

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1633

S.P. 650

In Senate, April 12, 2023

**An Act to Establish a Community-based Reentry Program in All
Department of Corrections Facilities**

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

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BEEBE-CENTER of Knox.
Cosponsored by Representative GEIGER of Rockland and
Senator: BAILEY of York, Representatives: DOUDERA of Camden, GRAMLICH of Old
Orchard Beach, HASENFUS of Readfield, MADIGAN of Waterville, MATLACK of St.
George, SHAGOURY of Hallowell.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§4-D** is enacted to read:

3 **4-D.**

4 Corrections Peer Reentry Review Board Not Authorized 34-A MRSA
5 §3036-D

6 **Sec. 2. 34-A MRSA §3036-C** is enacted to read:

7 **§3036-C. Community-based reentry program**

8 **1. Community-based reentry program.** The commissioner shall establish a
9 community-based reentry program, referred to in this section as "the program," at each
10 correctional facility. The commissioner shall enter into a contract with a community-based
11 organization to administer the program. The program assists clients in reintegrating with
12 the community, providing peer recovery support, reentry planning and post-release support
13 and follow-up on an individualized basis for each client participating in the program.

14 **2. Staff.** Staffing for the program includes the positions of:

15 A. Peer recovery supporter, who is a trained resident peer supporter currently
16 incarcerated at a facility, a recovery coach or a certified intentional peer support
17 specialist;

18 B. Community reintegration specialist, who is a certified intentional peer support
19 specialist under paragraph A and acts as a peer, mentor and resource navigator and
20 connector; and

21 C. Forensic intensive case manager, who is a community reintegration specialist under
22 paragraph B and possesses lived experience of being incarcerated.

23 **3. Prerelease process.** The program's prerelease process includes:

24 A. Serving a client who has requested to participate in the program, has been referred
25 to the program by department personnel or has otherwise made contact, directly or
26 indirectly, with the program indicating interest in participating in the program.
27 Participation in the program is voluntary. Program services must commence at least 2
28 years before the participant's release unless the participant's remaining term of
29 incarceration is less than 2 years, in which case the program services must commence
30 as soon as practicable.

31 B. Maintaining for each correctional facility a:

32 (1) Forensic intensive case manager to provide information regarding training,
33 educational or other resources and to maintain contact with a participant at the
34 facility between scheduled meetings with the participant; and

35 (2) Resident peer recovery supporter who shall provide advice, support and contact
36 with a participant incarcerated at the facility.

37 C. Conducting an orientation meeting with the participant by the forensic case manager
38 and peer recovery supporter for that correctional facility under paragraph B to:

39 (1) Provide program information to the participant, including the mission,
40 processes and ultimate goals of the program;

1 (2) Conduct an initial assessment of the participant and any issues or characteristics
2 of the participant to match the participant with appropriate available resources and
3 to develop the participant's reentry plan under subsection 5, including:

- 4 (a) Housing plans or needs of the participant upon release;
5 (b) Employment goals and past employment experience of the participant;
6 (c) Educational goals and career aspirations of the participant;
7 (d) Hobbies or interests of the participant; and
8 (e) Substance use and recovery status and recovery plan of the participant;
9 (3) Establish a rapport with the participant and address any issues, concerns or
10 questions of the participant;
11 (4) Discuss a basic plan for prerelease integration planning until the final prerelease
12 meeting of the participant under paragraph D, subparagraph 3; and
13 (5) Prior to the end of the orientation meeting, schedule the next meeting with the
14 participant.

15 D. Assigning 2 community reintegration specialists to work with the participant who,
16 along with the forensic intensive case manager and resident peer recovery supporter,
17 as necessary, subsequent to the orientation meeting, shall:

18 (1) Meet with the participant to develop a reentry plan under subsection 5 tailored
19 to the participant's needs and intentions based upon the information obtained in the
20 orientation meeting under paragraph C and with the participant's active
21 participation and input;

22 (2) Schedule further meetings as time allows and as necessary to:

- 23 (a) Develop the reentry plan under subsection 5;
24 (b) Maintain contact and rapport with the participant;
25 (c) Address developments and updates to the reentry plan under subsection 5
26 or issues that may have arisen with the participant;
27 (d) Introduce the participant to resources and community partners representing
28 programs or services available to the participant after release or to gather
29 required signatures, formalize post-release arrangements or agreements or
30 exchange contact information; or
31 (e) Obtain a temporary email address or other details necessary to be completed
32 prior to release; and

33 (3) Hold a final release meeting with the participant to:

- 34 (a) Provide support for the participant;
35 (b) Share with the participant lived release experiences of the program staff or
36 others;
37 (c) Schedule a post-release meeting within 7 days of release; and
38 (d) Otherwise ensure that the participant's release goes as smoothly and with
39 as little trauma to the participant as possible.

1 **4. Post-release process.** The program's post-release process includes:

2 A. A post-release meeting under subsection 3, paragraph D in which program personnel
3 check with the participant to:

4 (1) Assess the participant's well-being;

5 (2) Discuss the participant's initial release experience;

6 (3) Ensure that appointments and provision of services and program participation
7 under the reentry plan under subsection 5 and other obligations under the program
8 are being met; and

9 (4) Provide the participant a cellular telephone, the number of which must be
10 provided to the program and to the participant's probation officer; and

11 B. Follow-up meetings to:

12 (1) Assess the participant's well-being;

13 (2) Discuss with the participant progress on post-release goals;

14 (3) Actively encourage the participant to participate in community activities;

15 (4) Ensure that the participant's basic needs in housing, employment, education,
16 training, support system, treatment of or recovery from substance use disorder and
17 other elements of the participant's reentry plan under subsection 5 are being met;
18 and

19 (5) If the participant is serving probation, maintain regular contact with the
20 participant's probation officer.

21 Meetings under this paragraph must be scheduled every 3 months for the first year after
22 the participant's release and a checkup of the participant to assess the participant's well-
23 being and any issues the participant is experiencing must be conducted every 3 months
24 from 12 months to 36 months after the participant's release and annually thereafter for
25 a period determined necessary under the program.

26 **5. Reentry plan.** As part of the prerelease process under subsection 3, the program
27 with the active participation of the participant shall develop a reentry plan to accomplish
28 an effective reintegration of the participant into the community subsequent to release from
29 incarceration. The community reintegration specialists assigned to the participant shall
30 develop a working relationship with the participant to formulate the reentry plan based
31 upon the participant's expressed goals and opportunities and based upon information
32 obtained through the orientation meeting, participant information received from the
33 department and other sources providing information about the participant. The reentry plan
34 must include, as applicable:

35 A. A treatment and recovery plan for substance use disorder;

36 B. Peer support;

37 C. A pathway to meaningful employment;

38 D. Housing and transitional housing options;

39 E. Education and job training opportunities;

40 F. Constructive activities and activities that align with interests of the participant; and

1 G. The development of productive relationships with probation officers, family
2 members and community partners and peers with lived experience of incarceration,
3 reentry and recovery.

4 **6. Individual-centered approach to reentry.** The program shall align its processes
5 and each reentry plan to focus on the individual participant the program is serving in
6 assisting and supporting the participant's reentry into the community. The program shall as
7 much as practicable include the participant in planning, decision making and determining
8 the most effective course in establishing a reentry plan under subsection 5 that meets the
9 participant's individual needs and requirements in making a successful reintegration into
10 the community and preventing the possibility of recidivism. The program's staff shall make
11 the best effort in listening to the participant, providing peer and emotional support and
12 being responsive to issues, needs and questions of the participant. Peer support is necessary
13 from the orientation meeting throughout the entire process until the final post-release
14 meetings and follow-up to provide a continuity required to most effectively implement
15 reintegration of the participant into the community and to prevent recidivism.

16 **7. Department support.** The department shall support the program by providing:

17 A. Referrals of appropriate clients to the program;

18 B. Access for the program to the correctional facility, facility resources, meeting or
19 conference space, office space and other physical amenities required for the proper
20 administration of the program;

21 C. Access to a participant by program staff as required, including access within the
22 secure perimeter of the facility for prerelease engagement with the participant, subject
23 to department and facility policies, eligibility, rules and training;

24 D. Relevant data on a participant including appropriate release information, risk level,
25 all correctional programming completed during the participant's time of incarceration,
26 the participant's release date and status upon release and data required for tracking
27 under subsection 8;

28 E. Technological support for remote and electronic access and communication with
29 participants and program staff;

30 F. Facilitation or coordination with the program of a participant's training, education
31 and other similar activities during the participant's incarceration;

32 G. Security for program staff and participants; and

33 H. Cooperation with and responsiveness to programming needs, requests and activities
34 of the program.

35 **8. Data tracking.** The program, with the cooperation of the department, shall gather
36 and maintain data, including:

37 A. Recidivism rates of individuals engaged with community-based reentry services
38 compared with historic recidivism rates of individuals with reentry services provided
39 by the department and similar efforts and outcomes in other jurisdictions;

40 B. Recidivism rates of individuals with peer support compared with historic recidivism
41 rates of individuals without peer support or who have refused peer support;

1 C. Recidivism rates of individuals engaged with multiple community support resources
2 compared with historic recidivism rates of individuals engaged with a single
3 community support resource or no community support resource; and

4 D. Other data and analysis as determined necessary by the program or recommended
5 by the Peer Reentry Review Board under section 3036-D.

6 **9. Funding.** The program is funded by appropriations and allocations by the
7 Legislature and grants, gifts and donations from public and private sources.

8 **Sec. 3. 34-A MRSA §3036-D** is enacted to read:

9 **§3036-D. Peer Reentry Review Board**

10 **1. Peer Reentry Review Board established.** The Peer Reentry Review Board,
11 established in Title 5, section 12004-I, subsection 4-D and referred to in this section as "the
12 board," is created.

13 **2. Membership.** The board consists of 22 members appointed as follows:

14 A. One mental health treatment provider, appointed by the President of the Senate;

15 B. One substance use disorder treatment provider, appointed by the President of the
16 Senate;

17 C. Two members of a statewide victim advocacy group, appointed by the President of
18 the Senate;

19 D. Three members of the public, each from a separate region of the State administered
20 by probation and parole services administered by the department, appointed by the
21 Speaker of the House of Representatives;

22 E. Two members from a statewide organization that represents family members and
23 acquaintances of incarcerated persons, appointed by the Speaker of the House of
24 Representatives;

25 F. One formerly incarcerated person who is a member of a statewide organization that
26 advocates for incarcerated persons' rights, recommended by the organization and
27 appointed by the Governor;

28 G. One formerly incarcerated person who is a member of a statewide organization that
29 assists in the transition of incarcerated persons back into the community, recommended
30 by the organization and appointed by the Governor;

31 H. Two formerly incarcerated persons recommended by a statewide organization that
32 advocates for incarcerated persons' rights and appointed by the Governor;

33 I. Two currently incarcerated persons recommended by a statewide organization that
34 advocates for incarcerated persons' rights and appointed by the Governor;

35 J. One representative of the Department of Labor, appointed by the Governor;

36 K. One representative of the Maine State Housing Authority, appointed by the
37 Governor;

38 L. One representative of the Department of Health and Human Services, Office of
39 Child and Family Services, appointed by the Governor;

1 M. One representative of probation and parole services administered by the
2 department, appointed by the commissioner;

3 N. One representative of the department who is responsible for evidence-based
4 practices, appointed by the commissioner; and

5 O. Two members of the public with experience, education or employment in
6 corrections involving reentry matters, appointed by the commissioner.

7 **3. Terms; vacancies; chair; removal.** Members serve for a term of 2 years and may
8 serve 2 consecutive terms. A vacancy on the board must be filled in the same manner as
9 the original appointment was made under subsection 2. Members elect a chair from among
10 the membership. A member may be removed by a 2/3 vote of the membership.

11 **4. Meetings; department support.** The board shall meet quarterly. The department
12 shall provide staff support and facilities for the board.

13 **5. Duties.** The board's duties are to oversee, advise and evaluate a community-based
14 reentry program under section 3036-C, including:

15 A. Reporting to funding sources of the community-based reentry program;

16 B. Overseeing the operations of and advising and making recommendations to the
17 community-based organization administering the community-based reentry program;

18 C. Studying data gathered under section 3036-C, subsection 8 and other data, studies
19 and analysis from other sources and jurisdictions to inform and make recommendations
20 to the community-based reentry program, the commissioner and the Legislature;

21 D. Ensuring that the community-based reentry program maintains a high level of peer
22 engagement and the values of continuous quality improvement. For purposes of this
23 paragraph, "continuous quality improvement" means an ongoing management process
24 that measures, evaluates and makes improvements in an organization's activities to:

25 (1) Reduce waste;

26 (2) Increase efficiency;

27 (3) More effectively carry out the organization's mission and activities; and

28 (4) Increase internal satisfaction of the organization's staff, employees and
29 volunteers and external satisfaction of the organization's clients, funding sources
30 and institutional partners; and

31 E. Reporting on the community-based reentry program's activities, outcomes and other
32 related matters to the commissioner and the joint standing committee of the Legislature
33 having jurisdiction over criminal justice and public safety matters.

34 SUMMARY

35 This bill creates a community-based reentry program administered by a community-
36 based organization at each correctional facility operated by the Department of Corrections.
37 The program is a peer-supported program that provides individualized reentry plans to
38 incarcerated individuals starting from 2 years prior to an individual's release, involving
39 multiple meetings to determine the individual's education, job training, substance use
40 disorder treatment, housing and other needs subsequent to release and follow-up meetings
41 after release to support the individual's reentry into the community and to reduce or prevent

1 recidivism. This bill also creates the Peer Reentry Review Board, which oversees, advises,
2 studies data and makes recommendations to the community-based reentry program and
3 reports to the Commissioner of Corrections and the joint standing committee of the
4 Legislature having jurisdiction over criminal justice and public safety matters.