

# 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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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

attempted escape for failure to return to official custody following temporary leave granted for a specific purpose or a limited period shall be in the county in which the institution from which the leave was granted is located or in any county to which leave was granted. Prosecution for escape or attempted escape from intensive supervision shall be in the county in which the escape or attempted escape occurred. In all cases of escape, prosecution may be in the county or division in which the person who has escaped was apprehended.

Sec. 3. 17-A MRSA §1152, sub-§2, as amended by PL 1977, c. 53, §1, is repealed and the following enacted in its place:

2. Every natural person convicted of a crime shall be sentenced to one of the following:

A. Unconditional discharge as authorized by chapter 49;

B. A split sentence of imprisonment with probation as authorized by chapter 49;

C. A suspended fine with probation as authorized by chapter 49;

D. A suspended term of imprisonment with probation as authorized by chapter 49;

E. A split sentence of imprisonment, the initial unsuspended portion of which is served in whole or in part with intensive supervision, followed by probation as authorized by chapter 52;

F. A term of imprisonment as authorized by chapter 51; or

G. A fine as authorized by chapter 53. Subject to the limitations of section 1302, such a fine may be imposed in addition to the sentencing alternatives in paragraphs B, D, E and F.

Sec. 4. 17-A MRSA §1152, sub-§2-A, as enacted by PL 1977, c. 455, §1, is amended to read:

2-A. Every natural person convicted of a crime may be required to make restitution as authorized by chapter 54. Subject to the limitations of chapter 54, restitution may be imposed as a condition of probation or may be imposed in addition to a sentence authorized by chapter 51 or to a fine authorized by

chapter 53 any other sentencing alternative included within subsection 2 with the exception of the alternative in paragraph A.

Sec. 5. 17-A MRSA §1202, sub-§1, as enacted by PL 1975, c. 499, §1, is repealed and the following enacted in its place:

1. A person convicted of a Class A crime may be placed on probation for a period not to exceed 6 years; for a Class B or Class C crime, for a period of probation not to exceed 4 years; and for Class D and Class E crimes, for a period not to exceed one year.

Sec. 6. 17-A MRSA §1203, sub-§1, as amended by PL 1983, c. 673, §1, is repealed and the following enacted in its place:

1. The court may sentence a person to a term of imprisonment, not to exceed the maximum term authorized for the crime, an initial portion of which shall be served and the remainder of which shall be suspended. As to both the initial unsuspended portion and the suspended portion relative to a Class A, Class B or Class C crime, the sentence of the court shall specify the place of imprisonment if that place is to be a county jail, otherwise the court shall commit the person to the Department of Corrections.

Beginning April 1, 1987, if any portion of a split sentence is specified by the court to be 6 months or less, the court shall specify the place of imprisonment to be a county jail as to that portion. Beginning January 1, 1989, if any portion of a split sentence is specified by the court to be 9 months or less, the court shall specify the place of imprisonment to be a county jail as to that portion. In the case of a Class D or Class E crime, the court shall, after the effective date of this paragraph, specify the place of imprisonment to be a county jail with respect to each portion of the split sentence.

The period of probation shall commence on the date the person is released from his initial unsuspended portion of the term of imprisonment, unless the court orders that it shall commence on an earlier date. If the period of probation is to commence upon release from the initial unsuspended portion of the term of imprisonment, the court may nonetheless revoke probation for any criminal conduct committed during that initial period of imprisonment.

Sec. 7. 17-A MRSA §1252, sub-§1, as amended by PL 1983, c. 673, §4, is repealed and the following enacted in its place:

1. In the case of a person convicted of a crime other than murder, the court may sentence to imprisonment for a definite term as provided for in this section, unless the statute which the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person shall be sentenced to imprisonment and required to pay the fine authorized therein. The sentence of the court relative to a Class A, Class B or Class C crime shall specify the term to be served and the place of imprisonment if that place is to be a county jail, otherwise the court shall commit the person to the Department of Corrections.

Beginning April 1, 1987, if the sentence of the court specifies the term of imprisonment to be 6 months or less, the court shall specify the place of imprisonment to be a county jail. Beginning January 1, 1989, if the sentence of the court specifies the term of imprisonment to be 9 months or less, the court shall specify the place of imprisonment to be a county jail. In the case of a Class D or Class E crime, the court shall, after the effective date of this paragraph, specify the place of imprisonment to be a county jail.

Sec. 8. 17-A MRSA §1252, sub-§6, as enacted by PL 1977, c. 217, is repealed and the following enacted in its place:

6. The court may not specify the place of imprisonment to be a county jail as to any term of imprisonment in excess of one year or as to any portion of a split sentence specified by the court to be in excess of one year. This subsection is repealed on January 1, 1989.

Sec. 9. 17-A MRSA §1252, sub-§6, as amended, is repealed and the following enacted in its place:

6. As to any Class A, Class B or Class C crime, the court may not specify the place of imprisonment to be a county jail as to any term of imprisonment in excess of 9 months or as to any portion of a split sentence specified by the court to be in excess of 9 months.

As to any Class D or Class E crime, the court may not specify the place of imprisonment to be a county jail as to any term of imprisonment in excess of one year or as to any portion of a split sentence specified by the court to be in excess of one year.

Sec. 10. Effective date. Section 9 of this Act shall take effect on January 1, 1989.

Sec. 11. 17-A MRSA §1253, sub-§1, as amended by PL 1983, c. 456, §1, is repealed and the following enacted in its place:

1. The sentence of any person committed to the custody of the Department of Corrections shall commence to run on the date on which that person is received into the correctional facility designated as the initial place of confinement by the Commissioner of Corrections pursuant to section 1258. That day is counted as the first full day of the sentence.

The sentence of any person committed to the custody of a sheriff shall commence to run on the date on which that person is received into the county jail specified in the sentence. That day is counted as the first full day of the sentence if the term of imprisonment, or the initial unsuspended portion of a split sentence, is over 30 days; otherwise, credit is accorded only for the portion of that day for which the person is actually in execution of the sentence.

Sec. 12. 17-A MRSA §1253, sub-§3, as amended by PL 1985, c. 456, §1, is further amended to read:

3. Beginning October 1, 1983, each person sentenced; to imprisonment for more than 6 months shall be entitled to receive a deduction of 10 days per month calculated from the first day of his delivery into the custody of the department, to include the full length of the unsuspended portion of his sentence, for observing all the rules of the department and institution, except that this provision shall not apply to the suspended portion of a person's sentence pursuant to split sentences under section 1203 nor shall it apply to the suspended portion or to the 12-month period of intensive supervision of a sentence under section 1262.

Sec. 13. 17-A MRSA §1254, sub-§1, as enacted by PL 1975, c. 499, §1, is amended to read:

1. An imprisoned person shall be unconditionally released and discharged upon the expiration of his sentence, minus the deductions authorized under sec-



tion 1253, except that, as to a person committed to the custody of the Department of Corrections, if the computation of that person's sentence fixes his release and discharge date on a Saturday, Sunday or legal holiday, that person may be released and discharged on the last regular business day of the correctional facility preceding that Saturday, Sunday or legal holiday.

Sec. 14. 17-A MRSA §1256, sub-§1-A is enacted to read:

1-A. Subsection 1 shall apply to prisoners on intensive supervision. Other offenses committed by a prisoner on intensive supervision for which the sentence is to the Department of Corrections shall be governed by section 1266.

Sec. 15. 17-A MRSA c. 52 is enacted to read:

## CHAPTER 52

### INTENSIVE SUPERVISION

§1261. Intensive supervision established

1. A sentence to imprisonment with the intensive supervision means a sentence to confinement outside an institution under a set of rigorous conditions imposed at the time of sentencing. It is an alternative to imprisonment which may be imposed in accordance with this chapter following a period of imprisonment or as the initial unsuspended portion of a split sentence. It is a sentencing alternative available to the courts for those persons who would otherwise have been sentenced to institutional confinement.

2. The Intensive Supervision Program shall be composed of up to 10 intensive supervision teams. Each team shall be comprised of 2 Intensive Supervision Program officers. Each team shall have a maximum caseload of 25 offenders. The team shall contact each offender at least 5 times a week.

3. A sentence to intensive supervision is a sentence to a term of imprisonment. In the event that the Intensive Supervision Program or any essential aspect of the program is determined by the court to be constitutionally flawed, offenders sentenced to the program shall serve the sentences imposed at a state correctional facility determined by the Department of Corrections, just as each of them would have

been compelled to serve the sentences in the absence of this program.

4. A person sentenced to a period of intensive supervision pursuant to this chapter is in the official custody of the Department of Corrections.

§1262. Sentences of imprisonment with intensive supervision

1. The court may sentence a person to a term of imprisonment, not to exceed the maximum term authorized for the crime, an initial portion of which shall be for one year or more, to be served with intensive supervision, and the remainder, which shall not be less than 2 years, suspended with probation, as authorized by chapter 49. As to both the initial unsuspended portion and the suspended portion, the court shall commit the person to the Department of Corrections. If the initial unsuspended portion is for more than one year, intensive supervision shall apply only to the final year of the initial unsuspended portion. That portion of the initial unsuspended term not to be served on intensive supervision shall be served in institutional confinement.

2. The initial unsuspended portion of the term of imprisonment shall be followed by a period of probation, which is to commence upon completion of the initial unsuspended portion of the term of imprisonment unless the court orders that it shall commence on an earlier date. As provided in chapter 49, the court may revoke probation for any criminal conduct committed at any time during the initial unsuspended portion of the term of imprisonment.

3. In any prosecution for a crime committed prior to the effective date of this chapter, the court may, with the consent of the defendant, impose sentence under subsection 1, if the defendant is otherwise eligible under section 1263; except that no person sentenced prior to the effective date of this chapter is eligible for sentencing under subsection 1.

4. If, during the initial unsuspended term not served on intensive supervision, the defendant violates the criminal law or is otherwise deemed no longer suitable for participation in the Intensive Supervision Program or the Intensive Supervision Program is deemed no longer suitable for the defendant, the Department of Corrections shall petition the court to terminate the intensive supervision portion

of the defendant's sentence. If, during the initial unsuspended term not served on intensive supervision, the defendant does not conform his conduct to institutional rules, the Department of Corrections may petition the court to terminate the intensive supervision portion of the defendant's sentence.

5. If, at the time the defendant is scheduled to be released to the Intensive Supervision Program, the ratio of prisoners to Intensive Supervision Program officers would exceed 25 to 2, the Department of Corrections shall petition the court to relieve it of its obligation to place the defendant in the Intensive Supervision Program until it can place the defendant in that program without exceeding the ratio of 25 to 2. If the court is satisfied that the ratio of 25 to 2 would be exceeded, it shall grant the motion relieving the department of that obligation. The department must place the defendant in the Intensive Supervision Program as soon as the ratio of 25 to 2 would not be exceeded and such placement shall occur notwithstanding the fact that the defendant may not then be serving a full year on intensive supervision.

6. Each person sentenced to an initial unsuspended term of imprisonment with intensive supervision under this section shall not accumulate any deductions authorized by section 1253, subsection 3, 4 or 5, for any period of time actually served outside the institution on intensive supervision. The deductions authorized by section 1253, subsection 2, credited as specified in that subsection, shall be deducted from the length of the initial term imposed.

7. If, upon completion of the period of intensive supervision, the Department of Corrections, through the Division of Probation and Parole, considering the supervision, guidance, assistance or direction that probation can provide, deems that probation should be reduced or terminated, it may, at any time, petition the court for reduction or early termination of probation in accordance with section 1202, subsection 3.

8. For any person eligible under section 1263, who has been sentenced after the effective date of this chapter to a split sentence of imprisonment without intensive supervision, the court may, upon motion of the department and with the consent of the defendant, modify that sentence to allow for intensive supervision if that sentence in all other respects satisfies subsection 1.

§1263. Eligibility for imprisonment with intensive supervision

1. No person may be sentenced to imprisonment with intensive supervision pursuant to section 1262, unless:

A. He petitions the court therefor;

B. His conviction is for a Class A, Class B or Class C crime, excluding the following:

(1) Sections 755, 756 and 757;

(2) Any sentence controlled by section 1252, subsections 4 and 5; and

(3) A conviction for violating a law which expressly provides that the fine and imprisonment penalties it authorizes may not be suspended;

C. The sentence imposed conforms to the requirements of section 1262 and would, in any case, have been a split sentence under section 1203, subsection 1, with commitment under both portions of the sentence to the Department of Corrections;

D. The Department of Corrections recommends that the defendant be sentenced pursuant to this chapter; and

E. The court determines:

(1) That sentencing the defendant to imprisonment with intensive supervision can be done without exceeding the ratio of prisoners to Intensive Supervision Program officers of 25 to 2;

(2) That, where appropriate, the program is consistent with the defendant's vocational, educational, social, familial and other needs; and

(3) That the defendant is suitable for the program.

§1264. Conditions of imprisonment with intensive supervision

1. If the defendant petitions for intensive supervision and the Department of Corrections recom-

mends intensive supervision, the Department of Corrections shall include its recommendations for conditions for intensive supervision as a part of its presentence investigation report to the court. The mandatory conditions in subsection 2 must be included in the report.

2. The conditions of intensive supervision shall include the following:

A. A curfew during the hours of which the prisoner shall be at his residence as determined by an Intensive Supervision Program officer;

B. Travel or movement restrictions as determined by an Intensive Supervision Program officer limiting the prisoner's travel to times and places directly related to approved employment, formal education, job search, public service work or such other specific purposes approved in advance by an Intensive Supervision Program officer;

C. Searches of the prisoner's person, residence, papers and effects without a warrant and without probable cause, for items prohibited by law or by his conditions or otherwise subject to seizure, upon the request of any Intensive Supervision Program officer. The Department of Corrections may prohibit the prisoner from residing with anyone who does not consent to a search of his residence to the extent necessary to search the prisoner's person, residence, papers and effects;

D. That the prisoner not use illegal drugs or other substances, and not abuse alcohol or any other legal substance;

E. That the prisoner submit to urinalysis, breath testing or other chemical tests without probable cause, at the request of any Intensive Supervision Program officer;

F. That the prisoner notify any law enforcement officer by whom he is stopped of his status as a prisoner on intensive supervision, and that he notify his Intensive Supervision Program officer within 12 hours of any such contact with any law enforcement officer; and

G. That the prisoner not violate state or Federal criminal law.

3. The conditions of intensive supervision may include the following:

A. Any condition which may be imposed as a condition of probation pursuant to section 1204;

B. Any condition which would be appropriate for the prisoner and the program. The conditions imposed may be as stringent or restrictive as, but not more stringent or restrictive than, those which may be constitutionally imposed if the prisoner were actually housed at a maximum security institution.

4. If the court sentences the defendant to imprisonment with intensive supervision, it shall impose the mandatory conditions in subsection 2 and may impose any additional conditions as provided in subsection 3, as recommended by the Department of Corrections or as determined by the court.

5. Prior to the completion of the Intensive Supervision Program, the court, upon petition by the Department of Corrections or on its own motion, may modify any discretionary condition imposed upon a prisoner, add a condition authorized by subsection 3 or terminate a discretionary condition imposed upon a prisoner.

6. The prisoner's Intensive Supervision Program officer may, at any time and in any manner he deems appropriate, investigate compliance with the conditions imposed. Such means may include, but may not be limited to, personal contact with the prisoner at his residence, place of employment or any other place; direct inquiry of the prisoner's employer, school or any other person; criminal, court and police agency checks; and credit and other financial inquiries.

7. If an Intensive Supervision Program officer has probable cause to believe the prisoner has committed the crime of escape, he shall file written notice of the prisoner's escape in the Superior Court in any county and the court may issue a warrant for the prisoner's arrest. Filing written notice of the prisoner's escape shall toll running of his sentence and no portion of the time between filing of the notice and the prisoner's return to custody in this State may be counted as any part of his sentence.

#### §1265. Termination of intensive supervision

1. Upon probable cause to believe that a prisoner on the Intensive Supervision Program has violated any condition of that program, that prisoner may be

immediately apprehended. Notice of the violation shall be filed with the sentencing court or any Superior Court within 2 court days and a copy shall be provided to the prisoner.

2. A hearing shall be held within 7 court days of the filing of notice of the violation. The hearing shall follow the procedures for a probation revocation hearing under section 1206, subsection 4. The only issue at the hearing is whether the violation occurred.

3. If the court finds by a preponderance of the evidence that the prisoner has violated a condition of his intensive supervision, the prisoner shall serve, in institutional confinement, the balance of the portion of the sentence of imprisonment which was to be served with intensive supervision. If the violation conduct is also found to be a violation of the conditions of probation, the court may also revoke probation as specified in section 1206.

4. Review of the court's finding of violation shall be by direct appeal.

5. Pending a hearing under subsection 2 or pending the appeal of the Superior Court's finding under subsection 3, bail is not authorized.

§1266. Sentence for crime committed by prisoner on intensive supervision

Any prisoner who, while on intensive supervision, commits an offense punishable by imprisonment for one year or more and who is sentenced therefor to a term of imprisonment and committed to the Department of Corrections shall serve the 2nd sentence to commence from the date of the termination of the first sentence, whether that sentence is served or annulled.

Sec. 16. 26 MRS §1002, sub-§7, as amended by PL 1975, c. 59, §3, is further amended to read:

7. Reports. Make a report to the Governor of its activities and the results thereof, which report shall be incorporated in the biennial report of the Director of the Bureau of Labor-; and

Sec. 17. 26 MRS §1002, sub-§8 is enacted to read:

8. Prison industries programs. Cooperate and consult with the Department of Corrections to devel-

op policies concerning the issues of job safety for prisoners involved in prison industries programs, work release programs and job displacement created by such programs and to develop opportunities for jobs in the prison industries programs consistent with Title 34-A, section 1403, subsection 9.

Sec. 18. 34-A MRSA §1210 is enacted to read:

§1210. Community corrections

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Corrections.

B. "Community corrections" means the delivery of correctional services by or for the county, including, but not limited to, preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing programs, residential treatment and halfway house programs, community correctional centers and temporary release programs from a facility for the detention or confinement of persons convicted of crime or adjudicated delinquents.

C. "Standards compliance" means compliance with the standards promulgated by the department under section 1208, for jail and holding facilities and short-term detention areas.

2. Reimbursement. The Department of Corrections shall, under this section, reimburse each county quarterly for each actual day served at that county correctional facility by:

A. Persons convicted of a Class A, Class B or Class C crime sentenced after March 31, 1987, to serve a term of imprisonment pursuant to Title 17-A, section 1203, subsection 1, or section 1252, subsection 1; and

B. Persons convicted of a Class A, Class B or Class C crime sentenced after December 31, 1988, to serve a term of imprisonment pursuant to Title 17-A, section 1203, subsection 1 or 1252, subsection 1.

Reimbursement for periods after June 30, 1987, shall not be authorized until the reimbursable costs are



agreed upon by the Commissioner of Corrections, or his designee, and the county commissioners for that county. Reimbursable costs shall, to the extent practicable, be mutually agreed upon prior to the actual expenditures of funds for those costs. Prior approval of all capital expenditures is required for reimbursement of that expense item. If the Commissioner of Corrections and the county commissioners are unable to agree upon reimbursable costs, they shall jointly select an arbitrator to determine those costs. The arbitrator's decision shall be final and both the commissioner and the county commissioners shall be bound by his decision.

3. Rate of reimbursement. The Department of Corrections shall, on a quarterly basis and in a timely fashion, reimburse each county at an initial rate of \$34 per prisoner per day for the period from April 1, 1987, to June 30, 1987. Beginning July 1, 1987, subsequent rates shall be established as provided in subsection 5.

4. Verification of commitment; actual days served. As a condition of reimbursement, the department shall require the county to submit appropriate documentation verifying the court commitment and the actual number of days served for each prisoner for which reimbursement is requested. Documentation shall include, but not be limited to:

A. An invoice provided by the Department of Corrections, completed by the county, listing all prisoners for which reimbursement is requested for the quarter;

B. One copy of the actual Court Judgment and Commitment Order, including class of crime, for each prisoner listed in the invoice submitted;

C. One copy of each Release Date Computation Sheet showing the actual number of days served by each prisoner included in the invoice submitted; and

D. By August 1st and February 1st of each calendar year, the county shall provide, in a format provided by the Department of Corrections, a copy of actual expenditures for the support of prisoners for the previous 12 months. The Department of Audit shall establish, in consultation with the counties and the Department of Corrections, a uniform system of accounting for the support of prisoners for the counties pursuant to its au-

thority in Title 5, section 243 and consistent with the requirements of this section. No county may be reimbursed after July 1, 1987, until it has implemented the uniform accounting system for the expenditure for support of prisoners.

5. Adjustment to the reimbursement. Beginning July 1, 1987, the Commissioner of Corrections shall, semiannually, set the reimbursement for each county to include all actual costs for the support of prisoners. The actual cost for the support of prisoners shall be calculated on the basis of the previous 12 months, for each county, by dividing costs for prisoner support by the total number of days prisoners are detained in that county and prisoners committed to that county serve. Support of prisoners shall include the following line items:

A. Personal Services;

B. Contractual Services:

(1) Professional fees and services:

(a) Medical, dental and psychological;

(b) In-house correctional programs and community correctional programs as defined in this section;

(c) Board of prisoners; and

(d) Insurances;

(2) Prisoner transportation:

(a) Gas and oil; and

(b) Auto repairs;

(3) Utilities:

(a) Electricity;

(b) Gas;

(c) Sewage and water;

(d) Telephone; and

(e) Rubbish removal;

- (4) Rentals;
- (5) Repairs and maintenance;
- (6) General operating expenses:
  - (a) Postage; and
  - (b) Printing; and
- (7) Other:
  - (a) Staff training and education;

C. Commodities:

- (1) Food;
- (2) Fuel; and
- (3) Supplies:
  - (a) Cleaning;
  - (b) Institutional; and
  - (c) Office; and

D. Capital expenditures to the extent that it reflects the actual increase in jail population resulting from net gain of prisoners under Title 17-A, section 1203, subsection 1 and section 1252, subsection 1, as amended:

- (1) Equipment:
  - (a) Furniture and fixtures; and
  - (b) Vehicles; and
- (2) Buildings.

6. County Correctional Improvement Account. The county commissioners of each county shall establish the County Correctional Improvement Account for funds received from the State under this section, which shall be used for improving, maintaining and developing correctional programs, community-based correctional programs, standards compliance and capital improvements. Funds in this account unexpended at the end of the year do not lapse, but shall carry forward into subsequent years.

7. Technical assistance. The commissioner shall provide technical assistance to counties and county advisory groups to aid them in the planning and development of correctional programs and standards of compliance consistent with the intent of this section.

8. Projected reimbursements. Annually, after having reimbursed the counties, the commissioner shall submit to the Legislature a report containing projected reimbursements for the following year to indicate whether or not available funds are expected to be sufficient to meet the biennial cost of reimbursement.

Sec. 19. 34-A MRSA §1403, sub-§2, ¶C, as enacted by PL 1983, c. 729, §6, is amended to read:

C. The commissioner shall appoint the following officials to serve at his pleasure:

(1) Associate Commissioner;

(1-A) Associate Commissioner of Community Corrections;

(2) Assistant to the Commissioner; and

(3) Director, Correctional Program.

Sec. 20. 34-A MRSA §1403, sub-§3, ¶C is enacted to read:

C. The Associate Commissioner of Community Corrections may be designated to assist in the development of community correctional programs at the county level and to coordinate activities of the department with each county and any county correctional advisory groups. The Associate Commissioner may appoint staff to assist in carrying out this paragraph.

Sec. 21. 34-A MRSA §1403, sub-§9 is enacted to read:

9. Industries programs. The commissioner may establish vocational-training, work and industries programs.

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

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

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

D. All revenues from direct sales of goods and services produced by prisoners at correctional facilities shall be deposited into the department Industries Accounts, which shall not lapse.

E. Funds from these industries accounts may be used to pay for materials, supplies, equipment and salaries for vocational training, work and industrial programs.

F. The commissioner shall, in consultation with the State Apprenticeship and Training Council, develop policies concerning job displacement and safety and policies to develop opportunities in the prison industries programs.

Sec. 22. 34-A MRSA §3072 is enacted to read:

§3072. Treaty; transfer of noncitizens of the United States

If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the Governor may, on behalf of the State and subject to the terms of the treaty, authorize the Commissioner of Corrections to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of this State in the treaty.

Sec. 23. 34-A MRSA §3231, sub-§3, ¶M, as enacted by PL 1983, c. 459, §6, is repealed.

Sec. 24. 34-A MRSA §3263, as enacted by PL 1983, c. 459, §6, is repealed.

Sec. 25. 34-A MRSA §3403, sub-§4, as reallocated by PL 1983, c. 816, Pt. A, §42, is repealed.

Sec. 26. 34-A MRSA §3904, sub-§5, as enacted by PL 1983, c. 861, §1, is repealed.

Sec. 27. 34-A MRSA §5401, first ¶, as enacted by PL 1983, c. 459, §6, is amended to read:

There is established within the Department of Corrections a Division of Probation and Parole which is charged with the administration of probation and parole services and the Intensive Supervision Program within the State.

Sec. 28. 34-A MRSA §5402, sub-§2, as enacted by PL 1983, c. 459, §6, is amended to read:

2. Duties. The director shall:

A. Promulgate and enforce rules for the field probation and parole service, juvenile caseworkers and parole officers in correctional facilities and for Intensive Supervision Program officers;

B. Appoint, subject to the Personnel Law, district probation and parole supervisors, field probation and parole officers, Intensive Supervision Program officers and such other employees as may be required to carry out adequate supervision of all probationers and of all parolees from the correctional facilities and all persons on intensive supervision;

C. Prescribe the powers and duties of persons appointed under paragraph B;

D. Provide necessary investigation of any criminal case or matter, including presentence investigation and intensive supervision eligibility investigations, when requested by the court having jurisdiction;

E. Provide investigation when requested by the board;

F. Cooperate closely with the board, the criminal and juvenile courts, the chief administrative officers of correctional facilities and other correctional facility personnel;

G. Make recommendations to the board in cases of violations of the conditions of parole;

H. Issue warrants for the arrest of parole violators;

I. Notify the chief administrative officers of correctional facilities of determinations made by the board;

J. Divide the State into administrative districts and staff the districts;

K. Provide instruction and training courses for probation and parole officers, for Intensive Supervision Program officers and for juvenile caseworkers; and

L. Be executive officer and secretary of the board.

Sec. 29. Report. The Department of Corrections shall report to the joint standing committee of the Legislature having jurisdiction over correctional policy by January 15, 1991, on the progress of the Intensive Supervision Program and the county transfer of prisoners, as provided in sections 6 to 8 and 18 of this Act. The report shall include, but need not be limited to, a discussion of the development and effectiveness of the community-based correctional programs established pursuant to this Act and a report on the cost-effectiveness of the programs. The joint standing committee shall review the report and report out any necessary legislation prior to the close of the First Regular Session of the 115th Legislature.

Sec. 30. State and County Prisoners Health Insurance Study Commission.

1. Commission established. There is established the State and County Prisoners Health Insurance Study Commission. The Governor shall appoint members of the commission including representatives from the Bureau of Insurance, the Department of Corrections, the county commissioners and other such persons as he may designate. Members shall not receive compensation or expenses.

2. Scope of study. The commission shall study the cost and availability of insurance and the cost and feasibility of self-insurance for medical costs of state and county prisoners to determine the possibility and feasibility of creating an insurance program which would reduce costs and make medical costs for prisoners more predictable.

3. Report. The commission shall submit its report, together with any necessary legislation, to the

Governor and the Legislature no later than December 1, 1986.

Effective August 29, 1986, unless otherwise indicated.

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