

# 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 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.

---

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

---

---

# **SPECIAL LEGISLATIVE SESSION ON CORRECTIONS**

by

GOVERNOR JOSEPH E. BRENNAN

to the

ONE HUNDRED AND TWELFTH LEGISLATURE

May 28, 1986

---

---

REMARKS OF GOVERNOR JOSEPH E. BRENNAN  
SPECIAL LEGISLATIVE SESSION ON CORRECTIONS  
STATE HOUSE  
May 28, 1986

Mr. President, Mr. Speaker, distinguished members of the 112th Legislature: welcome back!

In this special session, you will have to deal with the distribution of oil over-charge funds and a variety of other important issues. But this morning I would like to talk to you about one issue in particular, the most important issue you will face this session, corrections.

Let me begin with the basics. The purposes of a corrections system are to protect the public, to punish offenders, and to rehabilitate—and to do all three in a humane and cost-effective manner. Through the course of Maine's history there have been many different approaches to meeting these goals.

I talked in my State of the State Address last January about the original jail cells at Thomaston—five-by-nine holes in the ground known as “stone jugs.” The philosophy behind the stone jugs...was harsh. It was described by Dr. Daniel Rose, the first Warden at Thomaston. Dr. Rose was a physician, and a former President of the Maine Senate. Dr. Rose was also the supervisor of the construction of that first prison.

Dr. Rose said:

“State prisons should be so constructed that even their “appearance” should be “terrible”... dark and comfortless abodes of guilt and wretchedness. No... punishment... ever has been made... so well adapted... to preventing crime and reforming a criminal, as close confinement in a silent or solitary cell... cut off... from all hope of relief...

“...the convict shall be furnished with a hammock on which he may sleep, a block of wood on which he may sit, and with such coarse... food as may be best suited to a person in a situation designed for grief and penitence; and “he” shall be favored with so much light... as may enable him to read the New Testament, which shall be... his sole companion...

“There his vices and crimes shall appear to his frightened imagination as the co-tenants of his dark and dismal cell. They will surround him as so many hideous “ghosts”, and overwhelm him with horror and remorse.”

But even in those unenlightened times, when views such as the first prison warden's were common, other Maine people rebelled at conditions at the prison. In 1837, 13 years after Thomaston prison was built, Governor Robert Dunlap said to the Legislature:

“The prison seems to have been constructed with a view to inflict the greatest punishment in the shortest time, and at the least expense.”

In 1843, the prison was rebuilt along more humane lines. It was rebuilt again in 1850, and in 1923, both times in response to devastating fires.

Over the years separate institutions were built—in South Portland, in 1853, for boys; in Hallowell, in 1872, for girls; in Windham, in 1919, for less dangerous offenders; and in Skowhegan, in 1935, for adult women—in recognition of each group's distinct needs.

In the last forty years prior to this Administration, no new facilities were added to the state system. None. The State Prison at Thomaston has been unchanged

since its reconstruction in 1924. In fact two facilities were closed, at Hallowell and at Skowhegan, in 1974 and 1975.

I mention this 40 year period when no new institutions were built, and in fact two were closed, just to place the record of this Administration and this Legislature in the proper perspective.

For we have not ignored corrections. We have actively addressed it.

Let's look at the record.

Early in my term, I ordered a lockdown of the State Prison that defused a fire danger, disarmed the inmates, and restored control of the Maine State Prison to the proper authorities—namely, the State of Maine.

In the last seven years, we have opened three new minimum security facilities: Hallowell, in 1979, with a capacity of 30; Charleston, in 1980, with a capacity of 93; and Bucks Harbor, in 1985, with a capacity of 96.

Two years ago, we fought for and achieved approval of a \$10 million bond issue that will help rehabilitate our old facilities, and will provide additional capacity for 142 prisoners. Construction on these projects begins this summer.

And over the years, we have hired two hundred and seventy-four additional corrections staff.

The people at the Department of Corrections—Don Allen, the Commissioner; Associate Ed Hansen; Warden Martin Magnusson—deserve great credit for managing this expansion, for coping with the problems of crowding, and for keeping the system relatively free from violence.

In summary, with the three new prisons and bond issue, we will have added more than 360 beds.

As Governor I like to talk about my success in meeting human needs, in revitalizing education, and in spurring economic growth. But just for the record, I will mention a little known fact today. My Administration happens to have opened more prisons than any Administration in Maine history.

We know how to open prisons. But today I want to tell you something different.

It is not enough to keep adding new cells, hiring more guards, and building more prisons. We need better answers. And that's what the program before you this session is all about.

The reason we need new ideas is that our problem is new.

We are experiencing a growth of prisoners unprecedented in Maine history. Our prison population has grown from 800 offenders in 1980 to over 1200 offenders today. This is an increase of fifty percent in six years.

The increase has happened in spite of the fact that our crime rate is decreasing, and that our "at risk" population—namely, young men between 18 and 34—is levelling off.

The growth has happened because more offenders are now sentenced to prison; because the length of their sentences is longer (in fact the average sentence length for Class A crimes nearly doubled between 1982 and 1985—from 52 months to 91 months); because parole has been abolished; and because we have become more effective in convicting child abusers.

Two changes in the prison population deserve special notice here.

First, 1 out of 5 admitted to prison today is a sex offender. Just five years ago, it was 1 in 20.

Second, one-half of all admissions today are for sentences of one year or less. These are people who, in the past, for the most part, would not have been sentenced to prison at all.

Both are new categories of prisoners that require different treatment.

So where does this all leave us?

According to the Department of Corrections Master Plan, in 1987 Maine can expect to have 1400 prisoners and a prison capacity of 1200. In other words, if we continue on our present course, we will be 200 cells short next year.

The shortfall will be for minimum-security offenders. The Master Plan shows that in 1987, we will have enough capacity for prisoners in maximum security, in medium security, and in segregation settings. But we will lack about 200 minimum security placements.

These are the placements needed for the half of prisoners admitted each year with sentences of less than a year. Now, these people are scattered throughout the system, a policy which is neither humane, nor cost-effective, nor wise. Dealing with this group of offenders is one of our major challenges today.

To deal with the challenge, we need to open our minds and consider new approaches.

A newspaper headline said the other day:

“There are two ways to alleviate overcrowding: more prisons or less prisoners. The Special Session will consider neither.”

This headline is nonsense. Because to deal with the problem before us, we need not necessarily build new prisons, nor must we weaken our laws.

The headline poses a false choice. There is a better way.

That better way is provided in a report submitted last December by a Blue Ribbon Commission on Corrections. The Commission was chaired by Dr. Lloyd Ohlin of Steuben, former Professor of Criminal Justice at Harvard Law School, a nationally recognized authority, indeed an advisor to Presidents. It included such distinguished members as: Justice Donald Alexander, Judge Roland Cole, District Attorney Janet Mills, Sheriff Alton Howe, Father Frank Murray, former Sheriff Charles Sharpe, Senator Jean Chalmers, and Representative Peter Manning.

The Commission's report declares:

“The State of Maine cannot afford a correctional policy that just calls for building more prisons...

“We must... develop ways of dealing with less serious offenders that (save) costly prison space...”

The Commission recommends a series of creative reforms. In the bill before you today, we propose adopting their reforms.

The Commission recommends that anyone sentenced to a term of confinement of less than a year should serve that term in a county jail, and not in the state prison system. I agree with this recommendation, from both a financial and human standpoint, and in the legislation before you today, I propose to begin phasing this practice in, by starting with offenders serving terms of less than six months. We will reimburse the counties at a set rate per day, per inmate, with a mechanism in place to adjust that rate based on actual costs. The net effect of this change will be to add roughly seventy inmates, spread out over fourteen county jails.

The Commission's most significant recommendation is a new approach to community-based corrections called Intensive Supervision. Under Intensive Supervision, the offender lives at home and works in the community, but under very strict supervision. The offender is supervised by a two person team whom he meets with, face to face, at least five days a week. The supervisors have the authority to conduct random drug tests, to conduct residential and personal searches, and to establish stringent curfews. If the terms of the arrangement are violated, the supervisors can return the offender to prison.

This is not a traditional "probation." A probation worker has a caseload of close to 100, no established routine of visits, and little direct authority. An Intensive Supervision worker has a caseload of about twelve, practically daily visits, and considerable authority.

The proposal before you would start this program with ten Intensive Supervision teams, that could oversee up to 250 offenders.

The Commission also recommends a reduction in the regular parole and probation caseloads. The proposal before you will reduce the average caseload by fully one-third.

The Commission recommends a central office to classify inmates, better medical services, better professional evaluation services, more community programs. The bill addresses all four.

The bill also provides for pressing Department needs—37 additional security guards, more support staff, and some capital construction.

The bill also provides increased support for a special Outward Bound program for young offenders, to teach them discipline and teamwork, and to help them become law-abiding.

These are some of our key proposals. With the bill you have before you, the framework is in place for a total, cost-effective, humane, and flexible corrections system for Maine.

It is not the simple answer some cry for. Building a big prison is the simple answer. But like a lot of simple answers, it is probably wrong, at least right now. And if we make a mistake on something as big as this, we cannot go back and do it over again.

The Blue Ribbon Commission pointed out that a prison costing \$45 million to build, would actually cost the Maine taxpayers \$350 million over 30 years, when the cost of financing and operations are added in.

The Commission went on to comment on these figures:

"Economists use the term 'opportunity cost' to refer to the opportunities lost by pursuing one policy rather than another. When large sums are required for construction of new prisons, one must ask what other types of policies might be pursued that would solve the problem at less cost possibly more effectively."

Today experts disagree among themselves about whether, in the next ten years, Maine will need a new maximum security prison. I think the answer to this question will only become clear in the next few years, after we see the results of the new approaches we can set in motion today.

In summary, more prisons aren't the answer at this time. We need to free ourselves from this habitual way of thinking.

In fact, many of us are in an intellectual prison of our own making, walled in by the inability to think in new terms. We need to escape from this rut. To envision new possibilities.

Like a short term prisoner, serving his time in a County jail, near his family and other positive influences, at a savings to the taxpayer.

Like an offender working off his time in the community, under tough and strict conditions, contributing to child support, and possibly to community restitution, instead of just costing the taxpayer money.

Like a young boy, a shoplifter, adrift in the streets, spending time learning discipline and a different approach to life, in the Western Maine mountains, under a tough Outward Bound program.

Free yourself. Think of different possibilities.

And then act boldly and courageously to make those possibilities real.

Thank you very much.