

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)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
THIRD SPECIAL SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
1983

The commissioner ~~shall~~ may be invited by the Speaker of the House of Representatives and the President of the Senate annually, in January, to appear before a joint session of the Legislature to address the Legislature on the status of public education in the State and such related matters as the commissioner desires to bring to the Legislature's attention.

Sec. 2. 20-A MRSA §13510, as enacted by PL 1983, c. 859, Pt. J, §2, shall take effect immediately.

Sec. 3. PL 1983, c. 859, Pt. J, §§5 and 6 shall take effect immediately.

Emergency clause. In view of the emergency set out in the preamble, sections 2 and 3 of this Act shall take effect when approved.

Effective September 13, 1984, unless otherwise indicated.

CHAPTER 861

H.P. 1889 - L.D. 2487

AN ACT to Create the Downeast
Correctional Facility within the Department of
Corrections.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Department of Corrections is in need of additional beds and programs to help reduce inmate overcrowding and lack of programs; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 34-A MRSA c. 3, sub-c. VI is enacted to read:

SUBCHAPTER VI

DOWNEAST CORRECTIONAL FACILITY

§3901. Establishment

There is established the Downeast Correctional Facility located at Machiasport for the confinement and rehabilitation of persons who have been duly sentenced and committed to the Department of Corrections.

§3902. Purposes

The purposes of the Downeast Correctional Facility include vocational and academic education and work which may involve public restitution.

§3903. Director

1. Chief administrative officer. The chief administrative officer of the Downeast Correctional Facility is called the director and is responsible to the commissioner.

2. Duties. In addition to other duties set out in this Title, the director has the following duties.

A. The director shall exercise proper supervision over the employees, grounds, buildings and equipment at the Downeast Correctional Facility.

B. The director shall supervise and control the prisoners at the Downeast Correctional Facility in accordance with departmental rules.

3. Powers. In addition to other powers granted in this Title, the director may appoint one assistant director, subject to the Personnel Law, and the assistant director has the powers, duties, obligations and liabilities of the director when the director is absent or unable to perform his duties.

§3904. Prisoners generally

1. Confinement. All prisoners at the Downeast Correctional Facility shall be detained and confined in accordance with the sentences of the court and the rules of the department.

2. Education. The director shall maintain suitable courses for academic and vocational education of the prisoners. The director shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the facility's programs.

3. Employment. The commissioner may authorize the employment of prisoners of the Downeast Correctional Facility on public works with any department, agency or entity of the State, county or local government and may authorize the use of prisoners to provide assistance in the improvement of property owned by nonprofit organizations.

A. The commissioner shall promulgate such rules as he deems proper to ensure the care and treatment of the prisoners and the safe working conditions of prisoners and departmental employees.

B. The purpose of the employment authorized in this subsection is to provide training to the prisoner and to be a form of public restitution for the crime or crimes committed by the prisoner.

C. The commissioner may request that nonprofit organizations pay for the transportation of the prisoners and pay the per diem compensation of correctional officers or instructors who must accompany the prisoners or oversee the work to be performed.

4. Escape. Any prisoner who escapes from the facility, or from any assignment beyond the grounds of the facility, to include community-rehabilitative programs is guilty of escape under Title 17-A, section 755.

5. Industries program. The director may establish a vocational training and industries program.

A. The program may make services and goods available for purchase by state agencies or the public.

B. The director may authorize any person or business entity purchasing goods manufactured at the facility to resell those articles if that person or entity requests in writing authority from the director at the time the initial purchase is made.

C. All goods manufactured at the facility for sale shall be distinctly labeled or branded with the words "Manufactured at the Downeast Correctional Facility."

D. All revenues from sales of goods and services produced by prisoners at the Downeast Correctional Facility shall be deposited into the Downeast Correctional Facility Industries Account.

E. Funds from this industries account shall be used to pay for materials, supplies, equipment and salaries for vocational training and industries program.

§3905. Downeast Correctional Facility employees

Employees of the Downeast Correctional Facility have the same power as sheriffs in their respective counties to search for and apprehend escapees from the facility, when authorized to do so by the director.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1984-85

CORRECTIONS, DEPARTMENT OF

| | |
|--------------------------------|------------|
| Downeast Correctional Facility | |
| Positions | (57) |
| Personal Services | \$ 626,551 |
| All Other | 194,689 |
| Capital Expenditures | 1,579,234 |

| | |
|--------------------|--------|
| Fuel - Corrections | |
| All Other | 47,250 |

| | |
|---------------------------------------|--------|
| Food - Downeast Correctional Facility | |
| All Other | 81,217 |

Any balance of the appropriation for Capital Expenditures shall not lapse at June 30, 1985, but shall be carried forward until June 30, 1986, to be expended for the same purpose.

| | |
|-------|-------------|
| TOTAL | \$2,528,941 |
|-------|-------------|

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective September 19, 1984.
