

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND SPECIAL SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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Sec. 9. P&SL 1985, c. 84, §§2 and 7 are amended to read:

Sec. 2. Establishment of commission. There is created the Maine Sentencing Guidelines Commission which shall be comprised of 8 members, including the Commissioner of Corrections or his designee; 2 members of the joint standing committee of the Legislature having jurisdiction over judiciary to be appointed by the President of the Senate and the Speaker of the House of Representatives; a criminal defense attorney, a district attorney and 2 members of the public to be appointed by the Governor; and the Attorney General or his designee. The Governor shall select a chairman from one of these 8 voting members. In addition, a Supreme Court Justice, a Superior Court Justice and a District Court Judge, to be appointed by the Chief Justice of the Supreme Judicial Court, shall serve in an advisory capacity to the commission.

Members shall be appointed within 30 days of the effective date of this Act and shall serve for the duration of the 112th Legislature. Vacancies shall be filled for the portion of the term of the member being replaced.

Sec. 7. Report on findings and recommendations. The Maine Sentencing Guidelines Commission shall make a final report of its findings and recommendations with respect to the criteria indicated in section 3 on or before January 5, ~~1986~~ 1987, to the ~~Second~~ First Regular Session of the ~~112th~~ 113th Legislature. The report shall also include, in proper draft form, any suggested implementing legislation or amendment to the Constitution of Maine proposed to implement the commission recommendations.

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

Effective June 6, 1986, unless otherwise indicated.

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## CHAPTER 820

H.P. 1762 - L.D. 2442

AN ACT to Appropriate Funds Necessary to  
Implement an Intensive Supervision  
Program, to Develop Community  
Corrections and Treatment Programs and  
to Address Needs of the Department of  
Corrections for the Fiscal Year Ending  
June 30, 1987.

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

## PART A

Appropriation. There is appropriated from the General Fund for the fiscal year ending June 30, 1987, to the departments listed, the following sums.

1986-87

CORRECTIONS, DEPARTMENT OF

Administration - Corrections	
Positions	(3)
Personal Services	\$ 48,726
All Other	5,234
Capital Expenditures	3,837
Provides funds for a standards and quality assurance program and additional support positions needed for increased functions of the Division of Probation and Parole.	
Administration - Corrections	
Positions	(2)
Personal Services	30,284
All Other	1,261
Capital Expenditures	1,269
Provides funds for staff for management information system.	
Administration - Corrections	
Positions	(3)
Personal Services	51,982
All Other	8,044
Capital Expenditures	1,837
Provides funds to establish a centralized classification office.	
Administration - Corrections	
All Other	39,131
Provides funds to meet minimal standards and for upgrading of institutional law libraries.	
Capital Construction, Repairs and Improvements	
Capital Expenditures	355,000

1986-87

Provides funds for excavation, site preparation and construction adjustments at the Maine Correctional Center in conjunction with a previously approved bond issue.	
Capital Construction, Repairs and Improvements	
Capital Expenditures	12,500
Provides funds for relocation and upgrading of cooling towers and air circulatory system at the Maine Youth Center.	
Capital Construction, Repairs and Improvements	
Capital Expenditures	129,500
Provides funds to supplement existing resources in order to complete renovation of waste water treatment plant at the minimum security unit at the Maine State Prison.	
Community Correctional Services	
All Other	134,951
Provides funds to establish a new structured group home for juvenile correctional clients and to expand resources for existing projects.	
Community Correctional Services	
All Other	130,000
Provides funds for purchase of treatment services.	
Community Correctional Services	
All Other	157,000
Provides funds for placing of inmates and juvenile prevention services, such as Outward Bound.	
Charleston Correctional Facility	
Positions	(1)
Personal Services	10,907

1986-87

All Other	846
Capital Expenditures	901
Provides funds for a Clerk Typist III for management information system.	
Charleston Correctional Facility	
Positions	(1)
Personal Services	16,044
All Other	89
Capital Expenditures	368
Provides funds for case-worker capability at this facility.	
Charleston Correctional Facility	
Positions	(1)
Personal Services	12,711
All Other	777
Capital Expenditures	365
Provides funds for an Accountant I at this facility.	
Charleston Correctional Facility	
All Other	7,800
Provides funds for up to 260 hours of contracted programs for special needs offenders.	
Central Maine Prerelease Center	
All Other	3,120
Provides funds for up to 104 hours of contracted programs for special needs offenders.	
Correctional Center	
Positions	(3)
Personal Services	41,687
Provides funds for 3 Correctional Officers to meet additional population and security requirements.	
Correctional Center	
Positions	(19)
Personal Services	224,522
Capital Expenditures	50,000

1986-87

Provides funds to create  
a 100-bed dormitory.

Correctional Center

Positions	(1)
Personal Services	12,047
All Other	846
Capital Expenditures	901

Provides funding for one  
Clerk Typist III

Correctional Center

Positions	(1)
Personal Services	19,168

Provides funds for one  
physician extender for  
improved medical cover-  
age.

Correctional Center

Positions	(5)
Personal Services	43,359
All Other	2,085
Capital Expenditures	2,373

Provides funds to expand  
present program that  
serves 20 special needs  
offenders at any one time  
to be able to accommodate  
up to 100 inmates for  
group and individual pro-  
grams.

State Prison

All Other	265,345
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Provides funds to meet  
costs related to popula-  
tion pressures such as  
increased medical cover-  
age, workers' compensa-  
tion costs and the board-  
ing out of certain pris-  
oners.

State Prison

Positions	(5)
Personal Services	72,028
All Other	1,900

Provides funds for 5  
guards to meet security  
needs.



1986-87

State Prison	
Positions	(1)
Personal Services	12,047
All Other	846
Capital Expenditures	901
Provides funds for a Clerk Typist III for management information system.	
State Prison	
Positions	(1)
Personal Services	14,364
Provides funds for a Licensed Practical Nurse position.	
State Prison	
Positions	(2)
Personal Services	32,379
Provides funds for 2 nurse positions for improved medical coverage.	
State Prison	
All Other	7,350
Capital Expenditures	28,000
Provides funds to purchase used ambulance, equipment and for training of staff in order that the prison can provide emergency ambulance service to inmates and staff.	
State Prison	
Positions	(1)
Personal Services	12,046
Provides funds for an Account Clerk II at the prison.	
State Prison	
Positions	(10)
Personal Services	125,858
All Other	5,700
Provides funds for additional security positions to cover posts and reduce overtime costs necessitated by the establish-	

1986-87

ment of new dormitory areas due to overcrowding.

State Prison	
Positions	(6)
Personal Services	51,804
All Other	2,174
Capital Expenditures	2,741
Provides funds to expand present program that serves 20 special needs offenders at any one time to be able to accommodate up to 150 inmates in group and individual programs.	
State Prison	
All Other	3,120
Provides funds for up to 104 hours of contracted programs for special needs offenders at the Bangor Prerelease Center.	
Probation and Parole	
Positions	(7)
Personal Services	95,010
All Other	16,006
Capital Expenditures	14,824
Provides funds for supportive staff for intensive supervision, increased caseloads and management information system.	
Probation and Parole	
Positions	(12)
Personal Services	112,398
All Other	28,788
Capital Expenditures	28,416
Provides funds for additional probation and parole officers to handle additional caseloads.	
Probation and Parole	
Positions	(20)
Personal Services	192,744
All Other	72,576
Capital Expenditures	47,360

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Provides funds for 10 intensive supervision teams.

Youth Center - Maine Positions Personal Services All Other Capital Expenditures Provides funds for a Clerk Typist III for management information system.	(1) 12,046 846 901
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Youth Center - Maine Positions Personal Services All Other Capital Expenditures Provides funds for a teaching position to assist compliance with special education requirements.	(1) 16,044 311 368
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Youth Center - Maine Positions Personal Services Provides funds for nurse positions for improved medical coverage.	(2) 31,129
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Community Based Corrections All Other Provides funds to institute a program in cooperation with county government for correctional services for Class A, Class B and Class C offenders with terms of 6 months or less.	250,000
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Administration - Corrections Positions Personal Services All Other Capital Expenditures These funds are to be used to hire the Associate Commissioner of Community Corrections,	(3) 66,413 8,242 5,837
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1986-87

one technical assistant  
and one clerical staff  
member.

DEPARTMENT OF CORRECTIONS,  
TOTAL

\$3,200,334

FINANCE AND ADMINISTRATION,  
DEPARTMENT OF

Correction Contingent Account  
Unallocated ( \$1,497,271 )  
Transfers funds provided  
by PL 1985, chapter 761,  
Part A, to meet various  
needs of the Department  
of Corrections as identi-  
fied in this Part.

DEPARTMENT OF FINANCE AND  
ADMINISTRATION, TOTAL

( \$1,497,271 )

MENTAL HEALTH AND MENTAL  
RETARDATION, DEPARTMENT OF

Augusta Mental Health Institute  
Positions (1.5)  
Personal Services 41,925  
All Other 3,600  
Provides funds for  
forensic services. Se-  
lected convicted sexual  
offenders shall receive a  
specialized forensic  
evaluation prior to sen-  
tencing. A psychologist  
with forensic expertise  
will be recruited by the  
Department of Mental  
Health and Mental Retar-  
dation to conduct evalua-  
tions and to develop a  
network of private  
providers who will also  
provide presentence eval-  
uations. It is also nec-  
essary to identify  
trained and certified  
private providers who  
will also conduct presen-

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tence evaluations for the courts and treatment providers.

Mental Health Services - Children

All Other 69,475  
 Provides funds for evaluation and specialized training.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION TOTAL \$ 115,000

TOTAL APPROPRIATION, PART A \$1,818,063

PART B

Allocation. The following sums are allocated from the revenues derived from federal block grants. Notwithstanding any other provision of law, all federal block grant allocations included in this Act shall be subject to the Maine Revised Statutes, Title 5, section 1585.

1986-87

CRIMINAL JUSTICE BLOCK GRANT

CORRECTIONS, DEPARTMENT OF

Probation and Parole  
 All Other \$ 46,000  
 To provide assessment, counseling, consultation and crisis intervention services to clients of the department.

DEPARTMENT OF CORRECTIONS, TOTAL \$ 46,000

TOTAL ALLOCATIONS, PART B \$ 46,000

PART C

30 MRSA §1760, sub-§3 is enacted to read:

3. Commissioner of Corrections to determine temporary housing assignments. If a county that has no jail is unable to locate space in all county facilities, that county may contact the Commissioner of Corrections to obtain temporary housing in a correctional facility operated by the Department of Corrections. The sending county shall, on a daily basis, contact each county facility in a continuing effort to locate placement in a county facility. When the sending county locates available space in a county facility, the sheriff shall transfer the prisoner from the department's correctional facility and place him in the county facility.

Effective August 29, 1986.

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## CHAPTER 821

H.P. 1749 - L.D. 2434

AN ACT to Implement Certain Recommendations  
of the Blue Ribbon Commission on  
Corrections.

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

Sec. 1. 17-A MRSA §755, sub-§1-A is enacted to read:

1-A. A person is guilty of escape from intensive supervision imposed pursuant to chapter 52 if, without official permission, he intentionally fails to appear for work, for school or for a meeting with his Intensive Supervisor Program officer or who otherwise intentionally violates a curfew, time or travel restriction.

Sec. 2. 17-A MRSA §755, sub-§3-A, as amended by PL 1979, c. 701, §§25 and 26, is further amended to read:

3-A. Prosecution for escape or attempted escape from any institution included in subsection 3 shall be in the county in which the institution is located. Prosecution for escape or attempted escape of a person who has been transferred from one institution to another shall be in the county in which the institution the person was either transferred from or transferred to is located. Prosecution for an escape or