

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 417

S.P. 141

In Senate, January 27, 2005

An Act To Improve the Role of Boards of Visitors for State Correctional Facilities

Submitted by the Department of Corrections pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety 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 DIAMOND of Cumberland.
Cosponsored by Representative GERZOFKY of Brunswick and
Senators: CLUKEY of Aroostook, STRIMLING of Cumberland, Representative:
BLANCHETTE of Bangor.

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

4 **Sec. 1. 34-A MRSA §3002**, as amended by PL 1989, c. 503, Pt.
5 B, §159, is repealed and the following enacted in its place:

6 **§3002. Boards of visitors**

7 **1. Appointment.** The Governor shall appoint a board of 5
8 visitors for each correctional facility under the department, as
9 authorized by Title 5, section 12004-I, subsection 5.

10
11 A. The terms of the members of the boards of visitors are
12 for 3 years.

13
14 B. Members of the boards of visitors are eligible for
15 reappointment at the expiration of their terms.

16
17 C. A member of the Legislature or an employee of the
18 department may not serve on any board of visitors.

19
20 D. Each member of the boards of visitors must be
21 compensated according to the provisions of Title 5, chapter
22 379.

23
24 E. The Governor shall appoint a chair from the membership.

25
26 **2. Duties.** Boards of visitors have the following duties.

27
28 A. Each board of visitors shall inspect the correctional
29 facility to which it is assigned. When a board of visitors
30 inspects the correctional facility to which it is assigned,
31 members of the board shall comply with all departmental
32 policies and procedures and facility security practices
33 regarding access to the correctional facility, shall adhere
34 to all federal and state law regarding confidentiality and
35 shall refer concerns or complaints regarding specific
36 individuals to the chief administrative officer or
37 advocate. Each board of visitors must be provided open
38 access to all physical areas of the correctional facility
39 including access to areas housing clients. Each board of
40 visitors must be provided the opportunity to speak to
41 clients and to staff.

42
43 Boards of visitors may meet jointly.

44
45 B. Each board of visitors shall review the management of
46 the correctional facility to which it is assigned to
47 determine whether that management is consistent with the
48 philosophy, mission and policy goals of the department and
49 facility. Each board of visitors shall prepare an annual
50

2 report including its recommendations and shall provide
3 copies of its report to the chief administrative officer of
4 the facility, the commissioner and the joint standing
5 committee of the Legislature having jurisdiction over
6 criminal justice and public safety matters. The
7 commissioner shall provide copies with the department's
8 response to the reports to the joint standing committee of
9 the Legislature having jurisdiction over criminal justice
10 and public safety matters within one month of receiving the
11 annual reports.

12 C. Each board of visitors shall appear before the joint
13 standing committee of the Legislature having jurisdiction
14 over criminal justice and public safety matters upon request.

15 D. Boards of visitors shall meet regularly and at least 4
16 times a year. At each meeting, a board of visitors may
17 request and must receive information from the chief
18 administrative officers as the board determines will assist
19 in the review of the management of the facility. To the
20 extent that a board of visitors is not discussing matters
21 made confidential by federal or state law, meetings of
22 boards are public proceedings and must be conducted in
23 accordance with Title 1, section 403. Members of each board
24 of visitors may visit the correctional facility to which
25 that board is assigned and may speak with clients and with
26 staff.

27 E. Each board of visitors shall share copies of that
28 board's annual report with the other boards.

29 3. Volunteer activities. Volunteer activities of a member
30 of a board of visitors may be prescribed by departmental policies
31 regarding volunteer activities generally.

32 **Sec. 2. Staggered terms.** Notwithstanding the Maine Revised
33 Statutes, Title 34-A, section 3002, the terms of members of
34 boards of visitors appointed pursuant to Title 34-A, section 3002
35 during the first year following the effective date of this Act
36 must be staggered and be for 1, 2 or 3 years.

42 SUMMARY

43 This bill provides 3-year terms for members of boards of
44 visitors of correctional facilities with the initial terms
45 staggered. It prohibits a Legislator or an employee of the
46 Department of Corrections from serving on a board of visitors.
47 It requires the Governor to appoint a chair for each board of
48 visitors. It clarifies the meeting and reporting
49
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responsibilities of the boards of visitors. It provides that
2 volunteer activities of a member of a board of visitors may be
prescribed by departmental policies regarding volunteer
4 activities generally.