

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE
3, SECTION 164, SUBSECTION 6.**

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
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at least one shall be chosen to represent the highway industry and at least one to represent municipalities. The steering committee shall prepare a final report and recommendations from the review by November 1, 1982.

The Department of Transportation will provide or retain the necessary technical staff to conduct and complete the effort. To assist in the identification of technical and policy information, the Department of Transportation will invite groups having special interest or expertise to nominate members to serve on an advisory committee.

The purposes of the evaluation are:

1. To determine how the responsibility for highway costs is related to specific classes of vehicles;
2. To determine if present highway taxes and fees are equitable, efficient and sufficient; that is, do they properly relate to the responsibility determined in subsection 1; and
3. To develop recommendations for improvements in both the nature and the amount of taxes and fees where appropriate.

A variety of alternative revenue measures will be examined. Such alternatives will consider the matter of contributions by vehicles using new or special fuels, as well as the effects on contributions by changes in fuel efficiency.

Among other factors given consideration will be the prevailing practices of neighboring states and provinces and the federal cost allocation study. The federal study is scheduled for completion January 15, 1982.

The Department of Transportation shall develop legislation to implement the majority recommendations of the steering committee. That draft legislation shall be completed for the First Regular Session of the 111th Legislature and prior to January 1, 1983.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1981, except as otherwise specified.

Effective July 1, 1981 unless otherwise indicated

CHAPTER 493

S. P. 376 — L. D. 1134

AN ACT to Create a Department of Corrections.

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

Sec. 1. 34 MRSA c. 2 is enacted to read:

CHAPTER 2

DEPARTMENT OF CORRECTIONS

§ 31. Legislative intent

The Legislature recognizes the need to firmly control all of the state's correctional institutions, provide for the safety of guards and inmates, undertake appropriate programming for the classification, education, rehabilitation and maintenance of inmates and assure an effective system for the supervision of parolees.

It is the intent of the Legislature that a Department of Corrections be created to improve the administration of correctional institutions, programs and services for individuals sentenced to state institutions or placed on probation. The Department of Corrections shall be a cabinet level department, the commissioner of which is directly accountable to the Governor.

The Legislature intends that the funds appropriated for the enactment of this chapter be used for the improvement and reorganization of the Department of Corrections and for the hiring of 3 additional staff members.

§ 32. Department of Corrections

There is created and established the Department of Corrections to supervise, guide and plan adult and juvenile correctional institutions and programs within the State. Correctional institutions include, without limitation, the Maine Youth Center, the State Prison, the Maine Correctional Center and the facilities at Hallowell, Bangor and Charleston. Correctional programs include, without limitation, probation and parole, court intake and jail inspection.

The department shall be under the control and supervision of the Commissioner of Corrections, who shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature which is assigned jurisdiction over the subject of health and institutional services and confirmation by the Senate. The commissioner shall serve at the pleasure of the Governor.

§ 33. Powers and duties

All laws, powers, duties and responsibilities of the Department of Mental Health and Corrections and the Commissioner of Mental Health and Corrections, prior to the effective date of this chapter, which pertain to corrections' programs and institutions as set forth in section 32, shall be assigned and delegated to the Department of Corrections and Commissioner of Corrections.

Sec. 2. Revision clause. Wherever in the Revised Statutes the words "Department of Mental Health and Corrections" or "Commissioner of Mental

Health and Corrections” or words of similar reference appear or reference is made to that name, they shall be amended to read and mean “Department of Mental Health and Mental Retardation” or “Commissioner of Mental Health and Mental Retardation” respectively, unless otherwise indicated by other provisions of this Act.

Sec. 3. Revision clause. Wherever in the Revised Statutes the words “Bureau of Corrections” or “Director of Corrections” or words of similar reference appear or reference is made to that name, they shall be amended to read and mean “Department of Corrections” or “Commissioner of Corrections” respectively.

Sec. 4. Transition provisions.

1. Rules, regulations and procedures. All regulations currently in effect and operation in the Department of Mental Health and Corrections shall continue in effect, except to the extent they conflict with this Act, until rescinded, amended or changed. Those regulations of the Department of Mental Health and Corrections which pertain to the functions and programs for the Department of Corrections, as created by the Revised Statutes, Title 34, chapter 2, will be considered to be regulations of the Department of Corrections. Regulation includes, but is not limited to, any regulation, rule, order, administrative procedure, policy, determination, directive, authorization, permit, license, privilege or agreement.

2. Funds and equipment transferred. Notwithstanding the Revised Statutes, Title 5, sections 1585 and 1586, all accrued expenditures, assets, liabilities, balances or appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of the Department of Mental Health and Corrections to be reallocated to the Department of Corrections strictly as the result of the department reorganization contained in this Act, shall be transferred to the proper place in the new department by the State Controller, upon recommendation of the Commissioner of Mental Health and Retardation, the Commissioner of Corrections and the State Budget Officer, and upon approval by the Governor.

3. Personnel transferred. Personnel of the Bureau of Corrections, and all institutions and programs administered or supervised by the bureau, shall be transferred to the new Department of Corrections.

Sec. 5. Legislation for the Second Regular Session of 110th Legislature.

1. The Department of Corrections shall prepare legislation for presentation to the Second Regular Session of the 110th Legislature on or before January 31, 1982, to amend, repeal and rearrange statutes as necessary to reflect the powers, responsibilities and organization of the Department of Corrections.

2. There is established a Transitional Committee to assist the department in the preparation of such legislation, which shall consist of a member of the House of Representatives appointed by the Speaker of the House and a member of the

Senate appointed by the President of the Senate; the chairman of the Governor's Correctional Advisory Commission; the Commissioner of Corrections; the Commissioner of Mental Health and Mental Retardation; a correctional administrator from within the Bureau of Corrections; a member of the Juvenile Justice Advisory Commission appointed by the Governor; a representative of the Maine Sheriffs' Association; a representative of the Governor; and a representative of the Attorney General.

The committee may consult with professional experts in the field of corrections and public administration to assist it as it deems necessary.

The committee shall go out of existence no later than November 30, 1982.

3. The legislation prepared by the department shall address, but not be limited to, the following issues: The establishment of an integrated diagnostic and classification system; an integrated industries and jobs program; the classification status of all employees of the department; educational programs for all facilities operated by the department; correctional services to female offenders who are sentenced to the custody of the department; services and programs for juveniles and children, including prevention services; commitment of all prisoners to the custody of the department; arrangements for long-term planning for the capital plants and programs of the department; and correctional community service programs for juvenile and adult offenders within the State.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1981-82	1982-83
CORRECTIONS, DEPARTMENT OF		
Corrections		
Positions	(3)	(3)
Personal Services	\$47,983	\$50,344
All Other	13,860	13,860
Capital Expenditures	1,200	1,200
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Total	\$63,043	\$65,404

Sec. 7. Capital construction funds. Funds provided by Public Law 1979, chapter 711, Part B, to the Department of Mental Health and Corrections, Bangor Mental Health Institute and Maine State Prison, for capital construction, repair and improvement program shall not lapse on June 30, 1981, but shall carry forward until June 30, 1982.