

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ROS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Date 6/21/23

(Filing No S-411)

REPORT B

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Secretary of the Senate

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 82, LD 178, "An Act to Support Reentry and Reintegration into the Community"

Amend the bill by striking out the title and substituting the following

'An Act to Reestablish Parole'

Amend the bill by striking out everything after the enacting clause and inserting the following

Sec. 1. 5 MRSA §12004-G, sub-§6-E is enacted to read

6-E.

Corrections                      Maine Parole Board                      Legislative Per Diem    34-A MRSA §5823

Sec. 2. 17-A MRSA §1502, sub-§2, ¶K, as enacted by PL 2019, c 113, Pt A, §2, is amended to read

K A split sentence of imprisonment with administrative release as authorized by chapter 67, subchapter 2, or

Sec. 3. 17-A MRSA §1502, sub-§2, ¶L, as enacted by PL 2019, c 113, Pt A, §2, is amended to read

L A term of imprisonment followed by a period of supervised release as authorized by chapter 67, subchapter 3-, or

Sec. 4. 17-A MRSA §1502, sub-§2, ¶M is enacted to read

M A term of imprisonment with eligibility for parole as authorized by Title 34-A, chapter 5

Sec. 5. 17-A MRSA §1603, sub-§1, as enacted by PL 2019, c 113, Pt A, §2, is amended to read

COMMITTEE AMENDMENT



ROS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**§5823. Maine Parole Board**

1. Establishment. The Maine Parole Board is established in Title 5, section 12004-G, subsection 6-E, within the department Notwithstanding any provision of subchapter 2 to the contrary, the board has the duties described in this subchapter and has the same duties as the State Parole Board described in section 5210

2. Board composition. The board shall consist of 7 members who are professionals from a diverse field of experience The board must include

- A At least one member who is a mental health professional,
- B At least one member who is a legal professional with experience in criminal law and criminal procedure,
- C At least one member who is a professional in the clinical treatment and rehabilitation of persons who commit sexually violent offenses,
- D At least one member with experience in certified domestic violence or batterer intervention, and
- E At least one member who is a formerly incarcerated person

Other board members must have special training or expertise in law, sociology, psychology or other related branches of social science The board shall, to the extent possible, be gender diverse and represent the cumulative racial demographic makeup of all residents at correctional facilities as determined in the most recent annual report submitted by the commissioner pursuant to section 5208

3. Appointment. Members must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and confirmed by the Senate

4. Vacancies. A vacancy on the board must be filled for an unexpired term in the same manner in which an appointment is made A vacancy must be filled within 90 days following the occurrence of the vacancy

5. Compensation and expenses. Members of the board must be compensated according to the provisions of Title 5, section 12004-G, subsection 6-E

6. Meetings. The board shall meet at least once per month at a time and location determined by the board and is permitted to meet as often as is necessary to fulfill its duties Members shall elect a chair to preside at all meetings of the board when the chair is present The presence of any 5 members of the board constitutes a quorum for the purpose of allowing the board to exercise its duties in this subchapter

7. Rules The board may adopt rules to implement the provisions of this subchapter Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A

**§5824. Parole application; eligibility**

1. Eligibility. Notwithstanding any provision of law to the contrary, a person serving a sentence of imprisonment for one or more crimes in the custody of the department and residing at a correctional facility is eligible for parole upon application if the following criteria are met

ROS

- 1 A For a person serving a sentence of imprisonment for life for the crime of murder,
- 2 the person is eligible for parole if the person has served at least 20 years of that sentence
- 3 in imprisonment.
- 4 B For a person serving a sentence of imprisonment for murder or for a crime other
- 5 than murder, or a person serving concurrent sentences for murder or for crimes other
- 6 than murder, in which in the aggregate sentence of imprisonment totals 5 to 60 years,
- 7 the person is eligible for parole if that person has served at least one-third of the
- 8 unsuspended portion of the aggregate sentence.
- 9 C For a person serving a sentence of imprisonment for one or more offenses described
- 10 in Title 17-A, chapter 11 or 12, the person is eligible for parole if the person has met
- 11 the requirements of paragraph B and the person has completed an intensive, evidence-
- 12 based program for offenders of sexual assault and sexual exploitation of minors prior
- 13 to application for parole.
- 14 D For a person serving a term of imprisonment for one or more offenses where the
- 15 victim is a family or household member as defined in Title 19-A, section 4102,
- 16 subsection 6, the person is eligible for parole if the person has met the requirements in
- 17 paragraph B and the person has completed an evidence-based program offered by the
- 18 department for offenders of crimes committed against family or household members
- 19 prior to application for parole.
- 20 A person serving a sentence of less than 5 years imprisonment, or concurrent sentences
- 21 which in the aggregate amount of imprisonment is less than 5 years, is not eligible for
- 22 parole under this subchapter.

23 **2. Application** The board shall develop a parole application pursuant to requirements

24 in this subchapter. The department shall make the parole application available at all

25 correctional facilities and shall allow residents access to the necessary materials to

26 complete the parole application. The department must provide applicants with a specific

27 preparatory plan to apply for parole. This plan must be completed within 90 days of

28 admission to the correctional facility and include a preparation workshop or other program

29 supportive of meaningful preparedness of residents.

30 **§5825. Parole hearing**

31 **1. Application accepted or rejected.** Within 60 days after the receipt of a parole

32 application, the board shall determine whether the applicant meets the eligibility

33 requirements described in section 5824 and has completed all forms and other requirements

34 to apply for parole and, if so, shall schedule a parole hearing for the applicant. The 60 days

35 may be extended for a maximum of an additional 30 days when there is good cause shown

36 or when the board determines there are extenuating circumstances. The board shall

37 document the reason for the extension and communicate the reason to the applicant. If the

38 board determines the applicant is not eligible to apply for parole, or that the applicant

39 materials are incomplete, the board shall promptly inform the applicant of the reasons for

40 denial of a hearing and an applicant may make corrections, if applicable, and submit a new

41 application pursuant to this subchapter.

42 **2. Access to documents.** At least 30 days prior to a hearing, the department must

43 provide the applicant with all documentation the applicant has submitted in support of the

44 application and a copy of the applicant's criminal history record. If any document provided

# COMMITTEE AMENDMENT

ROS

1 to the applicant by the department contains confidential information that, if disclosed,  
2 would violate a confidentiality agreement, protective order or any other provision of law  
3 or would likely bring harm to any person, the department must redact the confidential  
4 information from the document. When the department redacts confidential information  
5 from a supporting document, it shall identify the context of the withheld material, state the  
6 reason the information was withheld and provide the applicant with a summary of the basic  
7 content of the material withheld with as much specificity as possible without revealing the  
8 confidential information.

9 **3. Challenging inaccurate or incomplete information.** If, prior to a scheduled  
10 hearing, the applicant discovers an omission or other error in the applicant's criminal  
11 history record or in the documentation described in subsection 2 provided by the  
12 department, the applicant may file a motion with the District Court or Superior Court  
13 having jurisdiction over the underlying crime for which the applicant is incarcerated to  
14 purge, modify or supplement inaccurate or incomplete information. The court shall take no  
15 longer than 90 days to issue a decision on the motion.

16 Upon receipt of the decision by the court, the department shall promptly correct any errors  
17 or omissions identified by the court, and must notify the applicant and any person or agency  
18 that received a copy of the applicant's criminal history record or other documents in the  
19 previous 12-month period of the decisions and provide the applicant and those persons or  
20 agencies with the corrected documentation.

21 The department shall schedule the hearing no later than 30 days following the decision,  
22 except in extenuating circumstances or when there is good cause shown to extend the  
23 hearing date for an additional 30 days.

24 An applicant may not be required to pay any costs, fees or penalties in association with a  
25 review conducted under this subsection.

26 **4. Hearing procedure.** The hearing must be recorded via audio and video. An  
27 applicant may be represented by legal counsel at the hearing to be provided by the  
28 applicant. The applicant may present testimony to the board in support of the application.  
29 After a hearing, the board shall notify the applicant of its decision within 14 days.

30 **5. Parole granted; conditions.** If after hearing the board grants parole, the board shall  
31 impose any conditions it determines appropriate. When setting conditions, the board shall  
32 make an individualized assessment as to what conditions are appropriate based on the  
33 nature and circumstances of the offense and the history and characteristics of the applicant  
34 and impose only those conditions the board determines are necessary to mitigate the risk  
35 of the applicant again violating the law. Conditions imposed must be, to the extent possible  
36 and practicable as determined by the board, consistent with the types of conditions imposed  
37 under probation described in Title 17-A, section 1807 and the mandatory conditions for  
38 supervised community confinement described in section 3036-A, subsection 3.

39 If the board grants parole, it shall notify the Office of Victim Services, which shall, in  
40 accordance with section 5826, notify by mail and by phone or in person the victims of any  
41 crime committed by the parolee of the granting of parole and the conditions imposed on  
42 the parolee.

43 **6. Parole denied.** If after hearing the board denies parole, the board must create a future  
44 parole eligibility term schedule to determine how long the applicant must wait before

ROS

1 reapplying, not to exceed 30 months The board shall inform the applicant in writing of the  
2 reasons parole was denied and identify any requirements that would need to be met for  
3 parole to be granted The applicant may appeal the denial of a grant of parole by filing an  
4 appeal within 90 days to the Superior Court in accordance with Rule 80C of the Maine  
5 Rules of Civil Procedure

6 **§5826. Victim notification and rights**

7 **1. Victim notification.** The department shall keep the victim of any crime committed  
8 by the applicant or parolee notified of the proceedings under this subchapter in a manner  
9 consistent with notifications made to the applicant or parolee Victims must receive  
10 notifications regarding the date, time and location of a parole hearing and the result of each  
11 parole hearing, and any appeal made by the applicant and the result of that appeal  
12 Notification to the victim must be made through the Office of Victim Services and be made  
13 by mail and by phone or in person The department personnel notifying the victim must be  
14 qualified to provide trauma support and referrals Upon notification of the victim, the  
15 Office of Victim Services must provide victims information regarding their rights and the  
16 support systems available throughout the parole process, including

17 A Victim-offender dialogue, also referred to as restorative conferencing, options  
18 available to victims through independent restorative justice programs or the Office of  
19 Victim Services, and

20 B The advocacy and therapeutic support available to victims in their area through  
21 community-based programs The Office of Victim Services shall provide contact  
22 information for those programs, including, but not limited to, victim advocacy  
23 organizations, counseling services and other support groups Such notifications shall  
24 include clear instructions on how to access these resources

25 **2 Victim rights.** The Office of Victim Services must ensure that victims are fully  
26 informed of their rights and options for support through the parole process Victims have  
27 the right to

28 A Submit written or recorded testimony to the Office of Victim Services, which the  
29 Office of Victim Services must provide to the board for consideration at each parole  
30 hearing Testimony submitted must be kept by the department and must be considered  
31 at any subsequent parole hearing until updated by the victim,

32 B Participate in a victim hearing separate from the applicant, and to have that hearing  
33 conducted at a location other than a correctional facility,

34 C Select someone other than the victim to read the victim's statement at the victim and  
35 parole hearing, and

36 D Have a support person, who is trained in trauma-informed care, with the victim at  
37 the parole hearing or victim hearing

38 **§5827. Custody and supervision of parolee; duration of parole**

39 **1. Custody and supervision of parolee** A parolee must remain in custody of the  
40 warden or chief administrative officer of the correctional facility from which the parolee  
41 was released for the duration of parole The parolee is subject to any conditions imposed  
42 on the parolee by the board and any generally applicable rules to parolees established by  
43 the department or the board A parolee is under the supervision of a parole officer who is

ROS

1 charged with overseeing the parolee's compliance with the provisions of this subchapter  
2 and with whom the parolee shall remain in regular contact for the duration of the parole

3 **2. Duration.** The parolee must remain on parole for the duration of the parolee's  
4 unsuspended and suspended sentences While on parole, the parolee earns deductions  
5 described in Title 17-A, section 2305, 2306 or 2307 in the same manner as the parolee  
6 would if incarcerated

7 **§5828. Administrative release**

8 **1. Development of guidelines.** The board shall by rule develop administrative release  
9 guidelines, referred to in this section as "the guidelines," using evidence-based risk  
10 assessment criteria for use by the board in evaluating applications for parole In establishing  
11 the guidelines, the board must consult with the Permanent Commission on the Status of  
12 Racial, Indigenous and Tribal Populations described in Title 5, chapter 631 or with entities  
13 specified by that commission The guidelines must provide the board with consistent and  
14 comprehensive information relevant to risk factors for parolees The guidelines must  
15 include a matrix of advisory release decision recommendations for different risk levels

16 **2. Factors for consideration.** In developing the guidelines, the board shall consider  
17 the following factors

18 A The actuarial risk of recidivism, which must be the central factor for the board in  
19 making its decision related to the time and conditions of parole Risk must be assessed  
20 using evidence-based actuarial risk assessment tools and the professional judgment of  
21 the board Where possible, the board shall use a transparent assessment tool in  
22 acknowledgement of racial bias,

23 B The testimony of or a written statement provided by the victim of the crime or a  
24 relative of the victim, or a person designated by the victim of the crime or a relative of  
25 the victim to provide testimony or a written statement,

26 C The applicant's participation in a treatment program and other progress made toward  
27 rehabilitation while incarcerated,

28 D The applicant's conduct and participation in community service activities while  
29 incarcerated,

30 E The adequacy of the applicant's parole plan submitted to the board,

31 F Whether the applicant has threatened or harassed the victim or the victim's family or  
32 has caused the victim or the victim's family to be threatened or harassed,

33 G The testimony or written statement of a prospective parole sponsor, employer or  
34 other person who is available to assist the applicant if the applicant is granted parole,

35 H Whether the applicant has previously absconded or escaped, or attempted to abscond  
36 or escape, while on probation, supervised community confinement, parole or other  
37 conditional release program,

38 I Whether the applicant took part in educational services offered by the department  
39 while incarcerated, and whether the applicant completed a high school diploma, a  
40 general equivalency diploma, a vocational certification or a college degree while  
41 incarcerated,

# COMMITTEE AMENDMENT



1 J Sentencing factors described in Title 17-A, section 1602, subsection 1, paragraph B  
2 related to the underlying crime or crimes for which the applicant is incarcerated, and

3 K Any other factor that the board determines is appropriate or necessary to consider

4 **3. Sex offenders.** The guidelines under this section do not apply to persons convicted  
5 and serving a sentence for crimes described in Title 17-A, chapter 11 or 12 The board shall  
6 by rule develop specific criteria to be used to evaluate these applicants

7 **4. Coordination of risk and needs.** The board shall impose supervision conditions  
8 and services with the assessed risk and need levels determined pursuant to subsection 1

9 **5. Risk assessment scale.** The board shall develop a risk assessment scale that includes  
10 evidence-based criteria for reducing the risk of recidivism and that considers the racial bias  
11 existing in the risk assessment criteria The board shall validate the risk assessment scale  
12 every 5 years to ensure that the predictive accuracy, as determined by data collection and  
13 analysis by the board, does not fall below an acceptable level A majority of the board may  
14 vote to review the risk assessment scale on a more frequent basis

15 **6. Forms.** The board shall develop forms required under this section that are designed  
16 to record the rationale for the board's decision on a parole application Victim identity and  
17 input must be protected from display on the form and on any board hearing report that may  
18 become part of the applicant's or parolee's record

19 **7. Training.** The board shall seek regular training for its members to ensure that the  
20 board is using best practices in parole application evaluation and applying them effectively  
21 in carrying out the board's duties

22 **§5829. Administrative revocation**

23 **1. Development of guidelines.** The board shall by rule develop administrative  
24 revocation guidelines, referred to in this section as "the guidelines," that must be used to  
25 evaluate complaints filed for parole revocation The board shall develop the guidelines  
26 using evidence-based risk assessment criteria and considering the racial bias existing in the  
27 guidelines

28 **2. Factors for consideration** In developing the guidelines, the board shall consider  
29 the following factors in evaluating complaints filed for parole revocation

30 A Notification by the department that the parolee was convicted of a new crime while  
31 on parole,

32 B The seriousness of the violation of conditions of parole, if applicable,

33 C The parolee's frequency of violations of conditions of parole,

34 D The parolee's efforts to comply with a previous corrective action plan or other  
35 remediation plan required by the board or by the parole officer,

36 E The imposition of intermediate sanctions by the parole officer in response to  
37 violations of conditions of parole that may form the basis of the complaint filed for  
38 parole revocation,

39 F Whether modification of parole conditions would be more appropriate than a  
40 revocation of parole and still consistent with public safety, and

ROS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

G Any mitigating factors, including, but not limited to, if the parolee suffers from a mental health or other medical condition, including substance use disorder, or if the violation was technical rather than substantive

**3. Revocation determination for violation of parole.** When revoking parole, the board must make a determination that appropriate intermediate sanctions prior to revocation have been used but have been ineffective, or that the parolee's conduct in the underlying violations presents a specific threat to public safety that cannot be mitigated through less restrictive means. When revoking parole, the board must create a future parole eligibility term schedule to determine how long the parolee must wait before reapplying.

**§5830. Violations of conditions of parole; revocation hearings**

**1. Revocation hearing.** When a parolee is alleged by the parolee's parole officer to have violated the conditions of parole, the board shall conduct a revocation hearing to determine whether the alleged violations were found to have been committed, and if so whether revocation of parole is an appropriate remedy. The standard of review for determining whether a violation of parole has occurred is clear and convincing evidence. Upon a determination by the board that parole should be revoked, the parolee must be returned to the correctional facility overseen by the warden or facility administrator having custody of the parolee.

**2. Arrest and detention for violation.** A parole officer may arrest and detain a parolee for a violation of a condition of parole and take the parolee into custody pending the issuance of a parole violation without a warrant. The parole officer shall first make use of graduated sanctions, especially in the case of technical violations. The detention period may not extend beyond the next business day and, if a warrant is not issued in that time, the parolee must be released from detention. A parolee detained pursuant to this subsection does not have a right of action for an unlawful arrest or detainment for violation of parole against the parole officer, a board member or any other personnel of the department.

**3. Issuance of summons for violation; board action.** A parole officer may file a complaint with the District Court alleging a parolee has committed a parole violation. If the court determines that probable cause exists and the alleged violation does not present a specific threat to public safety, a summons may be issued for the parolee to appear before the board. The board shall hold a revocation hearing within 30 calendar days of the issuance of summons, or at its next scheduled meeting at the correctional facility having custody of the parolee, whichever is later. The revocation hearing may be delayed for no more than an additional 30 days upon the department showing that extenuating circumstances exist. At the revocation hearing, the parolee has the right to competent counsel, the right to defend against and present evidence in defense of the allegations of the alleged violation and the right to present and cross-examine witnesses. If a parolee fails to appear for the revocation hearing, the board shall find by default that a violation of parole has occurred.

**4. Issuance of warrant for violation, board action** The parole officer may file a complaint with the District Court alleging that a parolee has committed a parole violation. If the court determines that probable cause exists and the alleged violation presents a specific threat to public safety, a warrant may be issued for the parolee's arrest. Upon arrest, the parolee must be returned to the correctional facility having custody of the parolee. The board shall hold a revocation hearing within 30 calendar of the parolee's arrest, or at its next scheduled meeting at the correctional facility where the parolee resides, whichever is

**COMMITTEE AMENDMENT**

1 later The revocation hearing may be delayed for no more than an additional 30 days upon  
 2 the department showing that extenuating circumstances exist At the revocation hearing,  
 3 the parolee has the right to competent counsel, the right to defend against and present  
 4 evidence in defense of the allegations of the alleged violation and the right to present and  
 5 cross-examine witnesses

6 **5. Forfeiting deductions.** Upon revocation of parole pursuant to this section, the  
 7 parolee forfeits any deductions earned during parole pursuant to Title 17-A, section 2305,  
 8 2306 or 2307

9 **6. Tolling sentence.** Whenever a warrant is issued under subsection 4, the running of  
 10 the parolee's sentence and parole period is tolled and remains tolled until the parolee is  
 11 returned to the correctional facility having custody of the parolee The tolling calculation  
 12 must include any time served prior to such return, after the reason for an alleged violation  
 13 of parole occurred If the board determines that a violation of parole has not occurred, or if  
 14 a warrant for arrest as a result of a parole violation is withdrawn and found invalid, the  
 15 parolee must be credited with the time lost by the tolling of the running of the parolee's  
 16 sentence

17 **§5831. Sentence for violation of law by parolee**

18 A parolee who while on parole is convicted of murder or a Class A, B or C crime, or  
 19 who while on parole is convicted of a crime in another jurisdiction punishable by a sentence  
 20 of imprisonment for one year or more, shall serve that sentence concurrently to the parolee's  
 21 existing sentence or sentences for which the parolee is on parole, unless the judge  
 22 determines that the 2nd sentence should be served consecutively with that sentence  
 23 beginning on the date of termination of that sentence

24 **§5832. Discharge from parole**

25 A parolee who satisfies all the conditions of parole and completes the parolee's  
 26 sentence is entitled to a certificate of discharge to be issued by the warden or chief  
 27 administrative officer of the correctional facility having custody of the parolee

28 **§5833. Data collection and reporting**

29 **1. Outcome data and analysis.** The board shall by rule develop and implement a  
 30 process to collect and analyze data stipulating the basis for the outcomes of the board's  
 31 decisions for granting, revoking or denying parole Any data related to victim identification  
 32 or victim input that is identifiable to the person's conviction or the person's case must be  
 33 maintained but kept confidential by the board and may be released only to other  
 34 government agencies, pursuant to a nondisclosure agreement, for the purposes of analysis  
 35 and reporting only

36 **2. Recidivism data.** The board shall collect data on recidivism, including the  
 37 following

38 A The number of parolees who are arrested and returned to prison for the commission  
 39 of a new crime or a violation of parole within 3 years following a parolee's release on  
 40 parole,

41 B The type of reentry programs provided as part of a parolee's parole plan, and

42 C The types of parole conditions violated or the new crimes for which parolees are  
 43 convicted

ROS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

The board shall share with the relevant correctional facility any parole or aftercare release plan, as well as any parole or aftercare release reports to be stored in the person's master file at the correctional facility

**3. Record of conformance with or departure from guidelines.** The board shall adopt standards for evaluating whether a decision granting, revoking or denying parole conformed with the administrative release guidelines in section 5828, subsection 1 and the administrative revocation guidelines in section 5829, subsection 1. If the board determines that the decision was inconsistent with the guidelines, the board shall make necessary changes to address the inconsistency

**4. Reporting to department.** The board shall provide the data collected pursuant to this section to the department for analysis. Using the data, the department shall assist the board in identifying specific factors that are necessary to the board's parole decision-making process and shall assist the board in securing training to facilitate the board's future decision making

**5. Report to Legislature.** By January 15, 2025 and annually thereafter, the board shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the operation of the board pursuant to this subchapter

**§5834. Cooperation**

The department, the Department of Health and Human Services, the officers and staff of correctional facilities, law enforcement officers and law enforcement agencies shall cooperate with the board in exercising its powers and duties

**§5835. Coordination with other laws regarding parole**

As necessary and to the extent practicable, this subchapter must be supplemented with other laws regarding parole described in this chapter. If a conflict exists between this subchapter and other laws regarding parole in this chapter, the provisions of this subchapter prevail

**Sec. 8. Maine Parole Board; terms.** Members of the Maine Parole Board established pursuant to the Maine Revised Statutes, Title 34-A, section 5823, referred to in this section as "the board," serve staggered 4-year terms. At the end of a member's term, that member continues to serve on the board until a successor is appointed or the member is reappointed. A board member may serve no more than 2 terms on the board. Members must be appointed according to the following schedule

A Three members must be appointed to serve a term that expires on the 3rd Monday in January 2026,

B Two members must be appointed to serve a term that expires on the 3rd Monday in January 2027, and

C Two members must be appointed to serve a term that expires on the 3rd Monday in January 2028

A member of the State Parole Board described in Title 34-A, section 5201 is eligible to be appointed to the board as long as the member meets the requirements of Title 34-A, section 5823, subsection 2

ROS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**Sec. 9. Appropriations and allocations.** The following appropriations and allocations are made

**CORRECTIONS, DEPARTMENT OF  
Administration - Corrections 0141**

Initiative Provides funding for office supplies and equipment

<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
All Other	\$0	\$110,629
<b>GENERAL FUND TOTAL</b>	\$0	\$110,629

**Correctional Center 0162**

Initiative Provides funding for 2 Correctional Care and Treatment Worker positions and related costs to manage the parole program

<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
POSITIONS - LEGISLATIVE COUNT	0 000	2 000
Personal Services	\$0	\$200,281
All Other	\$0	\$13,914
<b>GENERAL FUND TOTAL</b>	\$0	\$214,195

**Mountain View Correctional Facility 0857**

Initiative Provides funding for 2 Correctional Care and Treatment Worker positions and related costs to manage the parole program

<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
POSITIONS - LEGISLATIVE COUNT	0 000	2 000
Personal Services	\$0	\$200,281
All Other	\$0	\$13,914
<b>GENERAL FUND TOTAL</b>	\$0	\$214,195

**Office of Victim Services 0046**

Initiative Provides funding for 4 Victim Advocate positions to work with individuals in the parole process

<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
POSITIONS - LEGISLATIVE COUNT	0 000	4 000
Personal Services	\$0	\$404,234
<b>GENERAL FUND TOTAL</b>	\$0	\$404,234

**Parole Board 0123**

Initiative Provides funding for one Parole Director, 2 Parole Program Manager positions, 2 Secretary Specialist positions, 7 Probation Officer Assistant positions, 7 Probation Parole Officer positions, one Regional Correctional Manager Probation position, one Resource Administrator position and other related costs to manage and administer the parole program

ROS

COMMITTEE AMENDMENT "A" to S P 82, L D 178

1	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
2	POSITIONS - LEGISLATIVE COUNT	0 000	21 000
3	Personal Services	\$0	\$2,349,955
4	All Other	\$0	\$937,613
5			
6	<b>GENERAL FUND TOTAL</b>	<hr/>	<hr/>
		\$0	\$3,287,568

7 **State Prison 0144**

8 Initiative Provides funding for 2 Correctional Care and Treatment Worker positions and  
9 related costs to manage the parole program

10	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
11	POSITIONS - LEGISLATIVE COUNT	0 000	2 000
12	Personal Services	\$0	\$200,281
13	All Other	\$0	\$13,914
14			
15	<b>GENERAL FUND TOTAL</b>	<hr/>	<hr/>
		\$0	\$214,195

17 **CORRECTIONS, DEPARTMENT OF**  
18 **DEPARTMENT TOTALS**

19		<b>2023-24</b>	<b>2024-25</b>
20	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$4,445,016</b>
21			
22	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<hr/>	<hr/>
		\$0	\$4,445,016

24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
25 number to read consecutively

26 **SUMMARY**

27 This amendment, which is a minority report of the committee, replaces the bill, which  
28 is a concept draft, and changes the title The amendment establishes the option of parole  
29 for persons sentenced to the custody of the Department of Corrections While current law  
30 provides that only persons in the custody of the department pursuant to a sentence imposed  
31 under the law in effect before May 1, 1976 may apply for parole, this amendment applies  
32 to all persons in custody of the department pursuant to a sentence under the law in effect  
33 on or after May 1, 1976 The amendment establishes the Maine Parole Board and outlines  
34 its operations and duties The amendment also sets criteria for the Maine Parole Board's  
35 granting and revocation of parole, and establishes an appeal process for the board's  
36 decisions The amendment outlines the rights of victims in the parole process The  
37 amendment directs the board to adopt rules creating guidelines for administrative release  
38 and revocation, as well as other rules to support its duties

39 **FISCAL NOTE REQUIRED**

40 (See attached)

**COMMITTEE AMENDMENT**



# 131st MAINE LEGISLATURE

LD 178

LR 773(02)

## An Act to Support Reentry and Reintegration into the Community

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-411)  
 Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

### Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$4,445,016	\$4,256,216	\$4,256,216
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$4,445,016	\$4,256,216	\$4,256,216

#### Fiscal Detail and Notes

This bill establishes the option of parole for all persons sentenced to the custody of the Department of Corrections on or after May 1, 1976. It includes a General Fund appropriation of \$4,445,016 in fiscal year 2024-25 for 4 Victim Advocate positions, one Parole Director position, 2 Parole Program Manager positions, 2 Secretary Specialist positions, 6 Correctional Care and Treatment Worker positions, 7 Probation Officer Assistant positions, 7 Probation Parole Officer positions, one Regional Correctional Manager Probation position, one Resource Administrator position and related costs to administer and manage the parole program.

Any additional costs to the Department of Health and Human Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.