Each board of visitors shall appear before the joint standing select committee of the Legislature having jurisdiction over health--and--institutional--services--upon request corrections matters and answer questions concerning their report.

**4. Commissioner response.** Within 30 days of receipt of the board's recommendations, the commissioner shall respond in writing to the board concerning its recommendations and send a copy of this response to the joint select committee of the Legislature having jurisdiction over corrections matters and the Executive Director of the Legislative Council.

**5. Staffing.** The board shall request required staffing from the commissioner. The board shall comment on the adequacy of this staffing in its annual report.

**STATEMENT OF FACT**

Currently, the boards of visitors of the various correctional institutions consist of 5 persons appointed by the Governor. This bill reduces the number of gubernatorial appointees to 4 and adds 3 persons to be appointed jointly by the President of the Senate and the Speaker of the House of Representatives.

The bill provides for the appointment of chairs for the boards and makes them responsible for calling the first meeting of the board each year.

The bill requires that the board visit the facility for which it is responsible each year, submit a report on the management of that facility to the Commissioner of Corrections and the Legislature and appear before the responsible legislative committee to respond to questions. It requires the Commissioner of Corrections to respond in writing to the report.