

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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Legislative Document

No. 2185

H.P. 1556

House of Representatives, February 2, 1998

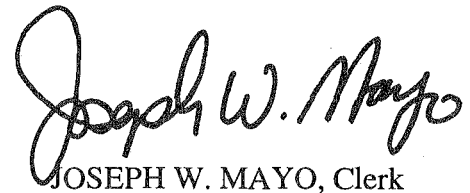
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**Resolve, to Provide Accountability in the Probation System.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Criminal Justice suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Portland.  
Cosponsored by Senator MITCHELL of Penobscot and  
Representatives: FULLER of Manchester, JONES of Greenville, KANE of Saco,  
McALEVEY of Waterboro, MUSE of South Portland, POVICH of Ellsworth, Senator:  
MURRAY of Penobscot.

**Sec. 1. Future employment of probation officers and staff.**

2 **Resolved:** That in addition to the staff required to be hired  
4 pursuant to section 4 of this resolve, the Commissioner of  
6 Corrections shall hire the following employees. The new  
employment must be phased in over a 5-year period and is subject  
to the provision of adequate funding:

8 1. A sufficient number of probation officers to bring the  
10 ratio of cases in the Division of Probation and Parole within the  
Department of Corrections to probation officers to 75 to 1; and

12 2. Eight Clerk Typist II positions to be used in the  
14 Division of Probation and Parole; and be it further

**Sec. 2. Probation system review panel. Resolved:** That the  
16 Commissioner of Corrections shall convene a probation system  
18 review panel, referred to in this section as the "panel," to  
20 review the assessment tools used in the probation system and to  
make recommendations for any changes determined necessary by the  
panel.

22 1. The commissioner shall appoint the following members of  
24 the panel, who serve without compensation:

- 26 A. The commissioner or the commissioner's designee;
- 28 B. The Attorney General or the Attorney General's designee;
- 30 C. Two district attorneys;
- 32 D. One Justice of the Superior Court;
- 34 E. One Judge of a District Court;
- 36 F. Two probation officers;
- 38 G. One member from the Criminal Law Advisory Commission; and
- 40 H. Two victim advocates.

42 2. In addition to performing the review required by this  
44 section, the panel shall develop a plan to restructure the  
probation system to:

- 46 A. Achieve a graduated probation system in which those  
48 persons more at risk of violating the terms of their  
probation are given greater supervision;
- 50 B. Give probation officers administrative remedies as well  
as the technical support necessary to effectively implement  
probation; and

2 C. Move persons on probation out of the system as soon as  
4 those persons have met the conditions of probation, such as  
payment of fines or restitution or employment.

6 3. The panel shall report its recommendations, along with  
any implementing legislation, to the Second Regular Session of  
8 the 119th Legislature by January 15, 2000.

10 The commissioner shall conduct the requirements of this section  
to the extent possible within the existing budgeted resources of  
12 the department; and be it further

14 **Sec. 3. Office space assessment. Resolved:** That the Commissioner  
of Corrections shall perform an assessment of office space needs  
16 within the Division of Probation and Parole and prioritize the  
need for additional space within the division. The 3 most urgent  
18 office space needs as identified by the commissioner must be  
addressed by January 1, 1999. Of the remaining needs, the  
20 commissioner shall develop a plan to address these deficiencies  
by January 1, 2004. The commissioner shall report these  
22 recommendations to the First Regular Session of the 119th  
Legislature by January 15, 1999.

24 The commissioner shall conduct the requirements of this section  
26 to the extent possible within the existing budgeted resources of  
the department; and be it further

28 **Sec. 4. Appropriation. Resolved:** That the following funds are  
30 appropriated from the General Fund to carry out the purposes of  
this resolve.

32 1998-99

34 **CORRECTIONS, DEPARTMENT OF**

36 **Probation and Parole**

38 All Other \$50,000

40 Provides funds for the costs associated with  
42 drug and alcohol testing.

44 **Probation and Parole**

46 All Other 50,000

48 Provides funds to allow community  
corrections to comply with the provisions of

2 the Maine Revised Statutes requiring DNA  
testing for offenders convicted of 13 of the  
4 most violent crimes.

6 **Probation and Parole**

8	Positions - Legislative Count	(7,000)
	Personal Services	117,954
	All Other	61,180
10	Capital Expenditures	24,200
12	TOTAL	<u>203,334</u>

14 Provides funds for 5 Probation Officer  
16 positions and 2 Clerk Typist II positions  
and related costs beginning January 1, 1999.

18 **DEPARTMENT OF CORRECTIONS**  
19 **TOTAL** \$303,334

20

22

**SUMMARY**

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This resolve affects the Division of Probation and Parole within the Department of Corrections in the following manner.

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28 1. It establishes a probation system review panel to review  
the probation system, to develop a plan for restructuring the  
30 probation system and to report to the Legislature the panel's  
findings and recommendations.

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34 2. It requires the Commissioner of Corrections to perform  
an assessment of office space needs within the Division of  
Probation and Parole, to address the 3 top needs by January 1,  
36 1999, and to develop a plan to address the remaining needs by  
January 1, 2004. The commissioner is required to report this  
plan to the Legislature by January 15, 1999.

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40 3. It appropriates funding for the following:

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A. The hiring, by January 1, 1999, of 5 new probation  
officers and 2 support staff;

44

B. The provision of equipment for drug and alcohol testing  
to be used by probation officers to ensure compliance with  
46 the conditions of probation; and

48

C. To meet the requirements of the Maine Revised Statutes,  
Title 25, chapter 194, which requires the Chief of the State  
50 Police to collect DNA samples and for DNA sampling of  
persons convicted of certain crimes.

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