

MAINE STATE LEGISLATURE

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ROS

L.D. 1962

Date: 3/24/26

(Filing No. S-578)

REPORT C

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

STATE OF MAINE

SENATE

132ND LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 769, L.D. 1962, "An Act to Establish the Corrections Ombudsman"

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

'An Act to Increase Legislative Access to Department of Corrections Facilities and to Direct the Commissioner to Establish Rules Regarding Legislator Access to Correctional and Detention Facilities'

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

'Sec. 1. 34-A MRSA §3001-A, sub-§1, as amended by PL 2023, c. 383, §2, is further amended to read:

1. Appointment. ~~The Except as provided in paragraph H, the~~ Governor shall appoint a board of 7 visitors for each correctional facility under the department, as authorized by Title 5, section 12004-I, subsection 5.

- A. The terms of the members of the boards of visitors are for 3 years.
- B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms.
- C. A member of the Legislature or an employee of the department may not serve on any board of visitors.
- D. At least one member of each board must be a person licensed by this State to provide mental health services.
- E. Each member of the boards of visitors must be compensated according to the provisions of Title 5, chapter 379.
- F. The Governor shall appoint a chair from the membership.
- G. At least one member of each board of visitors must have been incarcerated in a correctional facility.

COMMITTEE AMENDMENT

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H. If a vacancy occurs within a board of visitors, the commissioner shall provide notice to the Governor, the President of the Senate and the Speaker of the House of Representatives within 5 days of the vacancy. A vacancy on a board of visitors under this section must be filled by the Governor within 90 days of the notice of vacancy. If the Governor fails to appoint a member within 90 days of the notice of vacancy, the President of the Senate and the Speaker of the House of Representatives shall jointly appoint a member to fill the vacancy pursuant to this subsection.

Sec. 2. 34-A MRSA §3001-B is enacted to read:

§3001-B. Legislator access to correctional facilities and detention facilities

A Legislator may access correctional facilities and detention facilities in accordance with rules adopted by the commissioner. In accordance with section 1402, subsection 3, the commissioner shall adopt rules governing a Legislator's access to correctional facilities and detention facilities. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Rules regarding Legislator access. The Commissioner of Corrections shall submit major substantive rules to the Legislature pursuant to the Maine Revised Statutes, Title 34-A, section 3001-B by January 31, 2027. The rules must include provisions regarding:

- 1. A Legislator's access to physical areas of correctional facilities and detention facilities;
- 2. A Legislator's access to clients and staff; and
- 3. The circumstances in which a chief administrative officer may deny a Legislator access to correctional facilities and detention facilities.'

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

SUMMARY

This amendment, which is a minority report of the committee, changes the title and replaces the bill. The amendment requires the Commissioner of Corrections to provide notice to the Governor, the President of the Senate and the Speaker of the House of Representatives within 5 days of a vacancy on a board of visitors. If the vacancy is not filled by the Governor within 90 days, the President of the Senate and the Speaker of the House of Representatives must jointly appoint a member to fill the vacancy. The amendment also requires the commissioner to adopt major substantive rules governing a Legislator's access to correctional facilities and detention facilities. The rules must be submitted to the Legislature by January 31, 2027.

FISCAL NOTE REQUIRED

(See attached)



132nd MAINE LEGISLATURE

LD 1962

LR 1217(03)

An Act to Establish the Corrections Ombudsman

Fiscal Note for Bill as Amended by Committee Amendment **B(S-578)**

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Corrections to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources.