

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 856

H.P. 616

House of Representatives, February 2, 1999

**An Act to Create Minimum Education Requirements for Prisoners in the  
Department of Corrections System.**

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

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

JOSEPH W. MAYO, Clerk

Presented by Representative BAKER of Bangor.  
Cosponsored by Senator PARADIS of Aroostook and  
Representatives: BELANGER of Caribou, BROOKS of Winterport, GREEN of Monmouth,  
McKEE of Wayne, MUSE of South Portland, SAXL of Bangor, WATSON of Farmingdale,  
Senator: MILLS of Somerset.

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

4 **Sec. 1. 34-A MRSA §3034-A is enacted to read:**

6 **§3034-A. Mandatory educational program**

8 The commissioner shall develop and implement a mandatory  
10 educational program for each correctional facility in the  
12 department. The commissioner shall maintain necessary resources  
14 and employ suitable instructors as necessary to carry out the  
16 objectives of the mandatory programs. The programs must meet the  
18 special needs and circumstances of the prisoners in the  
20 correctional facilities.

22 1. **Mandatory educational program: standard.** The mandatory  
24 educational program standard is the attainment of a General  
26 Education Diploma or a verified high school diploma.

28 2. **Application.** The mandatory educational program applies  
30 only to a prisoner who:

32 A. **Has 18 months or more remaining to be served before a**  
34 **release date:**

36 B. **Is not exempted due to a medical, developmental or**  
38 **learning disability; and**

40 C. **Does not possess a General Education Diploma or a**  
42 **verified high school diploma.**

44 A prisoner who is not exempted shall participate in the mandatory  
46 educational program for at least 240 instructional hours.

48 3. **Report.** Beginning January 15, 2000, the commissioner  
50 shall report annually to the joint standing committee of the  
Legislature having jurisdiction over criminal justice matters.  
The report must include an overview of the department's current  
educational programs, the participation rate of prisoners and  
resource needs.

4. **Rules.** The commissioner shall adopt rules for the  
implementation and review of mandatory educational programs for  
prisoners and for addressing prisoners' failure to participate in  
the mandatory educational programs. Rules adopted pursuant to  
this section are routine technical rules as defined in Title 5,  
chapter 375, subchapter II-A.

**Sec. 2. 34-A MRSA §3064, sub-§3, as amended by PL 1989, c.**  
**700, Pt. A, §161, is repealed.**

2                   **Sec. 3. Effective date.** This Act takes effect November 15, 1999.

4   **SUMMARY**

6                   This bill requires the Commissioner of Corrections to  
8                   develop and implement a mandatory educational program for all  
10                  prisoners. Prisoners who are not exempt must participate in the  
12                  mandatory educational program, whose standard is the attainment  
14                  of a General Education Diploma or a verified high school  
16                  diploma. The commissioner shall report annually to the joint  
18                  standing committee of the Legislature having jurisdiction over  
20                  criminal justice matters. The report must include an overview of  
                 the department's current educational programs, the participation  
                 rate of prisoners and resource needs. The commissioner also  
                 shall adopt routine technical rules for the implementation and  
                 review of mandatory educational programs for prisoners and for  
                 addressing prisoners' failure to participate in the mandatory  
                 educational programs.

22                  In order to allow the Department of Corrections time to put  
                 the educational program in place, the bill takes effect November  
                 15, 1999.