

MAINE STATE LEGISLATURE

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*Maine
Department
of
Corrections*



*Government
Evaluation Report*

2004



Government Evaluation Report – 2004

Table of Contents

- I. ACCOMPLISHMENTS, CHALLENGES AND EMERGING ISSUES
- II. DEPARTMENT MISSION, GUIDING PRINCIPLES AND STRATEGIC PLAN
- III. PROGRAM DESCRIPTIONS
 - A. DEPARTMENTAL PROGRAMS
 - 1. ADMINISTRATION - CORRECTIONS
 - 2. OFFICE OF ADVOCACY
 - 3. OFFICE OF VICTIM SERVICES
 - 4. CORRECTIONAL MEDICAL SERVICES FUND
 - 5. OVERTIME
 - 6. COUNTY JAIL PRISONER SUPPORT
 - B. DIVISION OF JUVENILES SERVICES
 - 1. JUSTICE - PLANNING, PROJECTS & STATISTICS
 - 2. JUVENILE COMMUNITY CORRECTIONS
 - 3. MOUNTAIN VIEW YOUTH DEVELOPMENT CENTER
 - 4. LONG CREEK YOUTH DEVELOPMENT CENTER
 - C. ADULT SERVICES
 - 1. TREATMENT PROGRAMS
 - 2. INDUSTRIES
 - 3. STATE PRISON
 - 4. CORRECTIONAL CENTER
 - 5. DOWNEAST CORRECTIONAL FACILITY
 - 6. CHARLESTON CORRECTIONAL FACILITY
 - 7. ADULT COMMUNITY CORRECTIONS
 - 8. CENTRAL MAINE PRE-RELEASE CENTER
 - 9. PAROLE BOARD
- IV. COMPLIANCE WITH FEDERAL AND STATE SAFETY AND HEALTH LAWS, ADA, ETC
- V. 10 YEAR FINANCIAL SUMMARY
- VI. PERFORMANCE MEASURES
- VII. REGULATORY AGENDA AND SUMMARY OF RULES ADOPTED
- VIII. ENABLING LEGISLATION

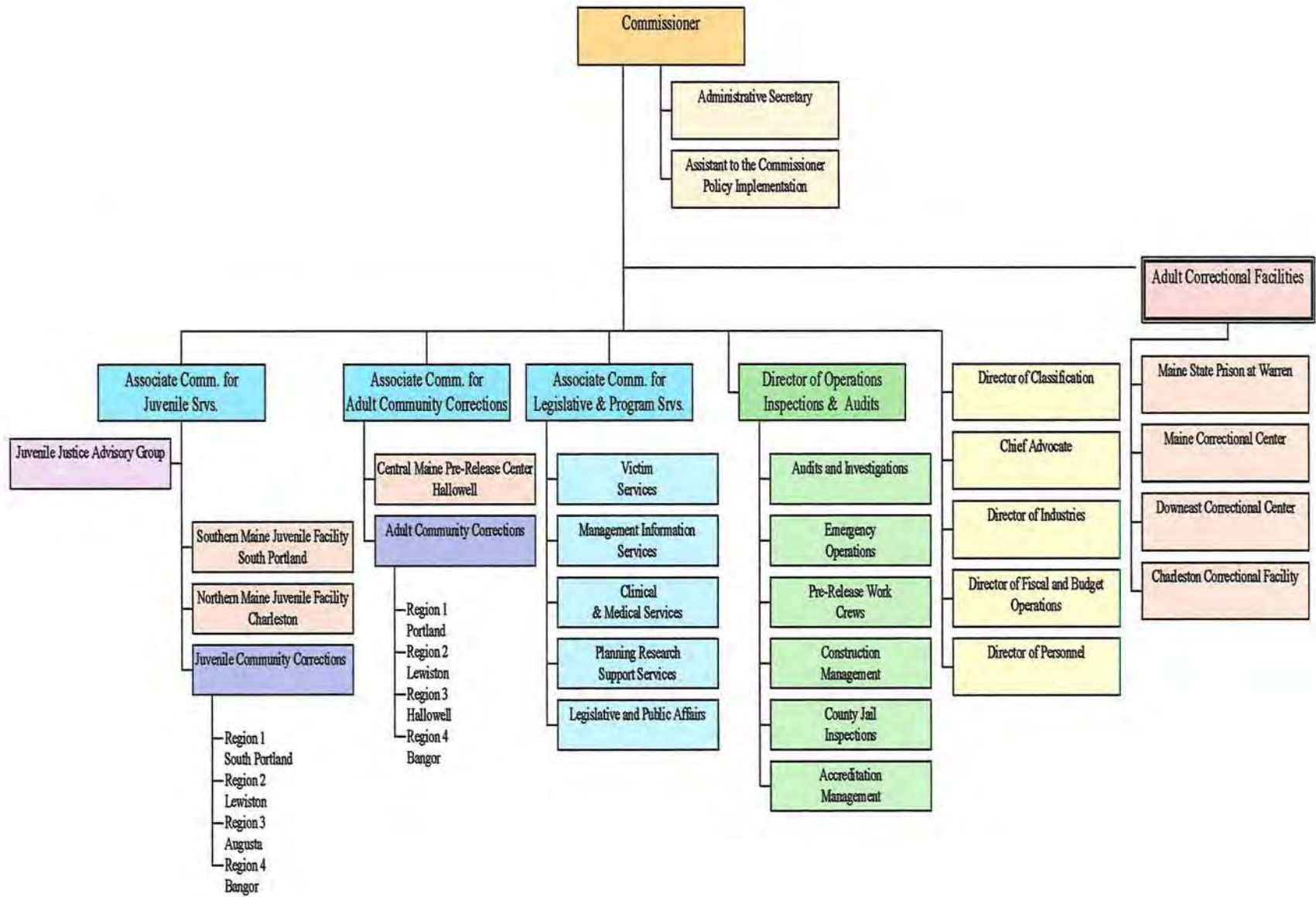
IX. ATTACHMENTS

A. VICTIM SERVICES

- 1. REPORT TO THE LEGISLATURE – BATTERERS INTERVENTION PROGRAMS**
- 2. REPORT TO THE LEGISLATURE – RESTORATIVE JUSTICE PROGRAMS**
- 3. SURVEY OF VICTIMS**

B. NATIONAL INSTITUTE OF CORRECTIONS TECHNICAL ASSISTANCE FOR IMPROVING COMMUNITY CORRECTIONS

C. JUVENILE RECIDIVISM REPORT



Commissioner

Administrative Secretary

Assistant to the Commissioner
Policy Implementation

Adult Correctional Facilities

Associate Comm. for
Juvenile Srvs.

Associate Comm. for
Adult Community Corrections

Associate Comm. for
Legislative & Program Srvs.

Director of Operations
Inspections & Audits

Director of Classification

Juvenile Justice Advisory Group

Southern Maine Juvenile Facility
South Portland

Northern Maine Juvenile Facility
Charleston

Juvenile Community Corrections

- Region 1
South Portland
- Region 2
Lewiston
- Region 3
Augusta
- Region 4
Bangor

Central Maine Pre-Release Center
Hallowell

Adult Community Corrections

- Region 1
Portland
- Region 2
Lewiston
- Region 3
Hallowell
- Region 4
Bangor

Victim Services

Management Information Services

Clinical & Medical Services

Planning Research Support Services

Legislative and Public Affairs

Audits and Investigations

Emergency Operations

Pre-Release Work Crews

Construction Management

County Jail Inspections

Accreditation Management

Chief Advocate

Director of Industries

Director of Fiscal and Budget Operations

Director of Personnel

Maine State Prison at Warren

Maine Correctional Center

Downeast Correctional Center

Charleston Correctional Facility

Table of Contents

1	ACCOMPLISHMENTS, CHALLENGES AND EMERGING ISSUES
2	DEPARTMENT MISSION, GUIDING PRINCIPLES AND STRATEGIC PLAN
3	DEPARTMENTAL PROGRAMS
4	DIVISION OF JUVENILE SERVICES
5	ADULT SERVICES
6	COMPLIANCE WITH FEDERAL AND STATE SAFETY AND HEALTH LAWS, ADA, ETC.
7	10 YEAR FINANCIAL SUMMARY
8	PERFORMANCE MEASURES
9	REGULATORY AGENDA AND SUMMARY OF RULES ADOPTED
10	ORGANIZATIONAL CHARTS
11	ENABLING LEGISLATION
12	ATTACHMENTS
13	
14	
15	

I. ACCOMPLISHMENTS, CHALLENGES AND EMERGING ISSUES

The past ten years have evidenced considerable change and improvement in the Department of Corrections. The Department of Corrections was reorganized in 1995 when the executive administrative functions were consolidated and two new positions of Associate Commissioner were created with one assigned to each of the two newly formed Divisions, Juvenile Services and Adult Community Corrections.

All programs and services directed at juveniles, including the Maine Youth Center, became the responsibility of the newly formed Juvenile Services Division. Similarly, programs targeted at adults offenders in the community, probation and parole and the pre-release centers were consolidated under the newly created Division of Adult Community Corrections. Finally, field organizations were reorganized to compliment the other changes that had been made and the existing six districts were eliminated and four adult and four juvenile regions were created, each managed by Regional Correctional Administrator.

In 1998, the department embarked upon a major capital facilities plan that resulted in the construction of a new prison at the site of the Maine Correctional Institution in Warren, two new juvenile correctional facilities, and a women's unit at the Maine Correctional Center. The capital plan created additional bed space in both adult and juvenile corrections. The construction of the new Maine State Prison also resulted in operational efficiencies in the per capita costs of operating the new facility and the staffing levels. At the same time, the department closed the Bangor Pre Release Center and downsized the prisoner levels at the Charleston Correctional Facility.

In 2002, the new Maine State Prison opened and prisoners were transferred from the old prison facility in Thomaston. In the same year, both new juvenile facilities and the women's center opened.

During this time period, our client populations -- adult prisoners and probationers and juvenile detainees, commitments and probationers -- have increased dramatically. And the department has struggled to keep pace with the growing numbers of clients while improving our practice and effectiveness, assuring staff and community safety, respecting the rights of victims and improving positive and pro-social outcomes for clients.

A. ACCOMPLISHMENTS

The following is a summary of the accomplishments and improvements that have been achieved during the past several years.

ADULT FACILITIES

Programs

- Establishment of a Mental Health Unit and increased mental health services to prisoners
- Therapeutic Community for Substance Abuse
- Transitional Treatment Facility for Substance Abuse
- Commenced process for full ACA Accreditation
- Computer for Schools Program
- Industries programs in every facility
- Farm program expansion at Bolduc
- Cognitive Treatment Program for women
- Separate Industries program for women
- Vocational programs expansion
- Opened Infirmary
- Unit Management
- Hepatitis C treatment program started
- Began RFP process for Sex Offender Treatment Program
- Went from the 47th State to the 50th State regarding rates of incarceration per 100,000 people

Physical Plant

- Increased bed capacity by 310
- New Maine State Prison - The former Maine State Prison was the second oldest open facility in the country. The facility did not meet ACA Standards or ADA requirements. The State was very vulnerable to a class action lawsuit and potential Consent Decree
- Substantial reduction in prisoner per capita cost
- Opened new self-contained women's unit
- Built new Industries building at Downeast Correctional Facility

Personnel

- Establishment of a career ladder
- Reclassification of majority of job classifications
- Creation of Unit Managers and Unit Management teams
- Worked with Unions for agreement on postings and work schedules
- Reduced vacancy rate by at least 60%

ADULT COMMUNITY

- Increased staff to reduce caseload
- Created Sex Offender Specialists to supervise a smaller caseload of high risk sex offenders
- Implemented Supervised Community Confinement to allow transition and supervised re-entry of individuals from facility to community
- Implemented supervision by use of risk assessment
- Implemented contact standards so that high risk offenders would receive substantially more supervision to include home visits
- Increased options for graduated sanctions and day reporting
- Increased technology and improved work locations
- Worked closely with courts to implement Drug Courts
- Implemented pilot program for supervision of domestic violence cases
- Awarded a national technical assistance grant from the National Institute of Corrections to improve community corrections

JUVENILE FACILITIES

- Constructed and moved into two new juvenile facilities
- Substantially increased the quantity and quality of the provision of mental health services
- Received certified school approval for both facilities, which had not occurred for several years
- Came into compliance with Federal and State requirements regarding the provision of Special Education programs. Had not been in compliance with Federal law
- Reduced use of restraint chair by 100% at Long Creek
- Received responsibility for the care and treatment of all detained and committed youths in the State Of Maine
- Improved the provision of gender specific programs
- Began ACA Accreditation process
- Implemented Learning for Life programs in both facilities
- Implemented cognitive treatment approach
- New job descriptions and training for front line staff to shift to treatment oriented approach
- Piloting national Performance based Standards

JUVENILE COMMUNITY

- Began Integrated Case Management approach to treatment by working with the Department of Human Services, BDS, OSA and Department of Education
- Coordinated case planning and transition from facility to community
- Initiated an integrated approach to policy and procedure development by involving staff from facilities, community and Central Office
- Participated in performance based standards program
- Established supervision by risk and need

- Created Community Resolution Teams
- Developed individualized case plan for each youth entering the system
- Developed and implemented research and quality assurance into supervision plans
- Improved gender specific treatment and programs into community supervision

DEPARTMENT WIDE

- Creation of the Division of Juvenile Services
- Created a single retirement plan for most correctional employees
- Initiated development of a state of the art information management system
- Creation of Division of Victim Services and Restorative Justice programs
- Created testing instrument to determine individual level of addiction for adult prisoners
- Worked closely with jails to assist in reducing costs by consolidating services and programs
- Initiated major staff recruitment and retention program which has worked
- ACA Accreditation self audit has begun
- Quality Assurance has been initiated
- Commenced "Serious and Violent Offender Re-Entry Initiative"
- Developed and expanded telemedicine capability
- Developed NovaNet distance learning
- Developed SITCOM team for crisis management within facilities
- Consolidated medical services into a single account and significantly improved services
- Centralized collection and disbursement of restitution
- Significantly increased federal grant awards to support departmental programs

B. CURRENT CHALLENGES AND EMERGING ISSUES

New initiatives, challenges and emerging issues are also identified within each program area throughout this report. This section identifies key challenges or emerging issues.

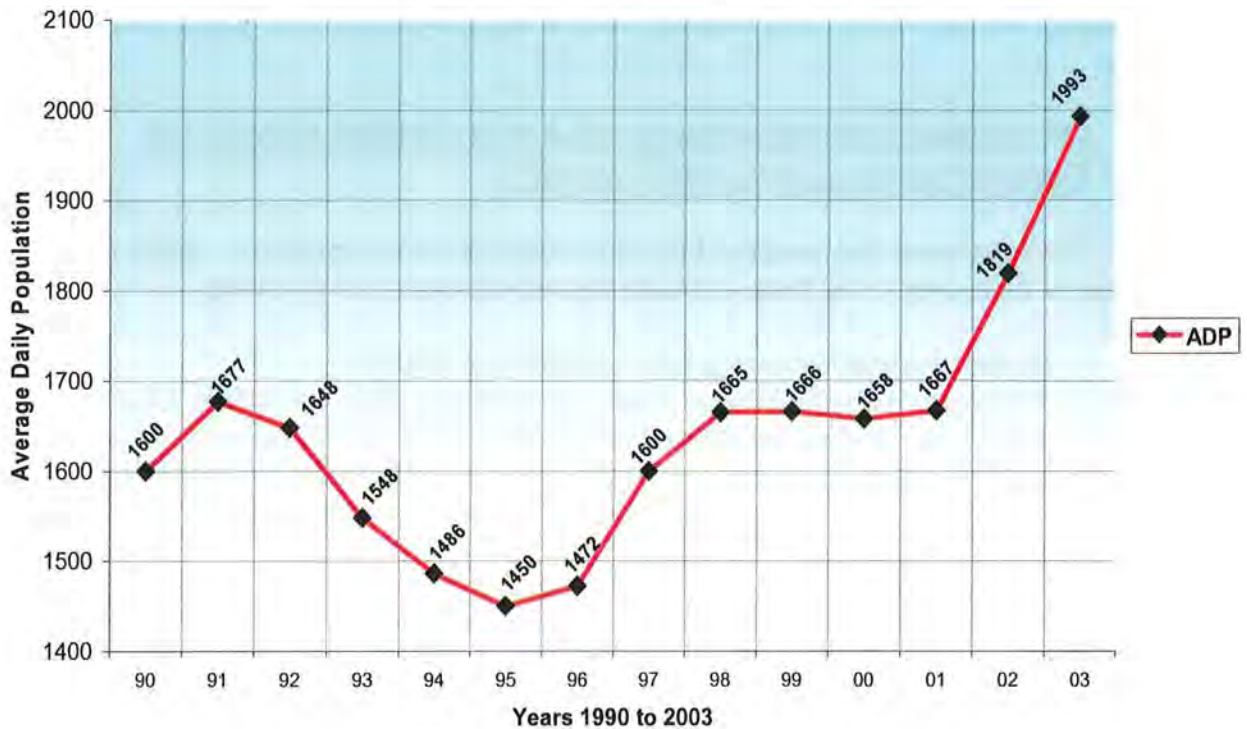
1. THE INCREASING PRISONER POPULATION AND THE IMPACT ON CORRECTIONAL FACILITIES CAPACITY

The department has completed the most comprehensive corrections capital construction program in the history of the State of Maine that accomplishes the following:

- Reduced operating costs in adult correctional facilities;
- Modernized Physical Plant, including: standards, code, life safety, ADA;
- Increased bed capacity for adult prisoners: 1437 to 1747; net gain 310 beds or 22%;
- Established two full service juvenile correctional facilities that enable greater involvement of family, school and community in the treatment of juvenile offenders; and
- Opened a new women's center in South Windham providing women offenders with a self-contained, treatment focused correctional program.

The investments in prison construction were recommended to occur in two phases. Phase I, outlined above, has just been completed. Phase II, recommended to be brought to the voters in 2002, was intended to replace the Downeast Correctional Facility in Bucks Harbor with a new facility in Machias and to make improvements to the Maine Correctional Center in South Windham. These two facilities pose health and safety concerns; both facilities are operating without wastewater treatment licenses and national accreditation may be difficult to achieve. Recent physical plant conditions involving mold in the medium security housing unit at the Downeast Correctional Facility will require the immediate relocation of prisoners and remediation of a 60 bed medium security housing unit. Our ability to continue to house the growing prisoner population is severely comprised by the remaining physical plant limitations.

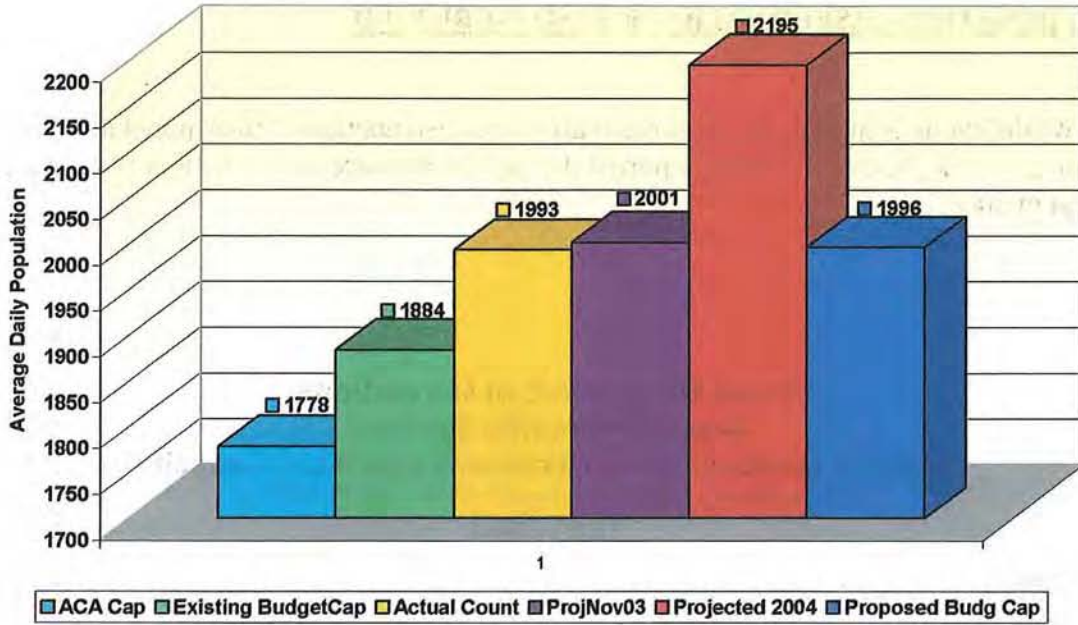
MAINE DEPARTMENT OF CORRECTIONS
ADULT FACILITIES
AVERAGE DAILY POPULATION 1990 TO 2003



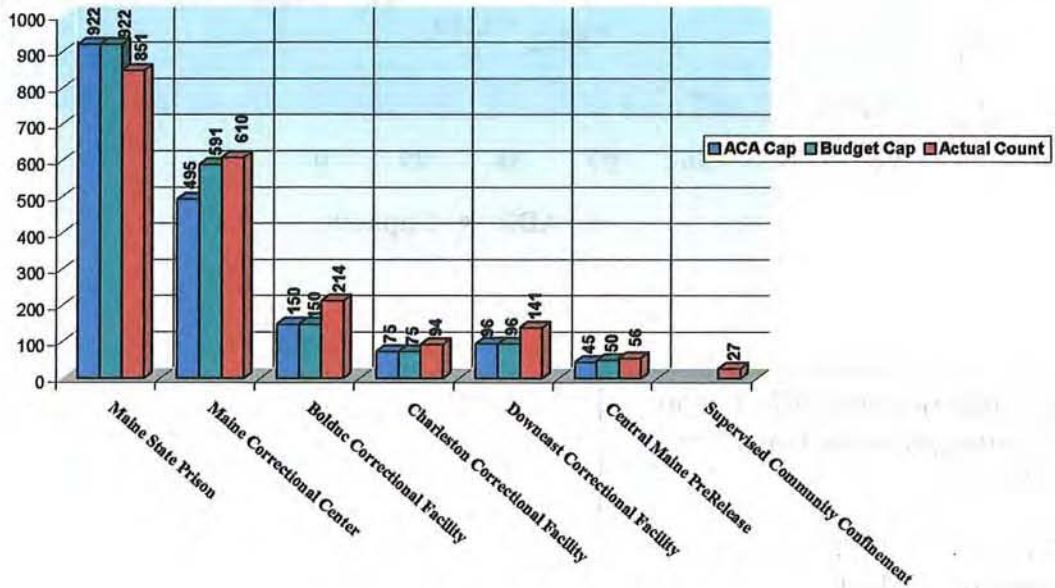
The prisoner population forecast by the National Commission on Crime and Delinquency in 1998 projected an increase of 9.4% to 1863 prisoners by the year 2010. Given this projected modest growth in prisoners, the department was planning for a modest increase in the need for additional bed capacity. However, recent increases in the prisoner population have exceeded the projected numbers resulting in an immediate need for additional bed capacity. In November 2003, the adult in-house prisoner population peaked at 1993.

The reasons for the recent and dramatic increase in adult prisoners appear to be due to changes in sentencing practices and an increase in certain crimes. An examination of commitments to the state prison system reveals a significant increase in the number of short sentences. Sentences of less than one year or of 1-2 years are up significantly. The increase in shorter sentences appears to be in response to a concern for overcrowding at the county jails. Drug offenses and crimes related to drugs such as burglary and assault have increased.

**Maine Department of Corrections
Adult Facilities Capacities, Actual Count,
Projections & Proposed Budgeted Capacity**



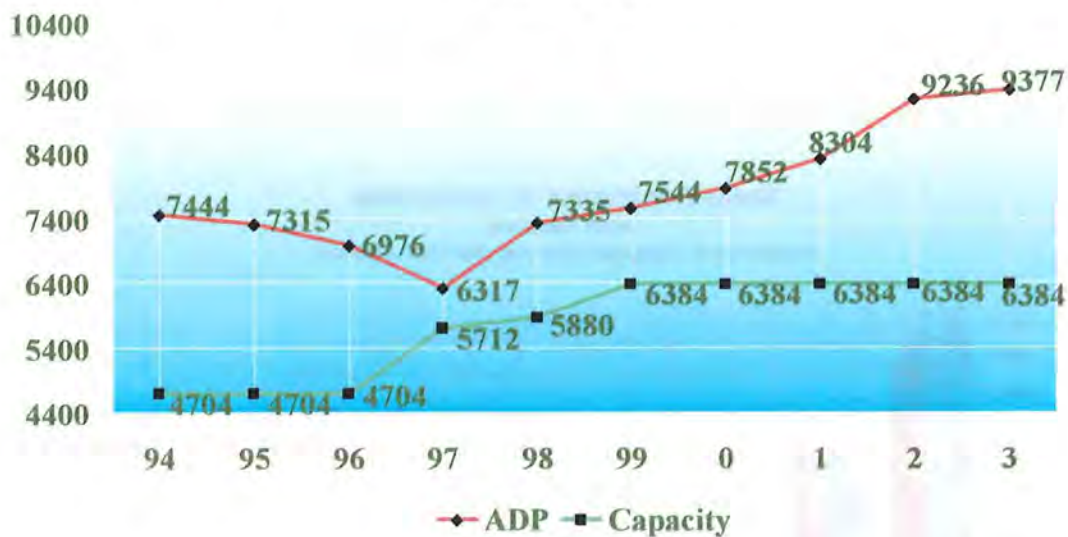
**Maine Department of Corrections
Adult Facilities
Actual Count, Budgeted Capacity, and ACA Capacity**



2. PROBATION CASELOADS HAVE ALSO INCREASED

While Maine is among the 10 states with lowest percentages of their population on probation or parole, however, Maine reported the highest increase in the number of adults on probation in 2001.

**Maine Department of Corrections
Adult Community Services
Average number of Probationers & Caseload Capacity**
(Capacity Based on National Average of 1 Officer to 84 Probationers)
1994-2003



States experiencing 10% or more increase in probation population – 2001

Maine	14.8%
Colorado	12.1
Kentucky	12.1
Virginia	11.6

3. COMMISSION TO IMPROVE THE SENTENCING, SUPERVISION, MANAGEMENT AND INCARCERATION OF PRISONERS

Created by the 121st Legislature in the summer of 2003 to address the urgent problem of a rapidly growing population in Maine's prisons and jails, this Commission was asked to study the issue from multiple perspectives and make recommendations to the Legislature.

Maine faces a severe prisoner population problem. The number of inmates incarcerated in state prisons and county jails has grown far beyond expectations in recent years, stressing the capacity of existing facilities and showing no sign of slowing down. Since 2000, the inmate population in the state prison system has jumped by 20 percent, faster than any other state, while the county jails grew 8 percent annually. The consequences of this phenomenal growth are dire: bed shortages, increasing risks to inmates and staff, and skyrocketing costs. In a time of fiscal constraints, the increasing demand for corrections services is placing greater demands on state and county budgets. The result is that the expenditures needed to support the growing numbers of inmates are outstripping our ability to pay for them.

The Commission issued its recommendations to the Legislature in February of 2004. These recommendations afford an unprecedented opportunity to address significant issues facing Maine's criminal justice system. For the Department of Corrections, the recommendations to increase prison capacity and to reduce probation caseloads will have an immediate positive impact and can position us to improve our services for the future.

4. NATIONAL ACCREDITATION

The department has developed and is implementing programs, policies and procedures and operational standards for adult and juvenile correctional facilities and community corrections that comply with national standards. Compliance with nationally accepted standards for correctional facilities and accreditation are demonstrations to the Governor, the Legislature and the public that the department is performing its responsibilities appropriately.

The process for achieving national accreditation has begun with a comprehensive revision of the department's policies and procedures – most of which had not been updated since 1985. This process has been inclusionary and has involved employees from throughout the department. The development of our medical and mental health policies and procedures also involved a review by certain advocacy organizations (NAMI, MCLU, and MEJP). Additionally, the department's medical program is regularly audited by an independent auditor for compliance with the standards of the National Commission on Correctional Health Care.

State law encourages all correctional facilities to be accredited by a nationally recognized correctional accrediting body by January 1, 2005. The process for achieving national accreditation includes the completion of the rewriting or development of policies and procedures; a self-audit to determine how well we are complying; and an audit by the national accreditation body for corrections – the American Correctional Association.

The Departments Inspection and Quality Assurance Division began a three-phase accreditation process for both adult and juvenile facilities in May of 2003. The three phases include:

- Phase 1: ACA contractual agreement; Staff Training; accreditation management plan and schedule;
- Phase 2 Self audit and evaluation report to ACA; and
- Phase 3 on-site audits by ACA to confirm compliance and final decision on awarding accreditation.

To date, Phase 1 has been completed and Phase 2 is sixty percent complete. Evaluation reports are scheduled to be submitted to ACA in June 2004 with on site inspection being conducted by ACA in August/September. The Departments goal is to have the majority of adult and juvenile receive ACA accreditation January of 2005.

5. STAFF RECRUITMENT, RETENTION AND DEVELOPMENT

The department reclassified correctional positions in both adult and juvenile services in order to recognize the increased professionalism of the jobs and to become more competitive in attracting the very best employees; and has created a career ladder that provides both economic and professional advancement for correctional employees. This has resulted in a reduced vacancy rate in most of the department and a more stable workforce.

Professional development opportunities have improved and significantly increased in order to prepare employees for changed responsibilities. The shift to new operating approaches (in the adult facilities, there is a shift to unit management; in the juvenile facilities to the Maine Operating Approach) has required intensive staff training. In partnership with Southern Maine Community College, the Juvenile Services Division developed a behavioral health program for juvenile workers. A similar curriculum is being developed for adult correctional officers. Training in substance abuse treatment and mental health interventions has been provided to both adult and juvenile workers. The department has also worked with the National Alliance for the Mentally Ill of Maine to deliver specialized mental health training to correctional officers and for employees in the Women's Center. Also, in partnership with the department, Southern Maine Community College is offering supervisory training for correctional officers.

Since these approaches represent a fundamental change in how correctional facilities operate, training and re-training will continue to be needed for these new approaches to take hold. Given the turnover rates in entry-level positions – highest among Juvenile Program Workers and Correctional Officer I – training must be a continuous process. Training associated with accreditation will also be required in the next two years as new policies and procedures are implemented and the results of the self-audits are available.

Why employees leave the corrections profession is a question we will begin to answer with an exit interview pilot program underway in the Juvenile Division.

Of concern is our ability to attract high quality treatment staff. The demand for health care professionals and clinicians in Maine has created significant difficulties in recruiting

treatment professionals to work in correctional settings. The department has recruited nationally for psychiatrists, psychologists and other treatment professionals with limited success. Our ability to attract and retain high quality treatment professionals is essential to delivering effective programs.

Finally, the department recognizes the need to engage in succession planning. As the senior managers and executives in the department enter their retirement years, we need to prepare the next generation of leaders to take their place.

6. TECHNOLOGY IMPROVEMENTS

The department had been characterized as a “have not” agency with respect to technology. In the past five years, there have been significant improvements and advancements in the availability and application of information technology including expanded use of computers, telemedicine, video-conferencing, automated fingerprinting, and distance learning. In just four years, the department has:

- ✓ Increased the number of computers and users fivefold from just over 100 to over 700 users;
- ✓ Increased user access to email and the internet;
- ✓ Established uniform desktop and other applications; and
- ✓ Created the IT infrastructure to support users and data base applications.
- ✓ In the new facilities, state of the art electronic security control systems, video surveillance and security fencing systems are in place.
- ✓ Established Videoconferencing capability for medical services and departmental meetings.

In January of 2002, the department entered into a three-year contract with Xwave Corporation to develop a Management Information System that will automate much of the business functions. In November of 2003, the department deployed a state of the art information management system. Prior to the deployment of CORIS (Corrections Information System) the department’s business was managed in six different information systems. CORIS is now our core corrections system, supporting Operations Staff and Management for all five areas of the Department, including:

- Juvenile Institutions,
- Juvenile Community Corrections,
- Adult Institutions,
- Adult Community Corrections, and
- Central Office.

The first of three releases of CORIS represents an enormous effort for Operations and MIS Staff. The Department’s significant undertaking over the next two years will be the continued development and implementation of (CORIS). In addition, the Department’s ability to share appropriate, accurate, and timely information with Federal, State, and Local Criminal Justice Agencies will be greatly improved. Other major IT initiatives during the next two years include:

- Improving the information services infrastructure including:
 - ▶ Statewide initiative to convert the Wide Area Network (WAN) to DHCP and Routing
 - ▶ Statewide initiative to convert all server operating systems to Windows 2000 Active Directory (for Corrections this entails conversion from Novell Server). Conversion of all 700 desktops to Microsoft Office XP. This will necessitate conversion of prior file formats to Office XP formats (i.e. Wordperfect to Word, Lotus 123 to Excel, etc)
 - ▶ Conversion of all desktop operating systems to Windows XP
 - ▶ Establishment of new remote WAN connections for all Community Corrections reporting sites, as well as upgrading existing circuits to institutions and regional offices
- Developing the integration linkages with other state agencies (Office of Substance Abuse, DHS, Public Safety and the Courts)
- Participating in a State wide initiative to establish and implement Business Continuity/ Disaster Recovery best practices
- Conformance to Federal HIPAA requirements
- Further expanding videoconferencing capability to enhance community reintegration, medical services delivery and video arraignments
- Prisoner phone system
- Electronic monitoring technology application including GPS

7. WHAT WORKS – EVIDENCE BASED PRACTICE

Emerging research in the field of corrections suggests that the traditional responses to offenders, such as incarceration, counseling, boot camps, and 12-step programs, do not keep offenders from re-offending. In some cases, the recidivism rate (the proportion of offenders committing new crimes) actually increased. What the research suggests does work are cognitive-behavioral, risk-focused interventions and social learning models of treatment for juvenile offenders who are at higher risk of re-offending.

The Division of Juvenile Services has incorporated the principles of risk-focused intervention, risk management and responsivity into its routine practice. An assessment of criminogenic need (the Youthful Offender Level of Service Inventory) is completed for each juvenile offender who will be supervised by the Division. The identified risk domains are used to develop a strengths-based correctional case plan, which is modified as the risk levels require. The Division has adopted an NIC approved Motivational Interviewing process and is training all staff in the use of these skills. These elements are incorporated into the draft Division policy, Chapter 6, Case Management.

The Division contracts for services based on the program elements identified in the Correctional Assessment Program Inventory (CPAI). These program elements are associated with outcomes related to demonstrable reduction in recidivism rates. Selected programs participate in an actual program audit using the CPAI. For those programs, improvement plans are created and implemented. The better the program scored on the CPAI, the better will be the outcomes for the participating juveniles. All contracts are managed according to the performance-based set of outcome expectations which are grounded in correctional research.

The Division conducts case audits to assure compliance with policy and procedure around case assessment, case planning and the case management process. The Division uses the Family and Systems Teams (FST), and other team approaches in order to assure effective planning and case management for the more difficult cases.

Initial training for new staff is comprehensive, certified by the MCJA where required, supported by Field Training Officers, and based on the best-practice model of risk reduction.

Recidivism is tracked based on cohorts of first time juvenile offenders which have been established each year since 1998.

Maine has been chosen by the National Institute of Corrections to be a participant in a technical assistance project titled *Implementing Effective Correctional Management of Offenders in the Community*. The purpose of the three year project is to develop and implement evidenced-based practices in adult community corrections – better known as probation – in order to reduce future criminal behavior. The Maine Department of Corrections is one of two states to be selected for this highly competitive award.

Since the 1990's, the National Institute of Corrections has promoted an awareness of what has become known internationally as “what works” in correctional practice. This three year project is intended to immerse an entire statewide system in a comprehensive process to bring about effective change. The project will use research supported principles in the fields of community corrections, organizational development and collaboration.

8. FOCUS ON REENTRY AND TRANSITION BACK TO THE COMMUNITY

a. The Maine Reentry Network. The Maine Department of Corrections has long recognized the need for an effective, coordinated transition process for offenders exiting our correctional institutions. Recently the federal government, through its “Serious and Violent Offender Reentry Initiative” has made federal grant funds available to address this overriding concern. **Maine was successful in securing 2 million dollars of grant funds** and has developed the Maine Reentry Network, a multi-system partnership of existing public and private organizations at the state, county and local level that will work together to promote successful reentry programming for serious and violent young offenders. The primary goal of the Maine Reentry Network is to hold offenders accountable to their victim and community, to prevent crime and to reduce the likelihood of re-offending. The Maine Reentry Network places public safety and restorative principles at the center of the process of reintegrating offenders into the community.

As structured, the reentry grant does not intend to create new systems and organizations, but will use grant funds to:

- 1) Enhance coordination and integration of existing systems and services within the juvenile and adult criminal justice systems;
- 2) Cross train individuals from the various state and private agencies involved in this initiative on the philosophy and implementation of Integrated Case Management;
- 3) Recruit, train and support sponsors and
- 4) Apply a portion of grant resources to bridging service gaps.

The four Maine counties included in the grant are Androscoggin, Knox, Penobscot and Washington.

The cornerstone of Maine's reentry strategy is the Family and Systems Teams service delivery model. This model is designed to allow access by offenders to services that are planned for, managed, and delivered in a holistic, strengths-based, and integrated manner. Integrated case management provides a means for practitioners from across various disciplines and agencies to work in partnership with each other and with offenders and their families to achieve better outcomes for all concerned. Integrated case management is effective when the need for services is complex, long term, and requires the involvement of multiple departments or bureaus of state government and/or community based agencies.

b. Adult Transition Team. The adult transition team was formed to build linkages between adult correctional facilities and adult community corrections.

c. Supervised Community Confinement. The Supervised Community Confinement program was statutorily created to allow prisoners to be released to community supervision within the last year of their sentence. The program criteria are established through rule. A total of 454 prisoners have applied for the program. As of February 20, 2004, the prisoners actually participating in the program was 28

Since the program began in November of 1998:

# of Prisoners APPROVED	156
# of Prisoners DENIED	155
# of Prisoners who Failed	12*
# of Pending Applications with no Action	91**
# of Prisoners who withdrew	20

*Three (3) failures were serious violations: 1 escape 2/8/04 apprehended in Virginia; 1 Out of Place for 3 hours; 1 Stole a car, new charges and returned the prison

** This # reflects the # of prisoners whose application never did advance for the following reasons:

- At the onset of the program the length of time for processing exceeded the eligibility date of getting into the program. At the time a prisoner could not access (participate) if they had < three months of actual time remaining.
- Many applied for locations out of the geographical regions for Supervision, thus no supervision was available
- The issue about whether or not sex offender could participate wasn't clearly defined therefore sex offender did apply. It was defined and sex offenders cannot apply, thus no applications are entertained.

d. Community Reintegration and Involvement. Communities which are involved and invested in responding to the needs of low-risk offenders with community-oriented sanctions and programs to increase their individual skills and strengths have lower recidivism rates. The department has several initiatives to involve communities in the process of holding

offenders accountable including community resolution teams, grants for prevention efforts, assistance to counties for community corrections programs, and victim wrap around services when offenders are released.

The Division of Juvenile Services has adopted the Intensive Aftercare Program (IAP), which is a nation best practice model for Community Reintegration for committed Juvenile Offenders who are transition back into community-based programs and/or placements. This model requires thorough assessment of the individuals presenting risk level and needs. It also looks at individual, family and community strengths and deficits as well as the needs of the victim of the crime. Through assessment and evaluation, an individual comprehensive case plan is developed for each juvenile which is managed by an interdisciplinary team, including treatment, mental health, and education (UTT). The assigned Juvenile Community Corrections Officer is involved at all stages of the program, and as the Juvenile is transitioned back into the community, a community-based team including treatment, educational, vocational, and public safety concerns, is created using the FST approach to facilitate the transition. These elements are reflected in the draft Division of Juvenile Service policy Chapter 13, Community Reintegration.

9. QUALITY ASSURANCE

The department's commitment to performance is demonstrated with the development of recidivism statistics for juvenile offenders and our contribution to Maine Marks – a statewide effort to measure our progress in meeting the needs of families and children. Our new information system, CORIS, now enables us to begin tracking recidivism among adult offenders. We are working with the Muskie School of Public Service, Institute for Private Sector Innovation on our efforts to track recidivism.

We have opened our practice and profession to outside examination and evaluation.

- The Therapeutic Community for Substance Abuse at the Maine Correctional Center is fully licensed as a residential treatment program by the Office of Substance Abuse.
- An independent auditor regularly reviews the health care system against national standards.
- The educational programs at the juvenile correctional facilities are subject to the Department of Education review for school approval and are working towards accreditation.

Much of our efforts at quality and performance are addressed in other sections. Automated information systems, accreditation, program licensing and professional development efforts are all examples of the department's commitment to quality and positive outcomes for our clients. A systematic method of organizing our quality assurance programs into a cohesive initiative is a priority. The Center for Juvenile Justice and the Center for Effective Correctional Practices are forums for this next step in improving performance and assuring positive outcomes.

10. COLLABORATIONS

In order to accomplish the goals and objectives of the department and its respective divisions, collaborations with other state agencies and the higher educational system are essential. Many of the existing relationships are described in the following table; this information is not all-inclusive. There are other collaborations that are not included or have not been formalized.

Examples of Successful Collaboration

<u>State System</u>	<i>Juvenile Services</i>	<i>Adult Services</i>
<u>Department of Education</u>	<ul style="list-style-type: none"> ▪ The Department of Education (DOE) has funded Project Impact for several years. The primary function of this project is to assure the coordination of education programs for youth residing at Long Creek Youth Development Center. ▪ In addition to DOE's assistance in revising the school's program at LCYDC to gain school approval, DOE has funded several teachers to assure the proper ratio of teachers to students. Teachers have been funded to provide educational services at both the Northern and Southern facilities. 	<ul style="list-style-type: none"> ▪ Adult Education Collaboration – cooperative agreement to fund and support the Maine Correctional Educators Task Force ▪ Equipped for the Future – pilot adult education sites at Maine State Prison and Maine Correctional Center

<u>State System</u>	<i>Juvenile Services</i>	<i>Adult Services</i>
<u>Department of Human Services</u>	<ul style="list-style-type: none"> Placing a Department of Human Service (DHS) caseworker at Long Creek Youth Development Center has improved coordination increases the potential of success for these youth who have not only been abused and/or neglected, but have also been caught in the legal system. 	<ul style="list-style-type: none"> Working with Maine Care to increase prisoners' eligibility for services and to improve access to community services upon release.
<u>Maine Judiciary</u>	<ul style="list-style-type: none"> The Drug Treatment Courts provide services for high risk youth with high risk substance abuse problems. There are 6 courts in Maine located in Biddeford, Portland, West Bath, Augusta/Waterville, Lewiston and Bangor. 	<ul style="list-style-type: none"> Adult Drug Courts provide services for adult offenders with high risk substance abuse problems. There are 6 courts located in York, Cumberland, Androscoggin, Oxford, Penobscot and Washington counties. Sentencing Institutes – in collaboration with the Legislature, the three branches of government have presented Sentencing Institutes on topics of importance
<u>University of Maine System and Community College System</u> <u>University of Southern Maine Muskie School operates the State's Criminal Justice Statistical Analysis Center</u>	<ul style="list-style-type: none"> Muskie has conducted numerous evaluations for DOC and is conducting a longitudinal recidivism study. The Maine Technical College System has collaborated with DOC to create the Center for Juvenile Justice, which will allow for continuing education for DOC staff and increased opportunities for youth to pursue higher education. 	<ul style="list-style-type: none"> State's Criminal Justice Statistical Center is conducting study of sex offenders MTCS Center for Effective Correctional Practice – in design MTCS behavioral health curriculum, supervisory training
<u>Department of Behavioral & Development Services</u>	<ul style="list-style-type: none"> The Statewide Juvenile Corrections Substance Abuse Treatment Network provides substance abuse screening, individual evaluations, and treatment services for juveniles in the community and critical services upon 	<ul style="list-style-type: none"> Joint design, development and implementation of the DSAT substance abuse treatment program MOU to address sex offenders and violent offenders with mental illness

<u>State System</u>	<i>Juvenile Services</i>	<i>Adult Services</i>
	<p>release to assist in the transition from the facility.</p> <ul style="list-style-type: none"> ▪ Mental health and substance abuse services are provided within the correctional facilities. ▪ Mental Health Coordinators have been assigned to each region within community corrections. 	<ul style="list-style-type: none"> ▪ Joint purchasing of medications and expanded formulary ▪ Agreements with Dartmouth Medical School to improve psychiatric services

C. PERSONNEL OVERVIEW

1. PAST AND CURRENT POSITIONS BY PROGRAM

Maine Department of Corrections

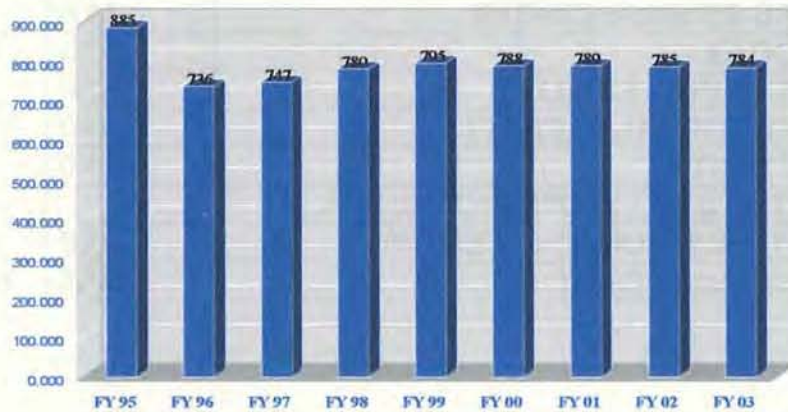
GENERAL FUND POSITIONS PROGRAM TITLE	LEGISLATIVE COUNT	
	1994	2004
ADMINISTRATION - CORRECTIONS	26.0	39.5
PROBATION AND PAROLE	126.0	
ADULT COMMUNITY CORRECTIONS		95.0
CORRECTIONAL MEDICAL SERVICES FUND		1.0
CORRECTIONAL SERVICES	1.0	
JUSTICE - PLANNING, PROJECTS & STATISTICS	0	1.0
JUVENILE COMMUNITY CORRECTIONS		72.5
BUREAU OF JUVENILE CORRECTIONS	2.0	
OFFICE OF ADVOCACY	3.0	2.5
OFFICE OF VICTIM SERVICES		3.0
STATE PRISON	335.5	424.5
MSP FARM PROGRAM	2.0	
WARREN CORRECTIONAL FACILITY	83.0	
CENTRAL MAINE PRE-RELEASE CENTER	18.0	20.0
CORRECTIONAL CENTER	267.0	240.0
DOWNEAST CORRECTIONAL FACILITY	62.0	71.0
CHARLESTON CORRECTIONAL FACILITY	94.0	28.0
BANGOR PRELEASE CENTER	14.0	
MOUNTAIN VIEW YOUTH DEVELOPMENT CENTER		179.0
LONG CREEK YOUTH DEVELOPMENT CENTER	201.0	201.0
Total General Fund Legislative Count	1235.5	1378.0

Change in positions 1994- 2004/2005

	1994	2004	2005	(+/-)Positions
Adult Services	939.5	882.0	882.0	-57.5
Juvenile Services	266.0	451.0	451.0	+185.0
Administration	<u>30.0</u>	<u>45.0</u>	<u>45.0</u>	+15.0
Total	1235.5	1378.0	1378.0	+142.5

The department's workforce grew by 11.5% from 1994 to 2004 or an average yearly growth of 1.2%. The increase in positions has been primarily in the juvenile services area. The workforce in the adult prisons actually declined.

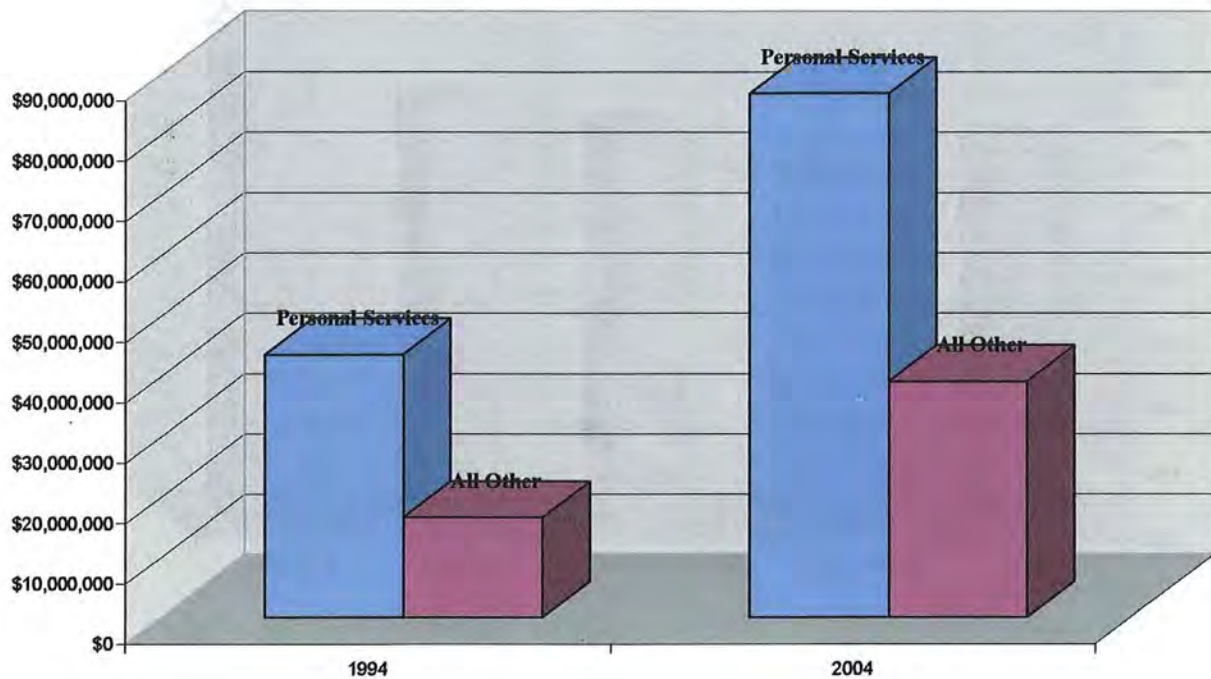
Fewer Prison Employees



2. FINANCIAL HIGHLIGHTS

a. Change in Corrections Budget. The department's budget increased from \$60,265,846 in 1994 to \$126,205,185 in 2004 or 109% increase over ten years for an average yearly increase of 11%.

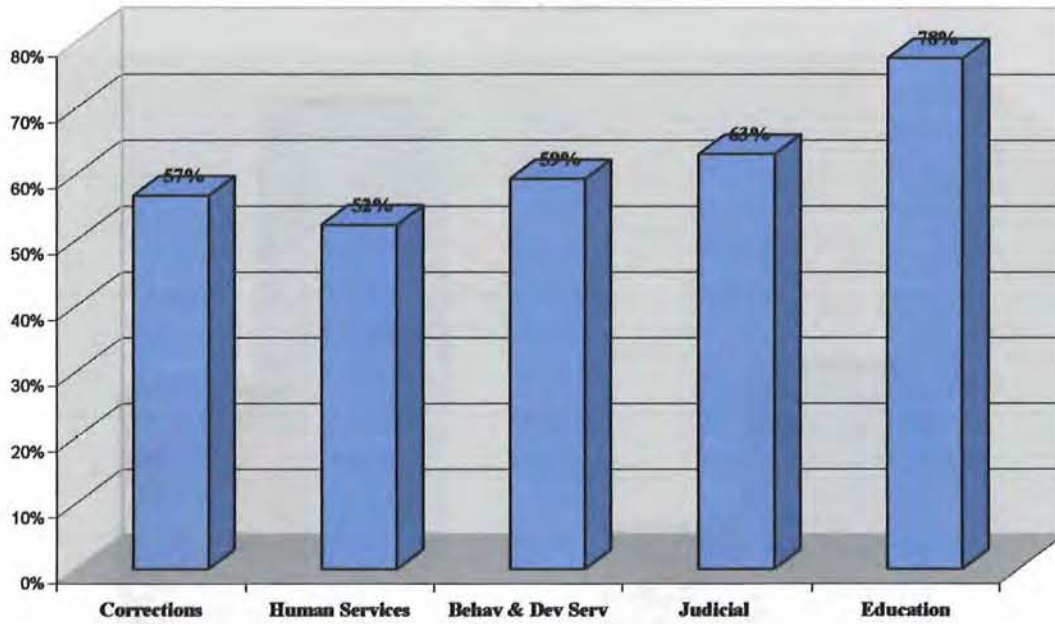
**Department of Corrections
General Fund Appropriations
FY 1994 and FY 2004**



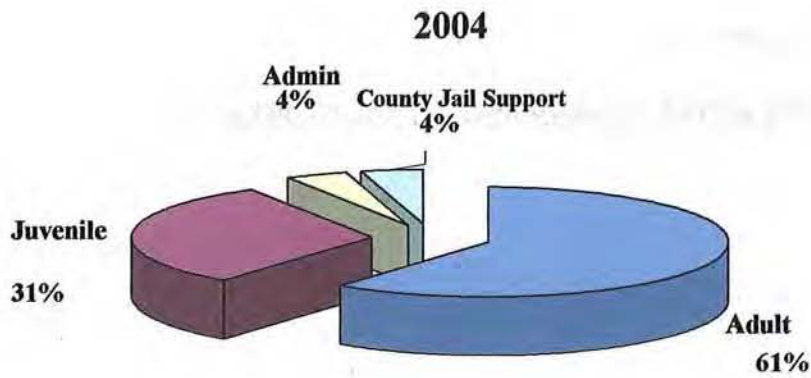
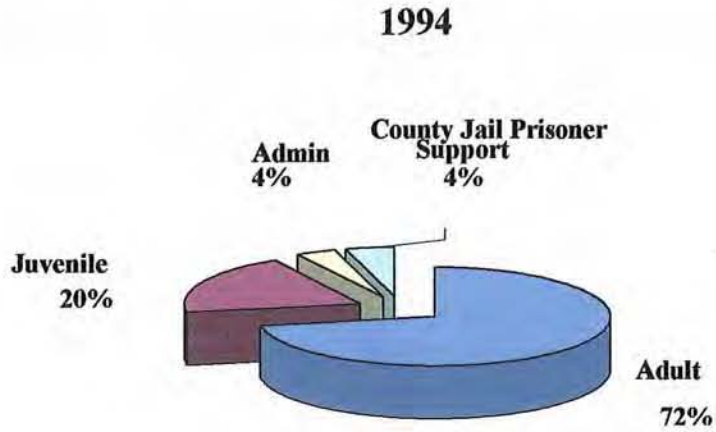
	FY1994	FY2004
Personal Services	43,604,588	86,874,754
All Other	16,608,258	39,151,731
Capital	53,000	178,700
Total	60,265,846	126,205,185

b. Corrections appropriations compared to other state agencies. This increase is consistent with the overall growth in the state budget and with the General Fund growth in other state government functions.

**General Fund Comparisons
Corrections and other State Agencies
1998- 2004**



c. Corrections Expenditures by Corrections Functions. The appropriations of General Fund revenues to the department have shifted dramatically over the past ten years reflecting a major policy shift to address issues of juvenile crime, rehabilitation and prevention.



d. Corrections Expenditures compared to other New England states.

Corrections General Fund Expenditures as a Percent of Total General Fund Expenditures

	<u>2001</u>	<u>2002</u>	<u>2003</u>
Connecticut	4.4%	4.5%	4.8%
Maine	3.7	4.2	4.2
Massachusetts	2.4	2.4	2.8
New Hampshire	6.3	6.1	6.1
Rhode Island	6.0	4.8	5.0
Vermont	8.1	8.6	N/A
All States	6.9%	6.9%	7.0%

Source: National Association of State Budget Officers
2002 State Expenditure Report

e. Correctional Facility Cost Comparison

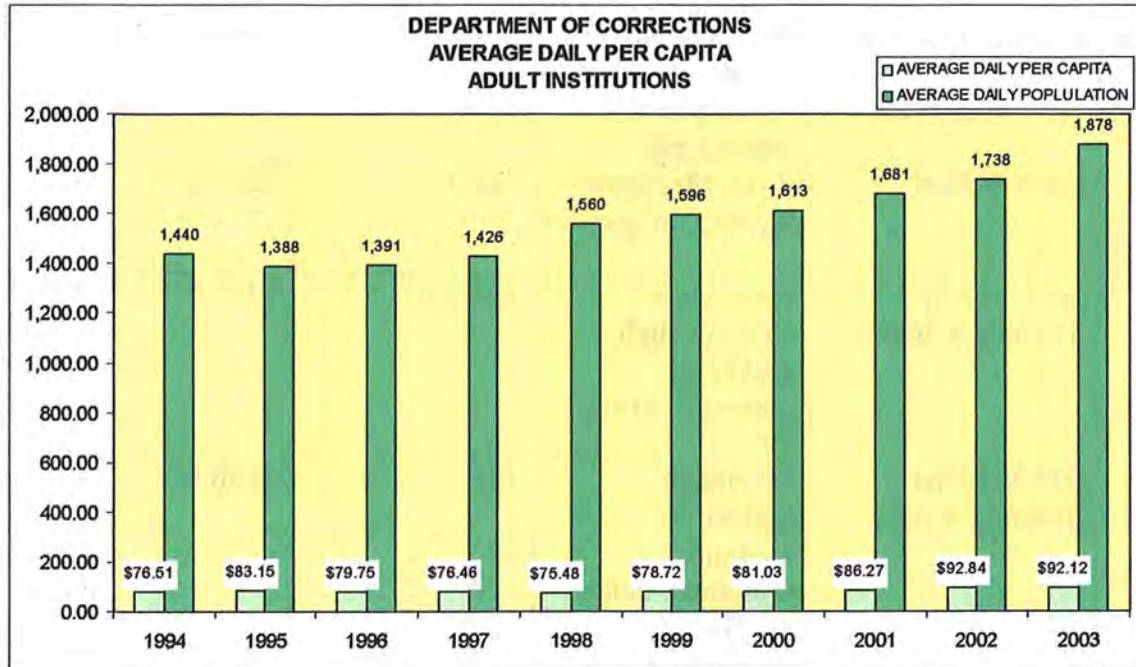
Adult Correctional Facilities -- Per Diem Comparisons (per prisoner/per day)

Connecticut	\$71.00
Maine	76.00
Massachusetts	98.00
New Hampshire	53.00
Rhode Island	96.00
Vermont	78.00
Minnesota	80.52
New York	83.00
North Dakota	55.10

Source: Correctional Yearbook 2001

f. Per Capita Analysis of Maine Correctional Facilities 1994-2003

Adult Facilities



Adult Correctional Facilities: Per capita costs with and without new construction

	<u>With new prison</u>	<u>Without new prison</u>
FY 03	\$92.12	\$110.90
FY 04	89.39	118.71
FY 05	91.41	121.75

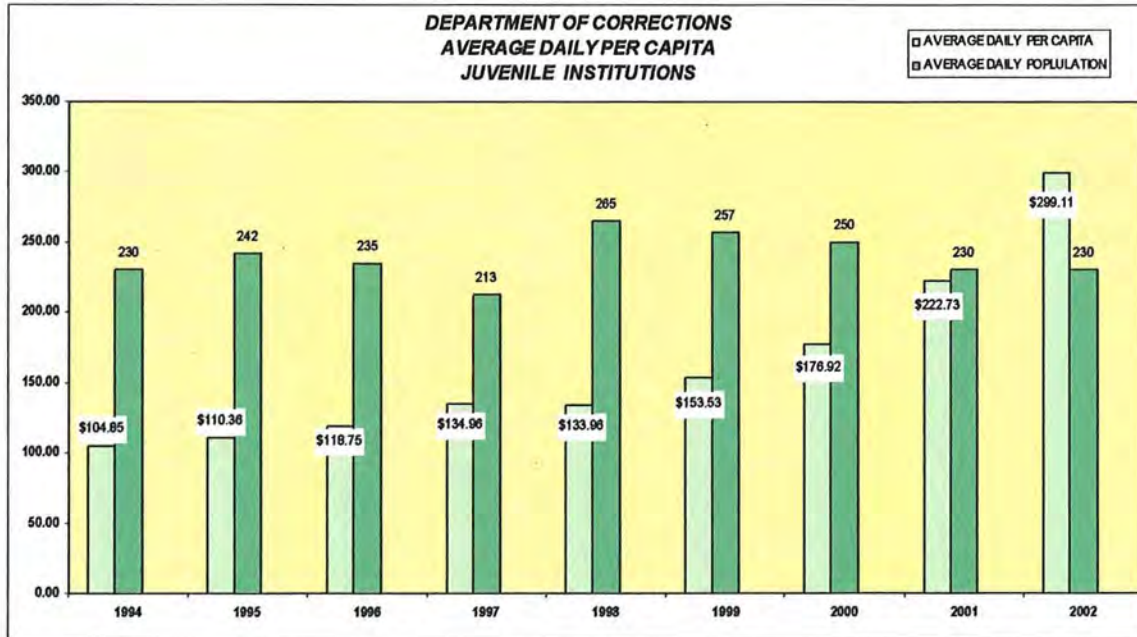
Juvenile Correctional Facilities -- Per Diem Comparisons (per resident/per day)

State		Population	Capacity/ADP	Cost Per Day	Staff
Connecticut	Juvenile Training School – Middletown	Boys: high/close security; (offenses before youth reached age 15)	240/137	\$487.63	402
Delaware	Ferris School	Boys: Maximum security; to age 18	72/80	\$281.67	112
Michigan	W. J. Maxey Training School	Boys: close, medium, high; also holds detainees; to age 20	340/300	\$327.01	342
Rhode Island	Rhode Island Training School	Maximum, high/close, medium, minimum, multi, also holds detainees; to age 21	184	\$246.58*	NA
Maine	Long Creek and Mountain View Youth Development Centers	Boys and Girls High, moderate and low risk; also holds detainees; ages 11 to 21	306/219	\$299.11	380
	Overall Average			\$ 328.40	

Data Source: ACA Directory 2003

* Information provided by Agency

Juvenile Facilities



DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

I. A Description of the Strategic Planning Process

The department initiated its strategic planning process in 1996 with the establishment of a steering committee comprised of the department's Quality Management Council with additional employees in order to fully represent institutional and field staff and the different occupational positions. The steering committee was trained in the state's new strategic planning and performance budgeting process and then divided into two planning teams. One team focused on juvenile services and the other on adult services.

Each team divided itself further into subcommittees -- Data, Research, and Opinion. The Data subcommittees collected and analyzed data on the adult and juvenile offender populations. The Research subcommittees collected the latest research on what works in corrections. The Opinion subcommittees conducted meetings with departmental employees at each facility and region to gather their input about the needs of and direction for the department. The Opinion subcommittees also conducted employee surveys, client surveys and a survey of parents with young people at the Maine Youth Center.

Legislative Involvement. The department presented its data collection and analysis, research findings and survey results at two day long meetings of stakeholders. The stakeholders forums were organized and held in cooperation with the Criminal Justice Committee. A subcommittee of the Criminal Justice Committee, chaired by Representative Rich Thompson, identified all possible interested organizations and individuals to invite to participate in these meetings. The department's mission, guiding principles, goals and objectives were reviewed, revised and accepted by our stakeholders during these two day forums.

The results of the stakeholder forums were presented to the full Criminal Justice Committee in 1997 for their review and endorsement. In 1997, the department initiated a master planning process for correctional facilities improvement. This process included an Advisory Commission established by Executive Order to review the master plan for correctional facilities and make recommendations to the Governor. The Advisory Commission invited the Criminal Justice Committee to participate in their process. The recommendations of the Advisory Commission were presented to the Governor and the Criminal Justice Committee in 1998.

The department's strategic plan and performance measures were refined and revised in 2000 to reflect the recommendations of the Advisory Commission and to be consistent with changes in the state's performance budgeting process. The revised plan and performance measures were reviewed by the Criminal Justice Committee in March of 2000. Their suggestions, as well as the comments offered by the Bureau of the Budget and the State Plan Office have been incorporated in this departmental strategic plan.

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

II. Analysis of environment

A. External Assessment

Increasing Prison Population

The Maine adult prisoner population had been steadily declining from 1990 to 1996. Beginning in late 1996, the population began to rise and has continued to do so. This suggests the five year decline has ended and that a new period of growth has begun as a result of the 1995 "Truth in Sentencing" reform.

Declining At-Risk Population

One of the most significant factors contributing to a state's crime rate and thus the need for prisons is the size of the male population in the crime prone years -- 15 to 29. The only available data on age for Maine residents is for the 18-44 group. This population had remained stable in the early 1990s and is projected to decrease slightly between 1995 - 2010. Based on these projections, it is likely that the crime rate will remain stable and that arrests, court filings, and prison admissions will not increase.

Declining Crime Rates

Consistent with the demographic trends, the number of crimes reported to police has remained virtually unchanged.

Increasing Juvenile Arrests

Juvenile arrests increased dramatically during the 1990s and have only just begun to decline; juvenile violent crime arrests increased in more so during this time period, and have also declined in the recent years.

Declining Court Filings

The final decision point within the criminal justice system that affects prison admissions are court dispositions of individuals arrested and prosecuted. Superior Court filings have steadily declined since 1990; in a similar manner convictions have also declined.

Changes in Public Policy

Perhaps the most dramatic impact on juvenile and adult offender populations has been the result of changing public policy. State policy makers have passed a series of tough measures that call for specific and longer prison stays and longer and even mandatory periods of probation. Coupled with the "Truth in Sentencing" laws that reduce the amount of good time that can be given to prisoners, length of stay or time served in a state prison has increased.

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

B. Internal Assessment

In 1998, the department contracted with a national firm specializing in the assessment and planning for correctional facilities. The results of that assessment are as follows:

The Problems of Adult Prison Facilities

- ◆ High and Ever Increasing Costs
 - ❑ Too many small, poorly configured, staff intensive, inefficient facilities
 - ❑ Per diem costs and staff 2nd highest in US
 - ❑ \$72 per diem (43%>U.S.)
 - ❑ 55 staff/100 inmates (71%>U.S.)
- ◆ Inadequate Programs
 - ❑ Programming, work, treatment and other core functions understaffed, despite recent increases
- ◆ Substandard Facilities
 - ❑ Age and poor configuration of facilities contributes to inefficiencies and compromised effectiveness
 - ❑ Few facilities comply with majority of proposed standards
 - ❑ MSP should not be included in plans for system's future
- ◆ Insufficient Number of Beds to Meet Future Needs

The Problems of Juvenile Correctional Facilities

- ◆ The older structures at MYC are in deplorable condition, and should be closed
- ◆ MYC is under funded and understaffed compared with other states
- ◆ Programs at MYC are inadequate
 - ❑ Insufficient mental health, substance abuse, sex offender treatment
 - ❑ Counselors are supervising too many juveniles
- ◆ The need for detention beds is unclear due to shifting the responsibility from county to state

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

The Problems of Community Corrections

Adult Community Corrections

- ◆ There is insufficient pre-release preparation for adults in relation to monies expended to operate pre-release centers in Bangor and Augusta
- ◆ There is no pre-release preparation for high-risk offenders
- ◆ Expenditures on housing low-risk offenders nearing release are excessive considering the minimal preparation offered
- ◆ There are insufficient resources for probationers and released offenders
- ◆ There are insufficient options for responding to probation violators
- ◆ Probation caseloads are too high for effective case management and controls
- ◆ There is no departmental research capacity to evaluate existing and proposed programs

Juvenile Community Corrections

- ◆ No comprehensive risk/needs assessment instrument is used at key decision points regarding continued detention vs. community placement
- ◆ Significant gaps exist in services, including sex offender services, mental health services, family counseling, programs for girls, and behavior stabilization
- ◆ There are inadequate linkages among agencies serving juveniles
- ◆ Insufficient community-based options for responding to misbehavior by juveniles result in too many incarcerations for technical violations
- ◆ Pre-release preparation for incarcerated juveniles and linkages between institutional and field staff are both insufficient
- ◆ There is no system of coordinated services for juveniles in confinement and under community supervision
- ◆ Pre-adjudicated juveniles are detained too long and receive no programming
- ◆ There is no departmental research capacity to evaluate existing and proposed programs

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

III. Mission Statement and Guiding Principles

MISSION

The **mission** of the Department of Corrections is to hold the offender accountable to the victim and community and to prevent crime and reduce the likelihood of juvenile and adult offenders re-offending.

Implementation of the department's mission will be guided by six principles:

- **Risk management** involves our informed judgments of the relative risk that an offender presents. Our decisions will be based on the best available information and risk assessment practices and will address the nature of controls and the amount of supervision needed in individual cases to reduce the likelihood that an offender will offend again.
- **Restorative justice** challenges us to design and administer a system which places the needs of the victim and the harm done by the offending behavior at the center of the process by which we sanction and hold the offender accountable.
- **Risk-focused intervention** focuses our assessment practices and intervention actions on those risk factors that exist in the individual or his or her environment which if changed will reduce the likelihood that an offender will offend again.
- **Prevention** is our moral and professional obligation. We will promote, support and facilitate prevention activities by working with families and communities to address those factors which put children at risk and to protect children from those risks.
- **Applied research**, what we know works and doesn't work, will inform all our policies, the programs we develop and implement, and the decisions we make. We are committed on an ongoing basis to evaluating and measuring our programs' effectiveness.
- **Quality services** is our ongoing commitment and will only be achieved through clearly articulated goals and strategies informed by staff's experiences and research and supported by training.

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

IV. Goals, Objectives, Performance Measures and Strategies

A. Goals.

The department conducted its planning in two teams that addressed the needs of juvenile and adult offenders separately, yet the overarching goals for both teams were remarkably similar. The five goals presented are departmental goals; any necessary distinctions between juvenile and adult services are made at the objective or the strategy level. Therefore, for some goals, notably Goal B, there are different objectives or strategies that pertain exclusively to juvenile services or to adult services. In most cases, the objectives will pertain to both juvenile and adult.

B. Objectives and Outcomes.

Each goal is followed by an objective. These objectives are high level performance expectations. In most cases, we do not have the data to measure our performance at this level. These high level performance objectives are presented at the end of the strategic plan. Additionally, outcome measures are included for each objective. These outcome measures are additional ways to measure the objective they support, or they are refinements or breakdowns of the objective.

For example, reduced recidivism is the high level performance objective. If the department is doing its work well, then there should be a reduction in the recidivism rate -- the percentage of offenders who re-offend. But offenders may not be subject to all the different divisions of the department, therefore looking at the recidivism rate of particular types of offenders may contribute to a better understanding of how well we are doing. Therefore, outcome measures are presented for probationers and offenders released from institutions, sex offenders and offenders with mental illness.

C. Performance Measures

Performance measures are those activities, outcomes or events that demonstrate performance toward our objectives. Many of our performance measures are proxy measures. Proxy measures are activities or outcomes which research has demonstrated are effective in reaching the desired goals and objectives. For example, research suggests that the ability to hold a job is a significant factor in reducing the likelihood that an offender will re-offend. Therefore, proxy measures include the number or percentage of offenders in vocational training programs.

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

GOAL A: To measurably improve the well being of children in every Maine community.

Issue Statement: The Department of Corrections has a limited ability to prevent crime. The nature of our work is to deal with offenders after the crime has been committed. Yet, we do have expertise about the causes of crime that we can share. And we can support the efforts of communities, families and organizations in their attempts to reduce crime. Therefore, this goal directs us to link our resources with other agencies and organizations and to emphasize those areas that affect families and children -- particularly children at risk. State law also requires the department to develop prevention programs for juveniles.

JUVENILE OBJECTIVE

Objective A-1: To measurably reduce the number of children who engage in criminal activity.

Outcome Measure: % reduction in the number of children who are adjudicated of crimes

PROGRAM STRATEGY

Program Strategy: Justice - Planning, Projects & Statistics 0502

The Juvenile Justice Advisory Group (JJAG) develops and implements the annual state Comprehensive Juvenile Justice and Delinquency Prevention Plan (JJDP), monitors state compliance with the JJDP mandates, manages the annual federal JJDP Formula Grant, and advises the Governor and Legislature on juvenile justice issues.

Performance Measures:

	1999	Baseline	2000
1. Maintain the number of compliance visits for monitoring or provision of technical assistance	26		30□
2. Increase in the number of eligible applicants	5		5
3. Increase in the number of youth served	N/A		700
4. % of jails and lock-ups serving juveniles compliance with federal standards	26%		85%□

**DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000**

Supporting Strategies:

1. Promote, support and facilitate prevention activities by working with families and communities to address those factors which place children at risk in collaboration with the other agencies of the Children's Cabinet
2. Promote policy coordination and collaborative funding and programming among agencies and organizations serving juvenile offenders and youth at risk of offending.
3. Increase public and staff awareness about viable prevention methods

State agency linkages: Children's Cabinet which includes the Departments of Human Services, Mental Health Mental Retardation and Substance Abuse Services, Education, and Public Safety; and the Attorney General's Office.

<p>GOAL B: To ensure that Maine people and communities are protected from further criminal behavior from offenders who are under the department's jurisdiction.</p>
--

Issue Statement: This goal seeks to enhance community safety through improved risk management and risk focused intervention. Most offenders in Maine are released and return to the community. Based on crime statistics and applied research we can identify key areas or needs which if addressed can influence the behavior of offenders and thereby reduce their risk to the community. The key areas that the department has identified as priority interventions for this strategic plan are to increase community alternatives to incarceration for juvenile offenders, treatment and supervision programs for sex offenders, substance abuse, and mental health and educational and vocational programs intended to increase the likelihood of self-sufficiency.

JUVENILE OBJECTIVE

Objective B-1: To decrease the percentage of youth offenders who re-offend and are committed to the department's jurisdiction.

Outcome Measures:

- % reduction in recidivism of juveniles on probation

**DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000**

- % reduction in youth committed to the Maine Youth Center
- % reduction in recidivism of juveniles released from the Maine Youth Center
- % reduction in recidivism of all juvenile offenders
- % reduction in recidivism of sex offenders
- % reduction in offenders with mental illness returning to state correctional facilities

PROGRAM STRATEGIES

Program: Juvenile Community Corrections 0892

To provide effective supervision, individualized service plans and appropriate diversion for juvenile under the care of the Division of Juvenile Services in and near their community including contracted community services.

Performance Measures:

	<i>Baseline</i>	
	<i>1999</i>	<i>2000</i>
1. % of reduction in recidivism of all juvenile offenders	to be established	
2. % of juvenile offenders receiving mental health and/or substance abuse services as identified in a case plan	to be established	
3. Average caseload	65.4	56.2□

Program: Maine Youth Center 0163

To provide a facility for the detention, diagnostic evaluation and confinement of juvenile offenders and to create and provide them with opportunities for success through personal growth in a safe and secure environment.

Performance Measures:

	<i>Baseline</i>	
	<i>1999</i>	<i>2000</i>
1. Average daily occupancy rate	91%	92%
2. Number of escapes	13	12
3. % of residents receiving mental health and substance abuse treatment	N/A	24%
4. Number of injuries to staff and residents	25	20
5. Number of incidents of residents assaulting staff or other residents	11	9

**DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000**

Program: Northern Maine Juvenile Detention Facility 0857

To provide a facility for the detention, diagnostic evaluation and confinement of juveniles and to create and provide them with opportunities for success through personal growth in a safe and secure environment.

<u>Performance Measures:</u>	<i>Baseline</i>	
	<i>1999</i>	<i>2000</i>
1. Average daily occupancy rate	75%	75%
2. Number of escapes	0	0
3. % of residents receiving mental health and/or substance abuse treatment	30%	30%
4. Number of injuries to staff and residents	10/212	5/106
5. Number of incidents of residents assaulting staff or other residents	3/36	2/25

Supporting Strategies:

1. Establish common definitions, baseline data and annual reporting of outcome measures
2. Develop and administer an objective and standardized assessment of risk presented by each offender
3. Work with county sheriffs, county and municipal officials, the judiciary and prosecutors to develop a long term plan for juvenile detention
4. Develop and implement an integrated case management system in collaboration with other service providers
6. Develop and promote diverse intervention strategies in close proximity to the youth's community and family to achieve pro-social behavior by juvenile offenders
7. Identify and provide the level of supervision and security needed to protect the community from further criminal behavior by juvenile offenders.
8. Develop and implement the Core Program at the Maine Youth Center

**DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000**

9. Provide educational programs and training opportunities for institutionalized juveniles

10. Develop a reintegration plan and promote diverse strategies for juvenile offenders released from the Youth Center in close proximity to their community and family

ADULT OBJECTIVE

Objective B-2: To reduce the rate of recidivism of adult offenders who have been released from the department's supervision.

Outcome Measures:

- % of adult probationers who re-offend and are committed to correctional facilities
- % of offenders released from state correctional institutions who do not re-offend within 5 years
- % of supervised offenders holding full time jobs within one year of release
- % reduction in the rate of recommitment of offenders who had participated in the department's drug or alcohol programs
- % increase in volunteer hours
- % reduction in recidivism of sex offenders
- % reduction in offenders with mental illness returning to state correctional facilities

PROGRAM STRATEGIES

Program: Adult Community Corrections 0124

To administer probation and other community corrections services such as Supervised Community Confinement, Interstate Compact, sex offender management, and parole services within the State.

Performance Measures:

	<i>1999</i>	<i>Baseline</i>	<i>2000</i>
1. Number of high risk offenders under supervision	1480		1250
2. % of high risk offenders who receive home contact	45%		50%
3. % of referrals to community service providers who successfully complete their program	N/A		30%
4. Average number of cases per P&P officer	150		150

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

Program: State Parole Board 0123

To oversee the state's parole process for the reintegration of selected inmates into the community prior to the expiration of their sentences. Cases heard are for those sentenced prior to May 1976.

<u>Performance Measures:</u>	<i>1999</i>	<i>Baseline</i>	<i>2000</i>
1. Number of parolees currently incarcerated	12		12
2. Number of cases reviewed per year	2		5

Program: Maine State Prison 0144

To provide public safety to Maine citizens by confining the State's highest security and most dangerous offenders and providing them with education, treatment and work opportunities.

<u>Performance Measures:</u>	<i>1,999</i>	<i>Baseline</i>	<i>2,000</i>
1. Average daily occupancy rate			108%
2. % of prisoners participating in educational, vocational and industries programs	80.4%		
3. % of prisoners with mental health needs who are served by MSP/MHSU	To be established		
4. Number of hours of community service by prisoners	26,014		26,014
5. # of prisoner work hours created by the farm program			23,040

Program: Maine Correctional Center 0162

To confine and rehabilitate persons, male and female, lawfully in the custody of the Department and to provide them with education, treatment and work opportunities.

<u>Performance Measures:</u>	<i>1999</i>	<i>Baseline</i>	<i>2000</i>
1. Average daily occupancy rate	131%		127%
2. Number of prisoners processed through reception unit	632		681
3. Number of hours of community service by prisoners	21,733		36,260□

**DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000**

4. Percentage of offenders participating in education, vocational and industries program	31.03%	29%
5. % of eligible prisoners receiving therapeutic community substance abuse services		100%

Program: Maine Correctional Center Farm Program 0521

To create a worthwhile work program that will also realize cost benefits to the correctional facility

<u>Performance Measures:</u>	Baseline	
	1999	2000
1. Number of work hours created by the farm program	1,500	1,500□
2. Revenues generated as a percentage of total program budget	100%	100%

Program: Downeast Correctional Facility 0542

Provides for the public safety of Maine citizens by providing prisoner care, custody, vocational and treatment programming and community service opportunities.

<u>Performance Measures:</u>	Baseline	
	1999	2000
1. Average daily occupancy rate	158%	167%
2. Percentage of prisoners who participate in Rehab & Treatment	19.7%	19.7%
3. % of prisoners who participate in educational, vocational and industries programs	39.5%	39.5%
4. % of prisoners holding job assignments that support the operations of the facility	40.5%	40.5%
5. Number of hours community service performed by prisoners	21,179	25,415□

**DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000**

Program: Charleston Correctional Center 0400

Provides for the confinement and rehabilitation of prisoners who are classified as minimum security in order to prepare them for community supervision

<u>Performance Measures:</u>	<i>1999</i>	<i>Baseline</i>	<i>2000</i>
1. Average daily occupancy rate	96%		96%
2. Percentage of offenders participating in education, vocational and industries programs□	40%		40%
3. Number of hours of community service and public restitution hours performed by prisoners	33,649		34,000
4. Satisfaction of those for whom community service is provided with the quality/quantity of work performed	100%		100%

Program: Central Maine Pre Release Center 0392

Provides structure, supervision and security to prisoners for a transition from incarceration to release and Phase II of the Therapeutic Community for Substance Abuse Treatment.

<u>Performance Measures:</u>	<i>1999</i>	<i>Baseline</i>	<i>2000</i>
1. Average daily occupancy rate	120%		107%
2. Percentage of prisoners participating in education, vocational and community service programs			90%
3. % of prisoners who complete the substance abuse transitional program			50%

Supporting Strategies:

Community Corrections

1. Establish common definitions, baseline data and annual reporting of outcome measures
2. Develop and administer a process and program for assessing the risk presented by each offender and provide appropriate supervision and programming

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

3. Develop and administer an integrated case management system
4. Provide offenders with an appropriate level of supervision within the community commensurate with their risk
5. Identify and promote adequate community programs and resources to support the needs of offenders within the community including treatment for substance abuse
6. Provide offenders with an appropriate level of supervision within the community commensurate with their risk and opportunities to transaction to the community
7. Develop a reintegration plan and promote diverse strategies in close proximity to the offender's community and family
8. Develop a process for notifying the community upon the release of a sex offender

Adult Correctional Facilities

1. Require educational programs for those institutionalized offenders without high school diplomas
2. Provide vocational training at medium and minimum institutions
3. Provide industries programs at all institutions
4. Expand work release opportunities
5. Working with the Department of Labor provide job placement services for released offenders.
6. Develop an in-residence therapeutic community treatment program for institutionalized offenders
7. Working with the Office of Substance Abuse, develop a continuum of services including institutional, outpatient and transitional programming and relapse prevention for released substance abusers
8. Establish and administer mental health stabilization services within adult correctional facilities
9. Increase treatment within the community

**DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000**

- 10. Expand volunteer programs at all correctional facilities
- 11. Increase the availability of clergy and religious programs to incarcerated offenders
- 12. Link release of offenders with mental health illness with intensive case management services of Dept. of Mental Health, Mental Retardation and Substance Abuse

State agency linkages: Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Labor, Maine Technical Colleges, Department of Education

GOAL C: To ensure that offenders are accountable to both their victims and the communities in which they offend and that communities are full partners and share responsibility for how offenders are held accountable

Issue Statement: Restorative justice, one of department's six principles, challenges us to design and administer a system that places the needs of the victim and the harm done by the offending behavior at the center of the process by which we sanction and hold the offender accountable. The standards and norms established at the community level and enforced there through formal and informal processes will have the greatest effect on crime and its prevention. This goal recognizes the role of communities in maintaining society's norms and also recognizes the department's role in assisting and supporting communities in this endeavor.

Objective C-1: To increase the number of victims who are satisfied with their participation in the process of holding their offenders accountable.

Outcome Measures:

- Rate of victim satisfaction with their participation in the process
- % restitution collected of total due
- % increase in community service hours
- % increase in volunteer hours

Performance Measures:

	<i>Baseline</i>	<i>1999-00</i>	<i>2000-01</i>
1. Victim satisfaction	65%	65%	65%

**DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000**

Supporting Strategies:

1. Create a department level focus on victims of crime issues
2. Provide opportunities for victims to participate in the process of holding nonviolent offenders accountable and of acknowledging the impact of their crime
3. Increase the percentage of restitution collected and returned to victims.

State Agency Linkages: Department of Human Services, Attorney General's Office, Judiciary, Department of Financial and Administrative Services, and State Treasurer

Objective C.2: To decrease the number of low to medium risk offenders who re-offend within one year after having participated in a process that involves the community,

Outcome Measures:

- % of nonviolent offenders who do not re-offend within one year of their participation

PROGRAM STRATEGY

Program: County Jail Prisoner Support and Community Corrections 0888

To provide state funding for a portion of the counties' costs of the support of prisoners detained or sentenced to county jails and for community corrections programs for juveniles or adults which means the delivery of correctional services in the least restrictive manner that ensures the public safety by the county or under contract with a public or private entity.

Performance Measures:

	<i>1999</i>	<i>Baseline</i>	<i>2000</i>
1. Average daily county jail occupancy - adult males (calendar year)	1,116		N/A
2. Average daily county jail occupancy - adult females (calendar year)	109		N/A

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

Supporting Strategies:

1. Work with communities, the Judiciary and prosecutors to design and establish a program of community reparation boards for sanctioning nonviolent adult offenders
2. Establish a program of community and/or family group conferencing for juvenile offenders
3. Develop collaborative working agreements and relationships with local community officials, including state police, sheriffs and local police engaged in community policing
4. Increase the hours and options for community service

State Agency Linkages: Department of Public Safety, Attorney General's Office, and Judiciary.

<p>GOAL D: To Ensure a correctional environment in which employees and offenders are safe</p>
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Issue Statement: The department's ability to assure the safety of its employees, the offenders within our facilities and the countless volunteers, families, friends and others who access our facilities or programs is dependent on secure facilities and well supervised programs, well maintained and operated facilities, and an accurate assessment of the number of offenders, their offenses and supervision needs.

Objective D.1: To decrease the percentage of incidents requiring legal or medical attention which involve employee or offender safety

Outcome Measure: % reduction in incidents requiring medical treatment involving employee or offender safety

**DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000**

PROGRAM STRATEGIES

Program: Correctional Program Improvement 0286

To fund exceptional medical and other health and treatment related costs of offenders under the department's custody.

Performance Measures:

	<i>1999</i>	<i>Baseline</i>	<i>2000</i>
1. # of exceptional medical cases not eligible under other reimbursement programs	1		1

Program: Office of Advocacy -- Corrections 0684

To receive requests and complaints from prisoners and clients located in any institution or facility operated by the department or under contract by the department.

Performance Measures:

	<i>1999</i>	<i>Baseline</i>	<i>2000</i>
1. Number of contacts with incarcerated adult prisoners and detained/adjudicated juveniles regarding rights	379		379
2. Number of contacts with incarcerated adult prisoners and detained/adjudicated juveniles regarding policy and procedural issues	527		527
3 Number of contacts with incarcerated adult prisoners and detained/adjudicated juveniles regarding legal access to the courts, officers of the courts, or court procedures	618		618□
4. % of contacts with juvenile offenders that are resolved within 60 days	N/A		78%
5. % of contacts with adult offenders that are resolved within 60 days	N/A		72%

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

Supporting Strategies:

1. Develop, administer and evaluate an objective assessment of risk for institutionalized offenders
2. Provide comprehensive safety training for all employees
3. Develop key indicator system to assure a safer work and living environment for all employees and offenders
4. Develop legislation authorizing the transfer to adult facilities of juvenile offender whose behavior is no longer manageable in the juvenile facility
5. Reduce idleness of institutionalized offenders by providing program, treatment, and recreational opportunities

Objective D.2: All offenders under the department's jurisdiction will be securely and appropriately housed by risk classification and all facilities will be appropriately staffed and secure.

Outcome Measure: Percentage of offenders that are housed in compliance with the rated capacity of the facility by risk classification

PROGRAM STRATEGIES

Program: Capital Construction/Repairs/Improvements 0432

Provides funding to assist in the construction of two new juvenile facilities

Performance Measures:

	1999	Baseline	2000
1. % of violent adult offenders serving at least 85% of their sentence	85%		85%

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

Program: Department wide - Overtime 0032

To provide a flexible measure for supporting the costs of overtime in the department's correctional facilities.

Performance Measures:

	<i>Baseline</i>	
	<i>1999</i>	<i>2000</i>
1. # of unscheduled unbudgeted hours	131,204	131,000

Supporting Strategies:

1. Develop a population projection capacity to determine future program and space needs
2. Conduct a capital planning process to evaluate the conditions of existing adult and juvenile facilities and long term facility needs
3. Provide and maintain secure facilities
4. Evaluate and recommend improvements to reception, orientation, diagnostic, and evaluation services system wide
5. Provide adequate facilities for the female offender population
6. Provide adequate facilities for the elderly offender population

State Agency Linkages: Departments of Financial and Administrative Services, Mental Health, Mental Retardation, and Substance Abuse Services, and Human Services

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

GOAL E: To become leaders in the delivery of effective and accountable programs and services

Issue Statement: The Department of Corrections responds to many publics, including our funders, providers and users of services. It is essential that the department insure the highest level of professionalism and, to this end, we are committed on a ongoing basis to researching and evaluating our programs and services, and to supporting our staff and providers in their efforts to meet our goals.

Objective E-1: To support our staff and provide the direction, resources and information to assist them in their effort to meet our goals

Outcome Measures:

- 100% of programs have identified evaluation component
- 60% of department's business functions are automated
- increase research/evaluation funding from outside sources by 10%
- accredited correctional facilities and Central Office

PROGRAM STRATEGY

Program: Administration - Corrections 0141

Provides direction and general administrative supervision, guidance and planning of adult and juvenile correctional facilities and programs within the State.

Performance Measures:

	<i>Baseline</i>	
	<i>1999</i>	<i>2000</i>
1. Average compliance rate of local facilities with established standards	62%	85%
2. Number of hours of user lost productivity as percentage of total users	To be established	
3. % restitution owed and collected that is distributed to victims	To be established	
4. % of victims satisfied with the process of notification of release	65%	85%

DEPARTMENT OF CORRECTIONS
STRATEGIC PLAN
December 1, 2000

Supporting Strategies:

1. Review and revise existing programs and policies to assure the appropriate linkage with current applied research
 2. Develop and improve management information systems which allow for performance measurement and evaluation of departmental programs; interfaces with other criminal justice agencies; support users in managing their work; and provide for informed management of correctional programs
 3. Develop and conduct survey research sufficient to identify issues and concerns that other affected agencies, providers and constituencies have with the department's operation
 4. Review federal funding opportunities and draft proposals, where applicable.
 5. Review existing philanthropic funding from foundations and opportunities for business and corporate support and draft proposals where applicable
 6. Develop research with other agencies on the effects of alcohol and drug abuse and domestic violence on crime
-



IV. PROGRAM DESCRIPTIONS

The department is organized into four major functional divisions:

- A. Departmentwide services – Administration
- B. Division of Juvenile Services;
- C. Division of Adult Community Corrections;
- D. Adult Correctional Institutions.

A. DEPARTMENTWIDE SERVICES

1. ADMINISTRATION – CORRECTIONS (03A)

The department's administrative functions include the following:

- Executive leadership
 - Budget and financial services
 - Human resources
 - Legislative affairs
 - Accreditation, audit and investigations
 - Adult classification coordination
 - Information services and technology management
 - Policy development and implementation
 - Public relations
- a. **Executive leadership.** The Commissioner, Associate Commissioners and Directors provide executive leadership and management for the entire department.
- Central administrative and support functions, coordination of departmentwide initiatives, legislative affairs, public relations and policy development are overseen by the Commissioner or Associate Commissioner for Legislative and Program Services;
 - Division of Juvenile Services, administered by the Associate Commissioner for Juvenile Services is responsible for providing institutional and community correctional services under Maine laws and in accordance with applicable court laws;
 - Division of Adult Community Corrections, administered by the Associate Commissioner for Adult Community Corrections, is responsible for providing community supervision and intervention to adult probationers, parolees, and prisoners on supervised community confinement; and
 - Adult Correctional Institutions that report directly to the Commissioner are responsible for the incarcerated adult prisoner population.

- b. Budget and financial services.** Overall management of the department's resources are coordinated from the Department's Central Office including:
- Budget preparation, allocating work programs and monitoring quarterly allotments and expenditures as well as projecting future fiscal needs.
 - All Legislative review on proposed legislation is reviewed for any fiscal impact to either the Department or to County Jails by this division.
 - Coordination of department-wide contracts is initiated in this division such as facility fire suppression, inmate banking and mechanical contracts.
 - Payment of medical and mental health services for all adult and juvenile offenders are coordinated through this division along with providing assistance in writing proposals and contracts for these services.
 - The Central Office Finance Division also directly monitors contracts and processes expenditures for all of agency 03A which includes Adult and Juvenile Community Corrections, Administration, Correctional Medical Services, JJAG, JAIBG and Advocacy services.
 - This division coordinates all leased space for community corrections.
 - Collections of all victims' restitution and supervision fees are done in the Central Office Finance Division and posted to offenders' accounts. Check approval is given for all victim restitution through this division.
 - All items purchased from agency 03A are done by this division using the Purchasing guidelines.
 - Telecommunications assistance is administered for the equipment in Augusta.

c. Human resources. The centralized Department of Corrections Division of Human Resources and Labor Relations is responsible for a full range of personnel and employee relations functions and Affirmative Action/Equal Employment Opportunity programs and services. The Division is responsible for coordinating and monitoring statewide Departmental activities in such areas as classification, compensation, recruitment, personnel policies, Workers Compensation, grievances, personnel and payroll transactions and EEO and Harassment trainings.

There are seven (7) separate facilities statewide and because they are spread throughout the State, personnel officers and staff are located within the facility and are responsible for the day-to-day operations and personnel functions of the individual facilities.

Human resource goals include:

- Identifying strategic partnerships between and among other state agencies and the private sector that can address the issues that face Human Resource Personnel
- Determining what collaborative actions/initiatives could be taken to have a positive impact on the Department
- Developing and establishing the collection, management and analysis of data in Human Resources and Labor Relations activities

d. Legislative affairs. The department's central office develops the department's legislative proposals, coordinates testimony or official comment on any pending legislation, and maintains an open and positive relationship with the Legislature, leadership and legislative committees.

e. County Jail Inspections and Compliance Programs, Accreditation, and Correctional Investigations.

- **Inspections and Compliance Programs** The department has the statutory responsibility to establish, inspect, and enforce standards for county jails, municipal holding facilities, juvenile detention areas, correctional community residential, and electronic monitoring. These standards are based on established and emerging professional practices and case law requirements. Additionally the department provides technical assistance to all entities in establishing and maintaining compliance programs. The department's standards program has resulted in substantial improvement in a county jail system that was threatened by a class action suite filed against all jails. Since its implementation, compliance levels in jail facilities have increased from 57% to an average compliance level of 96%. During the same period, more than \$180,000,000 in new jail construction and renovations have been completed with an increase in statewide jail capacity from 620 to 1580 inmates.
- **Accreditation of State Correctional Facilities and Programs** The department has statutory responsibility for pursuing American Corrections Association accreditation in all state correctional facilities and programs was a target date of January 2005. To date the department has implemented an aggressive accreditation program to have most adult and all juvenile facilities accredited by January 2005.
- **Correctional Investigation** The department has statutory responsibility to conduct investigations of alleged wrong doing by staff in the work place, criminal activity of prisoners in the departments' custody, allegations of abuse of juvenile offenders in custody and the death of offenders in state and county jails facilities to determine compliance with required correctional practices. All investigations are conducted pursuant to protocols established with the Attorney Generals Office. The Attorney General, Department of Human Services and the Department of Public Safety review all investigations conducted by the department of alleged abuse of juvenile offenders. Correctional Investigators in the department are required to be trained and certified by the Maine Criminal Justice Academy and Board of Trustees.

f. Adult classification coordination. This Department's Central Office position is responsible for all prisoner transfer movements and placements including special units such as: Infirmery, High Risk Management, Mental Health Unit, and Residential Correctional Academy. The position reviews and approves all Interstate Compact Transfers between the Maine Department of Corrections and other States and the Federal Bureau of Prisons and reviews, authorizes, and approves all requests from County Jails for transferring a County prisoner to a State facility for security risk management reasons. The position is responsible to ensure that all MDOC facilities are in compliance with the following Department Policy and Procedures:

- Unit Management related to classification, furloughs, work release, supervised community confinement, and good time
- Management of good time
- Transitional release plans for prisoners and automated records management in every aspect of the prisoner's Individual Case Plan
- Oversees the record management practices of each facility and assures that all Unit Management and Administrative Records (electronic and hard copy) are properly accounted for, and archived in accordance with the Department's Policy and Procedures
- Maintains the Supervised Community Confinement Database and responds to inquiries pertaining to the Supervised Community Confinement Program for the Associate Commissioner of Corrections – Adult Community Corrections

g. Information services and technology management. The department's Agency Technology Officer and the information services team are responsible for all technology related activities including information systems development and modification, information technology infrastructure development, equipment acquisition. The information services team is also responsible for evaluating and approving technology investments including telecommunications programs, radio and other communications systems. The technology division provides user support, data reporting and analysis develops the IT Plan and Budget, assures the department's compliance with State IT Security Policy, and is responsible for disaster recovery and security systems. Projects underway include the following:

- second and third year development of CORIS, the department's web based information management system;
- radios and FCC Licensing;
- Firewall Implementation (Inmate Access and CORIS Security);
- Automated Fingerprint Information System integration with the Dept. of Public Safety;
- Population Projection Development;
- Web access – homepage, intranet
- Integrating the LSI with CORIS; and
- Prisoner phone system RFP

h. Clinical services. The delivery of medical, mental health, and other treatment related services are overseen by the department's clinical services team. All medical services, contracts for mental health, substance abuse and sex offender treatment in the state's adult correctional facilities are managed by the clinical services team. The team also provides consultative assistance to providers of services within the department and coordinates the delivery of services and transfer of clients both within the department and with other state agencies.

i. Policy development and implementation. The department promulgates policies and procedures, which are kept current with changing laws, to establish and maintain uniform and professional practices in the daily administration and operation of the adult and juvenile correctional facilities, community corrections and Central Office.

Crucial to the establishment of policies and procedures is the input received from correctional administrators, line staff and subject matter experts within the department.

Policies and procedures are distributed for implementation by Central Office via a recently developed intranet website. Policy and procedure manuals are maintained by each facility, community corrections region and Central Office. Policy, procedures and practices are reviewed and audited annually to ensure continuing compliance.

The Department's desire to obtain accreditation by the American Correctional Association required review and revision of Departmental policies and procedures to ensure compliance with ACA standards. Some revisions to current policies and procedures remain in draft form at this time. In those cases, current policy remains in effect.

Below is an overview of progress made to date:

Policies & Procedures with Department-wide applicability:

TOTAL: 101 policies
54 Distributed & Implemented

Policies & Procedures – applicable to Adult Correctional Facilities

TOTAL: 124 policies
104 Distributed & Implemented

Policies & Procedures – applicable to Juvenile Correctional Facilities

TOTAL: 102 policies
95 Distributed & Implemented

h. Public relations. The department's central office provides all official comment to the media on issues pertaining to corrections, responds to Freedom of Information Act requests, develops press releases, coordinates press events, and maintains an ongoing dialogue with the media.

2. OFFICE OF ADVOCACY – CORRECTIONS (03A)

The Office of Advocacy is established within the department to investigate the claims and grievances of clients, to investigate, in conjunction with the Department of Human Services, as appropriate, allegations of adult and child abuse or neglect in correctional facilities and detention facilities and to advocate for compliance by the department, any correctional facility, any detention facility or any contract agency with all laws, administrative rules and institutional and other policies relating to the rights and dignity of clients.

The Office of Advocacy acts to protect the rights of all persons who are lawfully housed or detained within any of our facilities. This office continues to review complaints from prisoners, and juveniles that are being held in detention or have been adjudicated and their families and loved ones regarding policies, procedures and practices within our correctional facilities. The Office of Advocacy has taken an active role in the development of improved policies and procedures for handling prisoner and resident grievances.

The addition of a second juvenile facility and the increase in prisoners and residents has strained the resources of the Office of Advocacy. Added to the increased numbers of clients, is the complexity of needs presented by clients today. Many of the department's clients have mental illness, addiction, or other behavioral issues. In order to address the increasing and changing needs for advocacy services, additional resources and/or innovative approaches will need to be identified. The Office of Advocacy is working to provide access to civil legal services for both adult and juvenile housed in our facilities through a partnership with the University of Maine Law School, Cumberland Legal Aid Clinic and the Maine Bar Foundation. The Cumberland Legal Aid Clinic reported that they had 192 client contacts from both adult and juvenile facilities that fell within the scope of the contract and for which they were able to provide legal services last year, which was the first year of this collaboration. There were 40 additional requests that were submitted and reviewed and found to be out of the scope of the contract which were not addressed by the students. The Department may be able to provide additional access to prisoners via a telecommunications network and additional equipment so as to increase the ability of face-to-face meetings with clients this year.

3. OFFICE OF VICTIM SERVICES - CORRECTIONS (03A)

The Office of Victim Services is established within the department to advocate for compliance by the department, any correctional facility, any detention facility, community corrections or any contract agency with all laws, administrative rules and institutional and other policies relating to the rights and dignity of victims. The Office will assist victims with requests for notification of release, protection from harassment by persons in custody, and restitution, victim compensation and other benefits of restorative justice.

Tel. (800) 968-6909 or (207) 287-4385 Fax (207)-4730

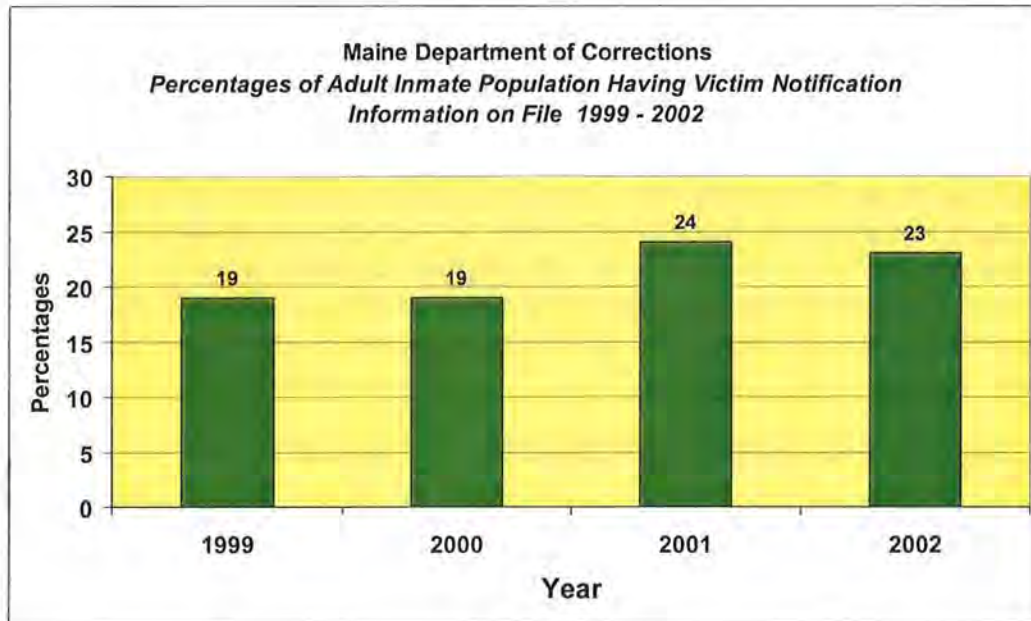
The Office of Victim Services is responsible for the provision of services to victims of crime whose offenders are in the custody of or under the supervision of the Department of Corrections. A person who is the victim of a crime is entitled to certain basic rights: to be treated with dignity and respect; to be free from intimidation; to be assisted by criminal justice agencies and to be informed about the criminal justice system. The Office of Victim Services enforces rights of victims served by the Department of Corrections.

SERVICES PROVIDED:

Victim Notification (Title 17-A Sec. 1175)

- The Victim Notification law applies to victims of class A, B, or C Crimes and stalking.
- A victim who wishes to receive notification may file a request with the office of the prosecuting attorney.
- A victim's request is kept confidential.
- The victim will be notified PRIOR to work release, furlough, or release from confinement, including from a mental health facility.

Based on a recent survey of victims whose offenders had been released within the past year, 85% of victims said their notification arrived reasonably in advance of the release. However, only 23% of offenders have a notification on file.



Victim Information

A toll free number (1-800-968-6909) has been established by the Department of Corrections for victims of crimes. Information that can be accessed through the lines is:

- Sentencing information
- Place of confinement; and
- Anticipated date of release.

Victim Advisory Group

A Committee comprised of victim service providers and State agencies to assist in defining and implementing programs and policies within the Department of Corrections.

Victim Impact Statement

Victim impact statements are obtained by the Victim Advocates when a prisoner is being considered for, supervised community confinement or the Re-Entry program. The statements include: a safety plan including no contact requests and requests for geographic restrictions; financial information for restitution and emotional and psychological impact of the offense. The contact from the Victim Advocate provides an opportunity to update the victim on the offender's status and offer the victim notification of the offender's release. The direct contact by the Victim Advocates resulted in 22% of the notification requests received last year.

Harassment

Victim Services can provide assistance in cases of harassment if a person in the custody or under the supervision of the Department of Corrections engages in any course of conduct with the intent to harass, torment or threaten another person. There is a policy in place to allow probation and corrections officers to serve harassment notices, the violation of which could result in new criminal charges as well as disciplinary action concerning prisoners.

Restitution

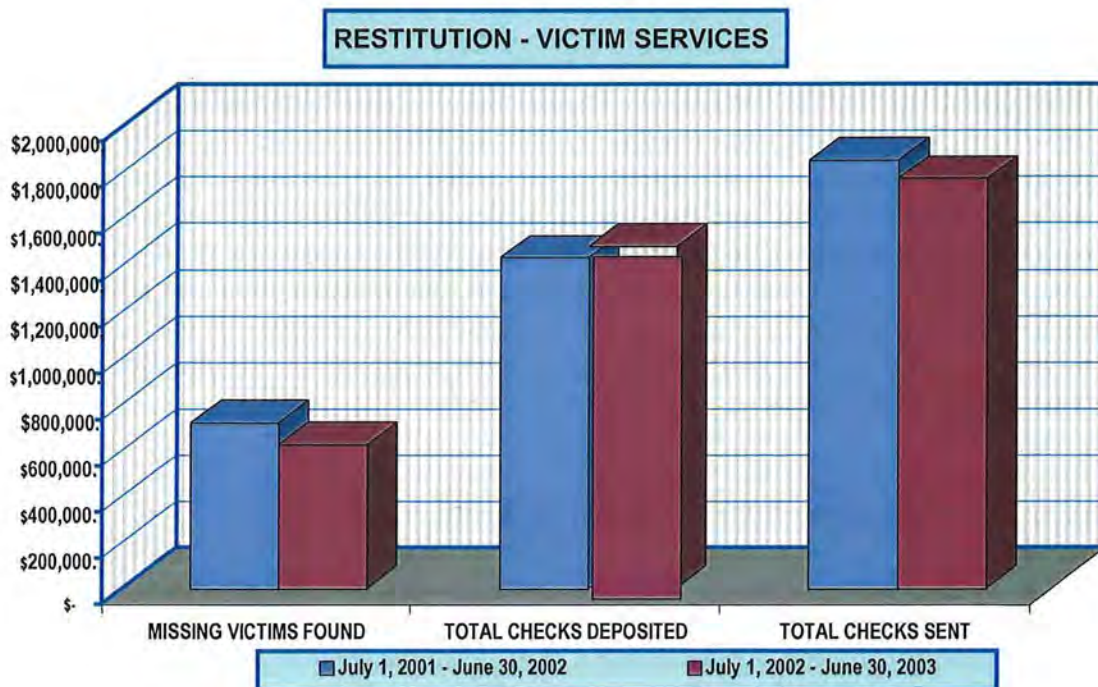
Restitution is the monetary, work, or any combination of service or monetary reimbursement by an offender to authorized claimants as ordered by a court.

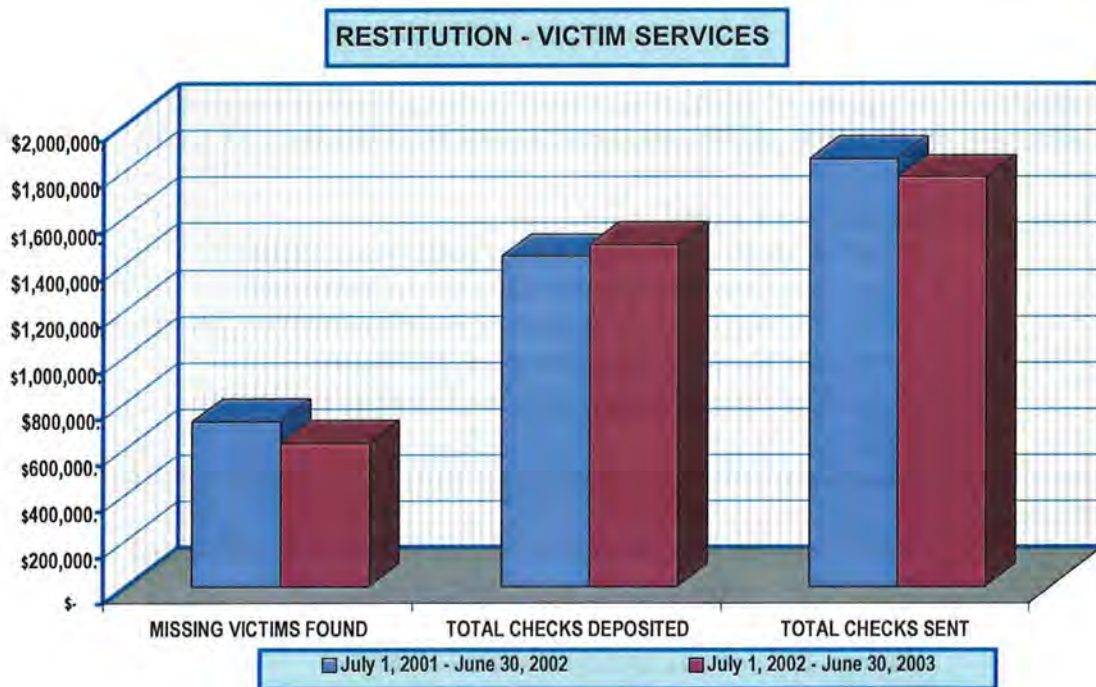
Who is authorized to make a claim?

- A victim or a dependent of a deceased victim;
- The County where the offense was prosecuted;
- The person, firm organization, corporation or government entity that has provided recovery to the victim.
- The person legally acting on behalf of the victim.

There are two types of restitution payments for prisoners with a court order to pay restitution:

- Work Program – out of money that the prisoners receive from working, 25% of their gross weekly wage is withheld;
- Other sources – out of money that the prisoners receive from whatever sources, 25% of that money is withheld; and
- Offenders on probation pay a specified amount on a set schedule to their supervising probation officer.





Batterers Intervention Programs (see Attachments for program report)

The Department of Corrections has the responsibility of certifying and monitoring Batterer Intervention Programs. Currently, there are fifteen certified Batterer Intervention Programs (BIP) statewide. It is estimated that 90% of the referrals to the state's fifteen BIP programs are from the judicial system. The batterer intervention and the criminal justice system are becoming increasingly intertwined. In Maine, requiring batterers to attend intervention programs as a condition of probation is fast becoming the primary response by the judicial system. At present, there are three theoretical models of intervention practiced by the fifteen BIPs in Maine: Volunteer Counseling Services (VCS), Duluth and Emerge.

Restorative Justice (see Attachments for program report)

The Office of Victim Services provides training and technical assistance for Community resolution teams and Community Reparation Boards. Impact of Crime classes for offenders are offered at the institutions on a rotating basis. The Behavioral Health Institute recently received a grant to begin to evaluate the Impact program for effectiveness. Victim/offender dialogue is available for victims who request that service.

The Office of Victim Services consists of the Coordinator and two Victim Advocates. One of the advocate positions receives federal funding which will run out in

June of 2005. The loss of that position will seriously impact the services provided to victims.

The department has identified the need to evaluate the effectiveness of batterers' intervention programs. Several efforts to secure grant or foundation funding for such an evaluation have been unsuccessful. As the courts to use this sentencing alternative, it is increasingly more important to assure that this alternative is effective.

4. CORRECTIONAL MEDICAL SERVICES FUND – CORRECTIONS (03A)

The Correctional Medical Services Fund was established to provide the means for the development, expansion, improvement and support of correctional medical services. State funds appropriated to this special account that are unexpended at the end of the fiscal year for which the funds are appropriated do not lapse, but must carry forward into subsequent fiscal years to be expended for the purpose for which the fund was established.

a. Changes in prisoners' health care needs. Prisons have a large and concentrated population of individuals at high risk for disease. A recent national study looked at the prevalence of communicable disease, chronic disease and mental illness among the prisoner population.

According to the study commissioned by the National Institute of Justice:

A highly disproportionate number of prisoners suffer from infectious disease compared to the general population.

- The prevalence of AIDS is five times higher among prisoners;
- Between 12-15% of all persons with chronic or current Hepatitis B in 1996 infection spent time in prison that year;
- Between 29-32% of persons infected with hepatitis C in 1996 served time in prison in that year;
- Of all persons with active TB in 1996, 35% served time in prison that year.

Chronic disease prevalence is also higher among the prisoner population.

- Prevalence rates for asthma are higher among prisoners;
- the prevalence of diabetes is estimated at 5%;
- more than 18% of prisoners have hypertension.

Finally, the prevalence of mental illness is higher as well. The estimated prevalence rate among state prisoners nationally is estimated as follows:

- 2-4% have schizophrenia or another psychotic disorder
- 13-19% have major depression
- 2-5% have bipolar disorder
- 8-14% have dysthymia
- 22-30% have an anxiety disorder
- 6-12% have post-traumatic stress disorder

Source: The Health Care of Soon-To-Be-Released Inmates: A Report to Congress; National Commission on Health Care; 2002

b. Infectious disease. Most prisoners are released to the community. The potential that ex-offenders may be contributing to the spread of infectious disease in the community is of increasing concern at the national level. In Maine, recent data suggested that the prevalence of Hep C infection among the state prison population was approximately 11%. This prevalence rate is considered to be lower than the actual rate since the state does not have mandatory testing policies. The department initiated treatment for Hepatitis C in November of 2003. There are 9 prisoners undergoing treatment as of January 1, 2004. The cost of treatment is estimated to be \$26,000 per prisoner treated.

c. Chronic care. The number of prisoners with chronic conditions has increased with a corresponding increase in the use of hospitalization and off site specialists. A comparative review of utilization data reveals that the use of off site specialists in 2003 increased by nearly 100% compared to the same time period in 2002. The prison population presents extremely challenging health care needs since many prisoners have not had adequate primary care prior to incarceration, over 80% have some level of substance addiction, many smoked prior to incarceration.

d. Mental illness. The number of prisoners with mental illness has increased. According to a national study, Maine has the fourth highest rate of prisoners receiving mental health counseling (one in four) and the fifth highest rate of prisoners receiving psychotropic medications (one in five). The demands for mental health and psychiatric services have resulted in an increase in the costs of pharmacy. Maine's prisoner population compared to other states has a higher incidence of prescription medications including psychotropic medications.

Psychiatric services have increased in the past two years:

▪ Maine State Prison	40 hours/week
▪ Maine Correctional Center	55 hours/week
▪ Mountain View Youth Development Center	28 hours/week
▪ Long Creek Youth Development Center	26 hours/week

The demand for services has taxed the department's resources. The costs of pharmacy have increased by more than 50% in three years. The challenges to providing appropriate medical and mental health services are:

- An increasing prisoner population
- Costs of health care are growing at unprecedented rates and are of national concern, and
- The health care needs of prisoners and residents are much greater than the general population.

The most significant challenge to providing quality medical and mental health services is the escalating costs of health care and our ability to support the funding for existing services.

Initiatives underway to address the rising costs of health care and to improve health care services are as follows:

- **Psychiatric Services.** The department and the Department of Behavioral and Developmental Services are exploring a closer relationship for the provision of consultation services within correctional facilities.
- **Pharmacy.** Both departments are exploring the joint purchasing of medications in an effort to reduce our costs for pharmacy and to provide for an expanded formulary. The department is pursuing other alternatives to purchasing medications at lower prices and is part of the Public Purchasing subcommittee of the Dirigo Health initiative.
- **Medical Services.** The department contracted with a new provider for health services that are consistent with the revised medical and mental health policies and procedures. Our contracted provider is working with the department to meet accreditation standards.

In the short term, the department must aggressively pursue the following strategies to manage health care costs:

- The application of telemedicine in health care delivery (including psychiatric services to small facilities); and
- Enrolling prisoners and residents in Maine Care to assure access upon release and to reduce the costs of hospitalizations.
- Implementation of LD 1828 limiting the reimbursement rate paid to medical providers to the MaineCare rate for services provided outside the correctional facility.

The department's medical services and mental health programs for adult prisoners were under close scrutiny by a coalition of legal advocacy groups and were the subject of a recent legislative study. While the department has improved its treatment programs over the past several years, some of these improvements are based on federal funds or one-time savings.

5. OVERTIME – CORRECTIONS (03A)

In 1996, the Departmentwide Overtime account was established for the purpose of paying overtime expenses. At the same time, the Department was received legislative authority (most recently in PL 1999, chapter 401, section J-7) to allow the department to transfer, by Financial Order, Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for purposes of paying overtime. These two pieces have made it possible for the Department to achieve savings and attain its objectives, while managing operations within the resources available. Since the department has had the authority to manage overtime costs within our budget we have not requested emergency supplemental appropriations for the purposes of paying overtime costs.

FY	Legislatively Approved Amount
1996	20,000
1997	550,464
1998	740,369
1999	738,686
2000	760,108
2001	782,151
2002	854,597
2003	2,139,740
2004	917,237

6. STATE PAROLE BOARD (03A)

The State Parole Board was established in 1931 both to evaluate and adjudicate applications for the parole as well as to provide oversight and management of offenders already admitted to parole. The primary responsibilities of the Board are to determine the time of parole for each prisoner or to revoke parole when warranted due to rule violations. The Board also determines the time of discharge or parolees from parole supervision, formulates policies, adopts regulations and establishes procedures.

The State Parole Board hears cases at the Maine State Prison for those offenders who were sentenced prior to May 1976 (the abolition date for parole in Maine) to determine if or when inmates should be released on parole. If parolees have been accused of violating the terms of their parole the Board sits as an adjudicatory body to determine if a violation has occurred and if they find that a violation has in fact occurred,

they impose sanctions as they see fit. There are only 11 prisoners remaining in our correctional facilities who are eligible for parole. There 32 prisoners out on parole.

7. COUNTY JAIL PRISONER SUPPORT

In 1986, legislation was enacted establishing the County Community Corrections Act. (MRSA 34-A Section 1210) Pursuant to the act the Department provides state funding to counties for the support of prisoners and community based correctional programs. Eighty percent (80%) of state funding received by a county is used for support of prisoners (operation of county jails) and twenty percent (20%) is required to be used for community corrections programs. Additionally, the Department is required to provide counties with technical assistance to plan and implement community based programs. Originally state funding to counties was based on a reimbursement method but was amended in 1996 changing the funding formula to a subsidies basis on a percentage of a jails annual expenditures. This revision also included a provision permitting a county to apply for an increase in subsidies as a result of at least a 10% increased in annual operational cost to the Legislative Committee having jurisdiction (Criminal Justice and Public Safety Committee) Request for increase approved are funded by through a surcharge on fines which generates about \$180,000 annually. To date eight counties have received increases, however the surcharge on fines is not generating the revenues to fund these increases. In FY 04, \$5.2 million in General Fund monies was appropriated through the Departments budget to fund this program.

FISCAL YEAR	EXPENDED AMOUNT
1996	4,681,566.95
1997	4,206,852.45
1998	5,157,196.92
1999	5,845,230.71
2000	4,758,765.99
2001	4,846,804.00
2002	4,967,974.00
2003	5,092,173.00

B. DIVISION OF JUVENILE SERVICES

The Division of Juvenile Services was established to provide an efficient, coordinated and comprehensive system of services to juveniles and their families in order to promote the welfare of juveniles and to protect the interests of society.

This Division comprises both facility and field operations organized to respond appropriately to the risks and needs of Maine's juvenile offenders.

Two new juvenile correctional facilities were completed in 2002. Long Creek Youth Development Center on the grounds of the original Maine Youth Center in South Portland and Mountain View Youth Development Center on the grounds of the Northern Maine Juvenile Detention Facility in Charleston, now house, treat and educate both detained and committed youth.

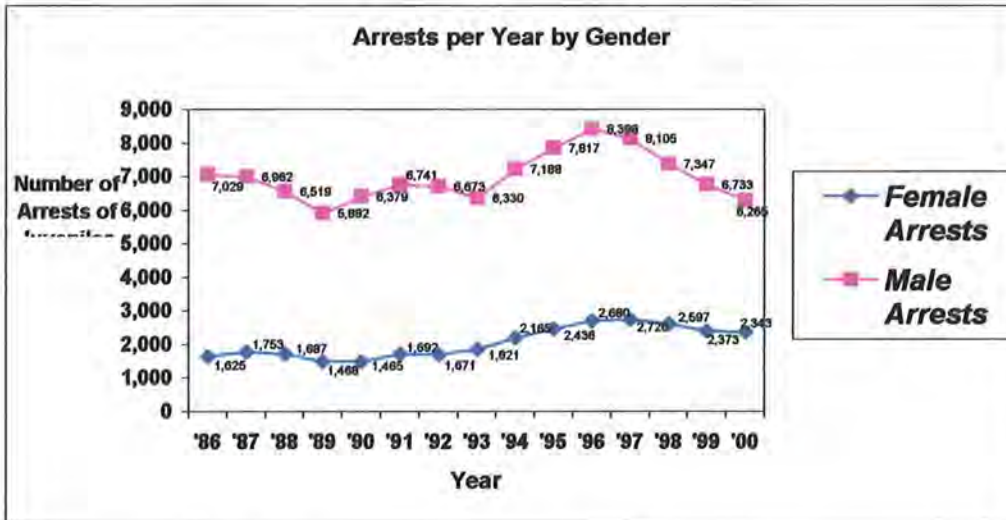
The Division's mission statement incorporates its responsibilities and reflects the mission of the Department.

The mission of the Department's Division of Juvenile Services is to promote public safety by ensuring that juvenile offenders are provided with education, treatment and other services that teach skills and competencies; strengthen pro-social behaviors and require accountability to victims and communities.

The Division is comprised of four program areas:

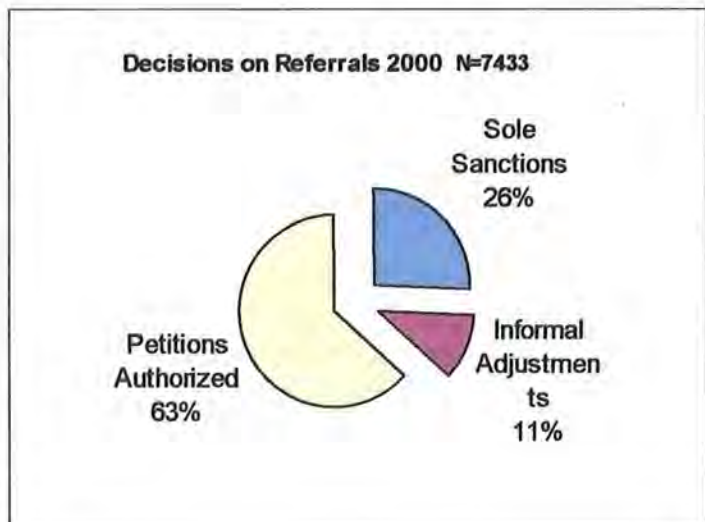
- Justice – Planning, Projects and Statistics
- Juvenile Community Corrections
- Mountain View Youth Development Center
- Long Creek Youth Development Center

The Department of Corrections diverts youth from the court system, responds to and manages detention requests by law enforcement officers, supervises youth in the community on probation, provides correctional programming in its two facilities and provides aftercare services to youth released from its facilities. Law enforcement officers who arrest or charge a juvenile with a crime may refer the juvenile to the department or may choose to refer to a diversion program or take no further action. The chart below shows the number of arrests of juveniles from 1986 through the year 2000.



Juvenile Community Corrections Officers assess referred juveniles and decide whether to:

- Impose a sole sanction, that is, assign the juvenile one thing to do such as provide 10 hours of community service,
- Sign a contract with the juvenile to agree to abide by certain conditions for a period not to exceed six months, or:
- Authorize that the juvenile be referred for court action.



The chart shows how these decisions were distributed for referrals in the year 2000.

1. JUSTICE – PLANNING, PROJECTS AND STATISTICS (03A)

The Department of Corrections is the designated state agency for the administration of the Office of Juvenile Justice and Delinquency Prevention Act and the Juvenile Accountability Block Grant. Both programs are managed through the Juvenile Justice Advisory Group (JJAG).

The JJAG develops and implements the annual state Comprehensive Juvenile Justice and Delinquency Prevention Plan (JJDP), monitors state compliance with the JJDP core mandates, manages the annual federal JJDP Formula Grant, and advises the Governor and Legislature on juvenile justice issues.

The JJAG operates as the supervisory board for all planning, administration and funding functions under the Act. Currently, the JJAG has awarded 23 grants that provide for delinquency prevention, gender equity, restorative justice, intervention strategies, educational aspirations, after school programs, juvenile firesetting prevention/intervention, youth enterprise, school suspension/expulsion reduction strategies, and support for the Family and Systems Teams and the Collaborative Problem Solving programs. The JJAG has also sponsored research and training in a number of areas.

Recently, the Juvenile Justice Advisory Group assumed responsibility for the planning and oversight for the Juvenile Accountability Block Grant . Awards have been received in each of the past 6 years to improve the accountability of juveniles who have committed offenses. The funds assisted in the development of the Department's Information system, developed and implemented training programs for front line staff working in the new juvenile facilities, developed the recidivism reports, expanded the number of judges and prosecutors working in the juvenile justice field, created 6 drug treatment courts for juveniles, established a day reporting center in Lewiston and provided for local delinquency intervention programs.

The Juvenile Justice Advisory Group consists of not less than 15 nor more than 33 gubernatorial appointments who comply with specific requirements of the Juvenile Justice Delinquency and Prevention Act

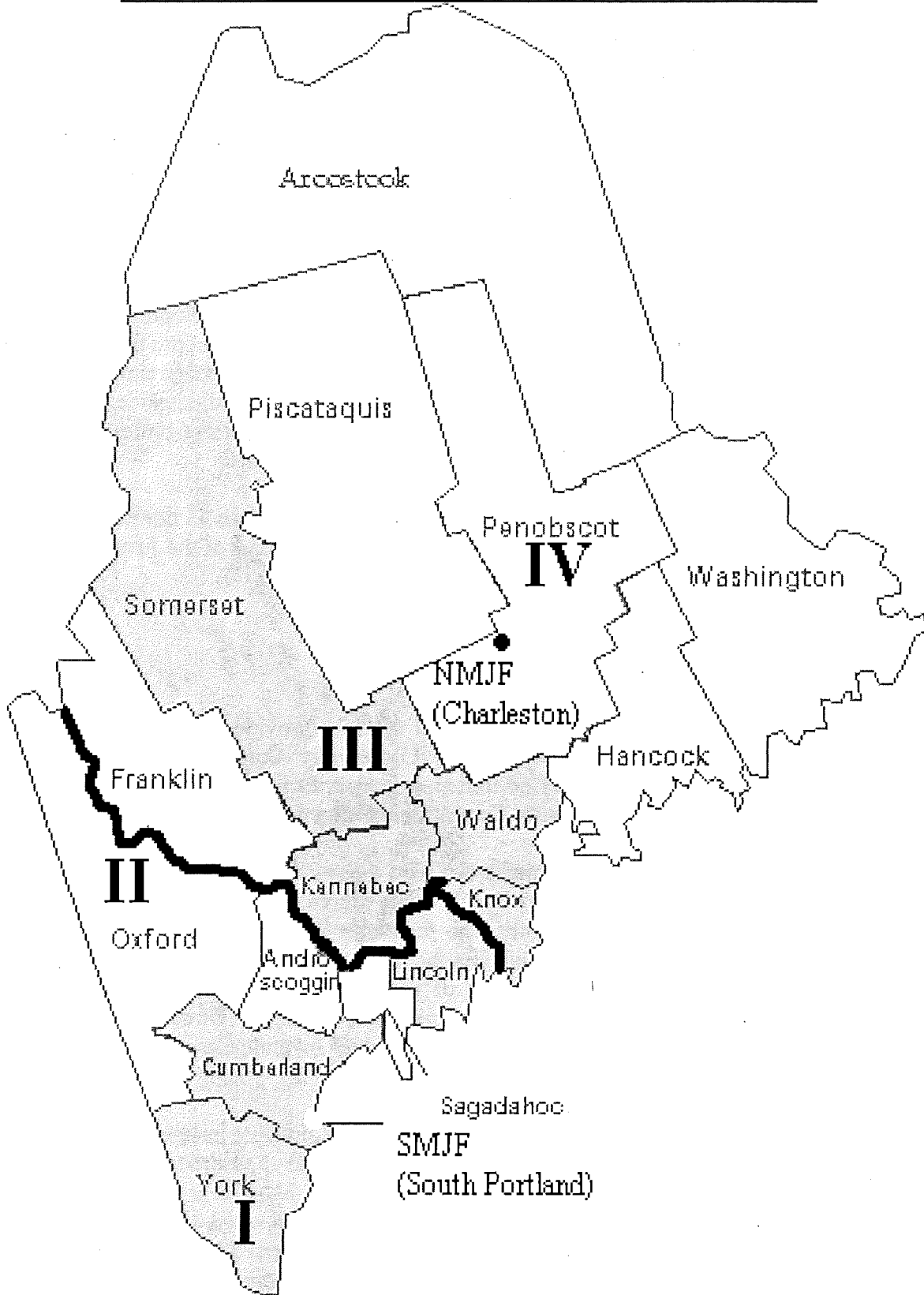
2. JUVENILE COMMUNITY CORRECTIONS (03A)

The Division of Juvenile Services' field services provide supervision and case management to juveniles from four Juvenile Community Corrections Regions, each staffed with a Regional Correctional Administrator, supervising a Resource Coordinator, Clerical Staff, and Juvenile Community Correctional Officers.

A Regional Correctional Administrator who reports directly to the Department of Corrections' Associate Commissioner for Juvenile Services administers each region. Each region has a Resource Coordinator who maintains a current directory of available resources, develops and administers all contractual services within the region, assists Juvenile Caseworkers in the development of individual case plans, and acts as the Regional Correctional Administrator in that person's absence. Direct casework and supervision of juveniles is the responsibility of individual Juvenile Caseworkers. Finally, each region has clerical support services.

The responsibilities of field services span the entire juvenile justice system and include effective supervision, individualized service plans and appropriate diversion for juveniles under the care of the Division of Juvenile Services in and near their community including contracted community services. These services begin when a juvenile, who has been charged by police with committing a juvenile crime is referred for detention and/or prosecution, and end only when a juvenile is discharged from aftercare supervision.

JUVENILE COMMUNITY CORRECTIONS REGIONS



Field services operations are conducted throughout the state and are available twenty-four hours a day.

3. JUVENILE CORRECTIONAL FACILITIES

The state is served by two full service juvenile correctional facilities that provide for the detention, diagnostic evaluation and confinement of juvenile offenders and to create and provide them with opportunities for success through personal growth in a safe and secure environment. A Superintendent manages each facility.

Long Creek Youth Development Center (03F)

Resident Capacity: 166

Number of Employees: 204



The Long Creek Youth Development Center, formerly the Maine Youth Center, and before that called the Boys' Training Center, was established in 1853, by an Act of the Legislature. Long Creek Youth Development Center functions as a total educational rehabilitative resource. It provides care, custody and security for its committed residents, as well as for holds for court, those held for shock sentences, drug court sanctions, and those held for evaluations and diagnostic services. Education, physical education and recreation, volunteer services, social services, worship services, as well as medical services are provided to this juvenile offender population.

On August 6, 2002, the residents were moved to the new Long Creek Youth Development Center, and the Maine Youth Center was relegated to the history books.

Mountain View Youth Development Center (03E)

Resident Capacity: 144

Number of Employees: 179



The Mountain View Youth Development Center, formerly the Northern Maine Juvenile Detention Facility, was initially constructed in 1996 as a facility for the detention of juvenile offenders accused of committing juvenile offenses pending court action as well as those receiving a “shock sentence” of up to 30 days. The facility replaced the use of county jails as the primary detention locations for those detained from the Northern Region of the State of Maine.

This facility expanded and opened in early 2002 as a full service juvenile facility at its original location on Route 15 in Charleston, Maine. The Mountain View Youth Development Center now functions as a total educational and rehabilitative resource for juvenile offenders residing in Aroostook, Kennebec, Waldo, Washington, Penobscot, Piscataquis, Hancock, Somerset, Franklin and Knox counties. It provides care, custody and security for its committed residents, as well as for holds for court, those held for shock sentences, drug court sanctions, and those held for evaluations and diagnostic services. Education, physical education and recreation, volunteer services, social services, worship services, as well as medical services are provided to this juvenile offender population.

The Maine Department of Corrections has now assumed the total responsibility for the detention/incarceration of all juvenile offenders within the State, through utilization of this facility and the Long Creek Youth Development Center in South Portland, Maine.

4. CHILDREN’S CABINET

The Children’s Cabinet is the most significant collaborative undertaking that the department has engaged in during the past seven years. The accomplishments and priorities of the Children’s Cabinet are outlined in the 2002 Annual Report. The

department has been an active participant in several of these accomplishments and remains committed to the Children's Cabinet ongoing priorities especially the following:

- ✓ Communities for Children
- ✓ Maine Marks
- ✓ Integrated Case Management
- ✓ Pooled, Flexible Funding
- ✓ Substance Abuse Prevention and Treatment
- ✓ Gender Specific Juvenile Programming

The department's Juvenile Community Corrections regional staffs are participants in the three Regional Children's Cabinets. The Children's Cabinet has served as a model for the department as we develop collaborative efforts in other areas, notably the Maine Reentry Network, domestic violence and transitional planning for adult offenders.

Comprehensive services for juvenile offenders have led Maine to be tied for the third lowest rate in the country of juveniles detained or committed in the system. The Children's Cabinet has been an essential forum for addressing and resolving the needs of young people.

In an era of scarce resources, it is important to maintain and build on these interdepartmental, systems improvements.

5. Challenges and Initiatives

a. Evidence-Based Practice

During the last seven years the division developed many of the components for a system of care within the state to improve the outcomes for juveniles referred to its system. Beginning with the decision to construct two new state-of-the-art juvenile facilities, the focus has been on designing programs to address the needs of the youth in both the facilities and within the communities from which they come and to which they return. Emerging research in the field of corrections suggested that the traditional responses to offenders, such as incarceration, counseling, boot camps, and 12-step programs, do not keep offenders from re-offending. In some cases, the recidivism rate (the proportion of offenders committing new crimes) actually increased. What the research suggests does work are cognitive-behavioral, risk-focused interventions and social learning models of treatment for juvenile offenders who are at higher risk of re-offending. The Division decided to rebuild and refocus its organization and all of its components on a best-practice approach. Progress towards this objective include the following:

- ✓ New job descriptions were written for front line staff both in the field and in the facilities to reflect the functions needed for effective programming with youth, that is, programs that reduce recidivism.

- ✓ In conjunction with the Behavioral Health Sciences Institute (a collaborative of Maine's Technical College System and Spurwink Institute) the Division developed and implemented training for facility front line staff to prepare them to implement these practices for which they could receive college credit.
- ✓ Developed and implemented training to include components of adolescent development and behavior for new Juvenile Community Corrections Officers.
- ✓ Created and implemented the Maine Operating Approach, a cognitive behavioral management approach, to provide integrated treatment and to effectively manage the committed population in the facilities.
- ✓ Implemented Learning for Life in both facilities, an individualized educational approach using team-teaching and experiential learning to extend learning opportunities to youth as they work on selected projects of interest.
- ✓ Rewrote the policies for institutional operations to reflect the evidence-based practice and ACA standards, as adopted by the division.
- ✓ Adopted the Youthful Offender Level of Service Inventory (YOLSI) assessment to more accurately assess the risk of re-offending for each juvenile. Following that assessment, a risk focused, strengths-based plan is developed for each juvenile offender that can result in risk reduction and lower recidivism rates.
- ✓ Adopted the Collaborative Problem Solving approach as designed and supervised by Dr. Ross Greene, the author of The Explosive Child. This approach is designed to reduce or eliminate the need for restraints, seclusion and assaults at the juvenile correctional facilities.

What Remains:

- The division needs to train staff in the field and the facilities to more accurately administer the YOLSI and use it to develop more effective case plans that address the identified criminogenic needs (that is, those factors that contribute to delinquent behavior and predict recidivism) of each juvenile.
- On-going training will assure that all staff understand the elements of evidence-based practice and are skilled in its implementation.
- Ongoing monitoring of all Policies and Procedures to ensure compliance with the ACA accreditation process for the Juvenile Facilities.
- Full integration of the elements of evidence-based practice, i.e. What Works, in all aspects of work with juveniles under the division's supervision.
- Develop a full continuum of services in the community that demonstrably incorporates the principles of evidence-based practice.
- Fully use existing resources including accessing Title IVE of the Social Security Act to support youth who are in out-of-home placements.

b. Service Integration

Although the division recognizes the need to focus its services on those aspects a youth presents that contribute to his/her offending behavior, it also recognizes the need to

address other issues the youth faces. Many of the youth under the Division's supervision struggle with mental health and substance abuse issues, have no place to live, lag behind their peers in educational achievement, and have suffered physical and or sexual abuse and many losses.

To change their offending behavior requires changing attitudes, friends, habits, and patterns of behavior. This cannot be done without considering the multitude of other family and community based factors at the same time. To accomplish this difficult task, the Division has reached out to its sister departments to collaborate with the division to provide an integrated, comprehensive approach to address the needs of the whole child.

- ✓ Collaborated with the Children's Services of the Department of Behavioral and Developmental Services (DBDS) to provide mental health coordinators in both the field offices and in each facility to coordinate mental health assessment and treatment services and assure integration of these services into the child's case plan. Mental Health practitioners were also provided to the Juvenile Facilities in order to assure a comprehensive approach to treatment.
- ✓ Collaborated with the Department of Human Services to establish protocols and procedures for the Division's participation in the State's 4-E Plan, which is administered by DHS. This work was supported by a project position that terminates on Dec. 1, 2002. The work entailed for the department's participation is substantial. So are the rewards, relating both to best practice for juveniles placed outside of their homes as well as potential reimbursement for placement, administrative and maintenance costs.
- ✓ Collaborated with Maine Alliance of the Mentally Ill, along with BHSI and BDS, to work with Columbia University's Center for the Promotion of Mental health in Juvenile Justice to explore use of the of a Computerized Mental Health Screening tool for use in the Juvenile Facilities.
- ✓ Collaborated with the Office of Substance Abuse within DBDS to assure juvenile offenders are assessed for substance abuse and referred and provided appropriate treatment.
- ✓ Worked with the Department of Education to create the Learning for Life Program within the facilities.
- ✓ Project Impact, funded by the Department of Education, coordinates with local schools to assure that youth transition successfully into their home schools when released from the juvenile facilities.
- ✓ Department of Human Services (DHS) Caseworkers are assigned to the facilities to coordinate services and placements of youth in their custody when released.
- ✓ The division has adopted the Integrated Case Management System (ICMS), now renamed Family and Systems Teams (FST), approach, developed by the Children's Cabinet, to create case plans for youth in detention, about to be released to aftercare, at risk of being removed from their homes, or otherwise facing multiple issues. This approach provides a structure to coordinate the efforts of state agencies, providers, and families to develop comprehensive, effective case plans for these youth.

- ✓ Developed a tri-departmental protocol (DHS, BDS along with the Division) to assure youth referred to DHS custody appropriately need this level of intervention. The protocol calls for interdepartmental coordination to assess the needs of these youth and work together to find the most appropriate response.
- ✓ Developed and initiated a collaborative Jurisdictional Team Planning approach sponsored by the National Juvenile Detention Association and OJJDP designed to effectively manage, reduce and provide programming for detained juveniles. All state Departments, the Judiciary and service providers are participating in this process.

What Remains:

- The division needs to clearly define how and when to use the FST process and fully train its staff to understand and use it. Trained facilitators need to be available when needed. All departments will work together to assure the use of this approach when needed. The division needs to maintain contracted services in order to ensure that comprehensive training and coordination is provided, in order to ensure statewide implementation.
- Ongoing collaboration with BDS and DHS is necessary to ensure that committed and detained juveniles with serious mental health disorders have access to psychiatric hospitalization if they meet admission criteria. Each facility needs an expanded capacity to manage such juveniles, as well as juveniles exhibiting major conduct disorders, in a manner consistent with accepted medical and behavioral science standards. Additional staff, both treatment and custodial, will be necessary to achieve this.
- Capacity needs to be expanded in the division to provide structural and case management support for participation in the State's 4-E plan.
- The protocol for referring youth to DHS Custody must be shared with all affected parties, including judges, prosecutors, and defense attorneys, and implemented by staff of all of the participating departments.
- The division must continue to participate in the Children's Cabinet to maintain coordination of efforts at the state and regional levels.

c. Organizational Development

With the establishment of the division came the institutions and staff, field staff, and funds to purchase community services. Monthly statistical reports from the field and population counts from the single operating institution comprised the total data available to determine what work was being completed and how effective the operation was. The division has now begun the process of developing the infrastructure and data to support the efforts of staff working with juveniles in the field and the facilities:

- ✓ Hired a training coordinator through a federal grant to coordinate training for field staff and the training provided within the facilities.

- ✓ Initiated an integrated approach to policy and procedure development that incorporates staff from the Facilities, the Regions, and Central Office in order to assure continuity and program specificity.
- ✓ Created centralized prototype information systems in the field and the facilities to gather data to assist in supervising and caring for juveniles and to measure progress against our goals.
- ✓ Produced the 1998 cohort baseline recidivism report. This has been followed by similar cohorts for 1999 and 2000
- ✓ Participated in Performance-Based Standards project, a national-level project to measure level of adherence to juvenile facility standards on a web-based database. The project provides consultation to develop facility improvement plans to address areas of low performance.
- ✓ Established a quality assurance project to measure the division's performance in adhering to the evidence-based practice.
- ✓ Created the Center for Juvenile Justice to coordinate research, evaluation, and improvement plans for the division.
- ✓ Established an interdisciplinary Research Council to inform division practice and policy at all levels.
- ✓ Began videoconferencing to reduce meeting costs and to assure full participation of everyone who needs to be involved in meetings. This has been especially helpful for preparing youth to be successfully released from facilities.
- ✓ Developing a model of to measure effectiveness of different interventions for different youth at different levels of risk.

What Remains:

- Data for the recidivism report needs to continue to be collected and a report of the rate needs to be published annually.
- Regular, full-time capacity is needed to manage the quality assurance and organizational development process.
- Facility improvement plans need to be developed with input from the staff and management up through the Associate Commissioner. Results will be monitored.
- Fully develop the Center for Juvenile Justice as well as the Research and Quality Improvement Councils to make sure our programs and services operationalize the most relevant research.
- Complete and implement the model of intervention effectiveness and use the results to modify division programs and/or purchased services.

d. Community Involvement

The Division has found that communities who are involved and invested in responding to the needs of low-risk offenders with community-oriented sanctions and programs to increase their individual skills and strengths have lower recidivism rates for their juvenile offenders. After school programs, supervised teen centers, community activities, mentors, JUMP programs (a weekly skill development program provided by healthy adult mentors to first-time non-violent offenders), conflict resolution programs,

and a variety of other activities that involve healthy adults as role models for young people show high rates of success with the youth as well as high rates of enthusiasm by the involved adults.

- ✓ The Juvenile Justice Advisory Group administers several federal grants to fund programs of this type.
- ✓ A portion of the Juvenile Accountability Incentive Block Grant goes to community programs to deal with first-time offenders.
- ✓ A portion of the community services budget funds county programs.
- ✓ Field staff, both Resource Coordinators and Juvenile Community Corrections Officers, participates in a variety of local efforts to improve responses to youth in their communities.

What Remains:

- Expand the number of Community Resolution Teams across the state.
- Increase the number of programs that improve the strengths and assets of young people. The Division would like to see a program in every community in Maine.
- Develop programs to respond appropriately to low-risk offenders at the community level to avoid referring them to the Juvenile Justice system.

e. Community Reintegration

Youth released from facilities have been taught numerous skills to help them avoid re-offending, but practicing these skills in the facility is a lot easier than practicing them at home. Additionally, numerous roadblocks are set up that youth must successfully navigate to maintain a crime-free lifestyle. They must re-enter schools where they have been absent or enter a new school. They often need to find new friends. Their families may not know how to deal with the young person who has been absent for some time after creating many difficulties at home. Drugs and alcohol offer temptations difficult to refuse, particularly at these very stressful times. Some may not have returned home, but live in an alternative placement. Some must continue to cope with mental health problems or issues. It is imperative to the success of each young person released to the community to be surrounded with planned supports to carry the lessons of the facility to the reality of the community. Comprehensive, integrated case plans developed jointly by all of the people in a young person's life offer the greatest chance for a successful, crime free re-entry.

- ✓ A team comprised of facility and field staff has been working for over two years to develop a method and supporting policy to implement a reintegration approach based on the model developed by Dr. David Altschuler.
- ✓ Unit Treatment teams in the facility include field staff. These teams develop treatment plans for youth while in the facility and aftercare plans for when they are released. Inclusion of staff from both facility and field assure that as much information as possible is available in order to develop the plan with the greatest chance of success.

What Remains:

- The importance of involving the family in the development of these plans cannot be underestimated. More work needs to be done to train staff to work effectively with families and assure they are involved in the development of the plan as well as the implementation.
- The division must be capable and ready to take full advantage of the FST System to assure all necessary parties are brought to the table to assure a comprehensive, integrated system is developed.
- Natural supports, that is, people in a young person's life who care, are longer lasting and often more effective in helping youth to practice new skills and avoid delinquent behavior. The division needs to develop methods for identifying and assisting these people in helping these young offenders.

f. Girls' Programming

Girls do not enter the juvenile justice system at the same rates or for the same reasons as boys. Girls comprise less than a quarter of juveniles arrested, less than a fifth of those under the division's supervision. They commit crimes for different reasons primarily in reaction to a relationship, and those who become deeply involved in the juvenile justice system bring a multitude of problems including physical and sexual abuse, mental health issues, substance abuse, disconnection from school, family problems, and relationships with peer with pro-criminal attitudes. They do not respond well to the programs and services developed and provided to boys.

- ✓ The Justice for Girls Task Force developed a number of recommendations to more appropriately respond to girls in the juvenile justice system in 1997.
- ✓ A curriculum "Hearing Their Voices" was developed to train staff in better ways to work with girls. Staff from the field and the facilities has received this training.
- ✓ Two residential programs were developed in the community to address the needs of girls using a gender-responsive approach: Heritage House and Sweetser West Program.
- ✓ A Cognitive Skills program was developed to use with girls in the facilities that uses a developmental approach as well as being gender responsive.
- ✓ The division provided funding for a Girls' Collaborative in the Portland area to create a system of care for girls in the area.
- ✓ A specialist completed an in-depth analysis of girls who became deeply involved in the juvenile justice system to determine what might be done to reverse the course of girls presenting at the front end of the system. The Children's Cabinet has adopted this issue as an initiative and will be completing FST team meetings on several girls in the study to not only try to find solutions for individual girls, but to also find solutions to system barriers.

What Remains:

- Too many low-risk girls are still becoming deeply involved in the juvenile justice system.
- The cognitive skills program needs to be evaluated for effectiveness and a fifth stage needs to be provided after girls leave the facilities.
- Alternative residential programs need to be developed in the community to divert girls from being placed at the Youth Development Centers that serve a majority of males.
- The division must continue to work with the Children's Cabinet to develop the individual comprehensive case plans and to analyze and solve system barriers.

C. Adult Services

1. TREATMENT SERVICES

a. Mental health services

Currently adult mental health services consist of three primary services providers, psychiatric social workers, psychologists, and psychiatrists. MCC has 5 psychiatric social workers, 2 doctoral level psychologists, and 56 hours a week of psychiatry time (this would typically be 40 hours but we are utilizing some service adjustment money to increase services on a temporary basis). MSP has 7 psychiatric social workers, 2 doctoral level psychologists, and 40 hours a week of psychiatry time. DCF has 20 hours a week of psychiatric social worker time, and Charleston has 20 hours a week of psychiatric social worker time.

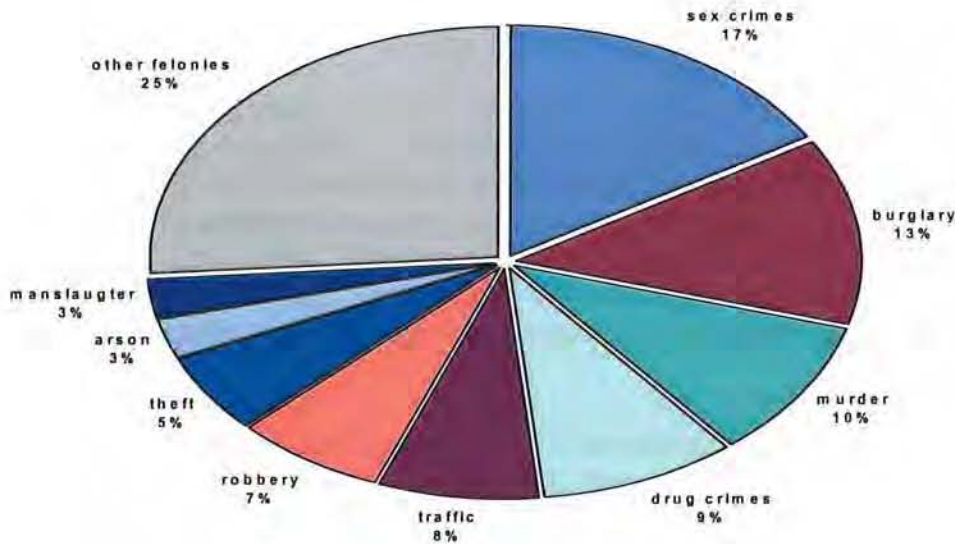
The actual modalities used vary from institution to institution and clinician to clinician, however there are individual and group mental health services at all adult facilities. The services include anger management, stress management, psycho-education around sexual offending, generalized support groups, trauma survivor support groups, and individual psychotherapy. Psychiatry services are primarily used for psychopharmacological treatment of mental illness but psychiatrists are also seen as an integral team member within the mental health division of the facility. Telemedicine is the proposed method of providing psychiatric consultation and medication management to the smaller facilities without designated psychiatry time on site.

The department does have a mental health stabilization unit which is located at the Maine State Prison and serves the adult male population. It is a 32 bed unit staffed by a doctoral level psychologist and 2 psychiatric social workers. This staffing is included in the mental health staff count listed above. This unit is meant to stabilize a prisoner who is experiencing emotional deterioration due to chronic mental illness or an acute emotional reaction to a traumatic event. This unit is sometimes a precursor to hospitalization at a state psychiatric hospital. Female prisoners in need of intensified mental health services are initially treated at MCC and transferred to a state psychiatric hospital when need warrants.

b. Sex offender treatment

Sex offenders comprise the greatest number of prisoners with the state prison system – 303 offenders, nearly 20% of the total prison population. This sub-population of offenders represents the highest portion of our current incarcerated population and is among the most dangerous in terms of potential harm to community. These offenders generate the most public concern particularly at the time of their release.

Prisoner Crimes - 2002



The department has received federal funds through the Byrne Formula Grant to develop and implement sex offender treatment within the institutional setting and to improve the transition from prison to community. A recently issued Memorandum of Agreement with the Department of Behavioral and Developmental Services includes a focus on transitions to the community of sex offenders and violent offenders with co-morbid mental health needs and requires the two departments to develop the following:

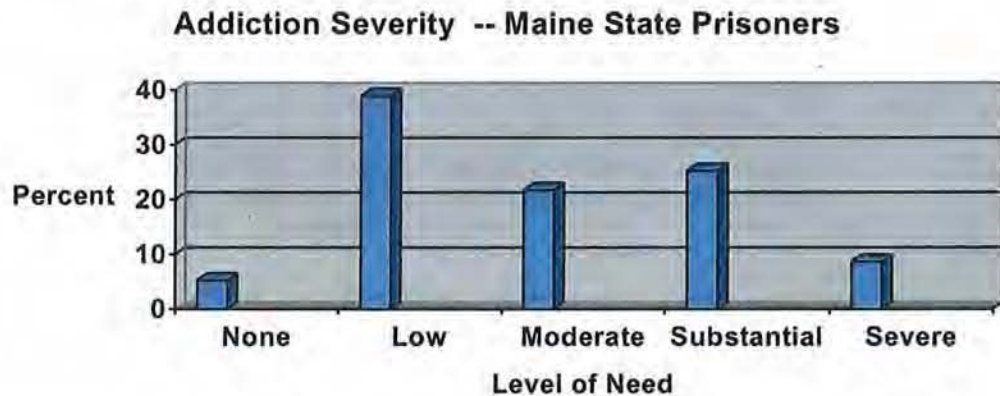
- A process for identifying high risk clients;
 - Protocols for determining appropriate location/placement of clients returning to the community from state prisons or county jails who are on probation and receiving mental health services;
 - Case management and community supervision plans that clearly describe the respective roles of the departmental staff throughout the client's period of probation; both departments will review the Integrated Case Management System and recommend how to begin its implementation with this offender population;
- Appropriate secure housing and treatment in the community for violent offenders and sex offenders released from state and county correctional facilities.

c. Substance Abuse Services

The department and the Office of Substance Abuse have initiated one of the most carefully researched substance abuse programs in the country – the Differentiated Substance Abuse Treatment (DSAT) program. The DSAT program has three interrelated components: 1) prison-based services; 2) transitional (residential) treatment services; and

3) community based services. Its foundation is a screening and comprehensive assessment process with five levels of differential diagnosis and differential treatment, i.e. the prisoner is matched to a treatment level according to the severity of his/her alcohol and/or other drug abuse and related criminal behavior. The DSAT program is the basis for the Therapeutic Community for Men at the Maine Correctional Center, the transitional treatment program at Central Maine PreRelease, the treatment program at the Women's Center, and community treatment provided adult offenders and also is the basis for the Adult Drug Court program.

Prisoners are referred to substance abuse treatment based on their assessed need by a trained assessor trained in the DSAT program. The treatment model involves providing intensive treatment to the most serious substance abusers prior to release from a state correctional facility.



The department and OSA jointly fund and contract for Therapeutic Community for male prisoners. The annual cost of providing the intensive treatment program, transitional program and aftercare is \$568,438 of which OSA is funding \$98,000, the department funds \$107,000. The federal grant that supports the remaining costs of the program will end in FY05.

The DSAT program describes a continuum of care of which significant components have been developed and are in place. However only the high levels of addiction have been addressed. Both the department and OSA must continue to complete implementation of the DSAT program including addressing the needs of the low to moderate levels of addiction and to developing the aftercare components of the continuum.

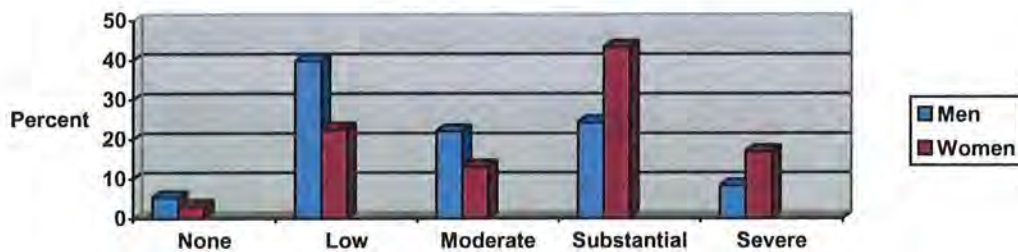
d. Women's services

The department has made tremendous improvements in the physical plant and programs available for adult female offenders. In July of 2002, the new women's unit was completed. The new physical plant offers improved housing and program space separate from male prisoners. The physical plant includes 70 beds for female prisoners,

treatment and community areas, educational and industry program space, a cafeteria and kitchen, and improved visit and family space.

The women’s treatment program is a joint initiative of the Department and the Office of Substance Abuse. The treatment program is based on the community model with a resocialization and cognitive restructuring emphasis. The “cognitive community” approach will create an environment that supports female offenders and provides them experience in living a pro-social lifestyle and that also addresses critical needs such as substance abuse which is much more significant in terms of severity for women prisoners compared to male. The programming is gender responsive addressing the particular needs of female offenders.

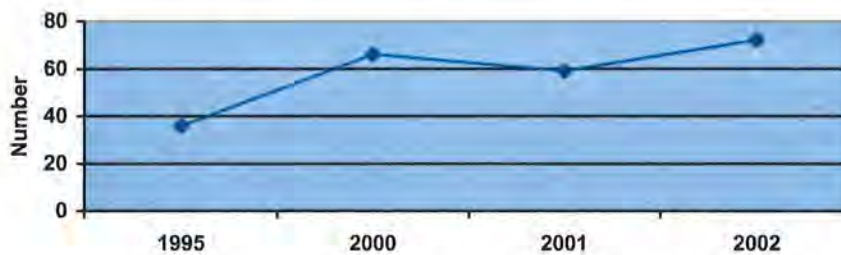
Male and Female Severity Level



Mental health services for women have improved as well. Outpatient services have increased and basic trauma services are now provided.

The female prisoner population is growing at a faster rate than the male prisoner population. This is a national trend, although Maine also has the lowest female incarceration rate among the 50 states.

Number of Female Prisoners



The new Women’s Center is overcapacity today. In order to address the needs of female prisoners and maintain the Women’s Center and its programs at design capacity, the department will be focusing intensively on the transition of women back to the community to see if this can be expedited and improved.

Another key need for women in the correctional system is access to mental health stabilization and forensic hospitalization.

2. INDUSTRIES

The Maine Department of Corrections has operated an industries program for prisons for more than 50 years. Beginning at the Maine State Prison in Thomaston, prisoners crafted items for sale in the Maine State Prison Showroom and did harness and leather repair.

Today, five adult institutions have industries programs. Work in industries gives the prisoners an opportunity to earn a minimal hourly wage while learning a skill and work ethics that may someday be transferred to a job in the community. Funds that a prisoner earns are used to pay obligations such as victim restitution, child support, and other items ordered by the courts. On any given work day, over 250 prisoners are kept busy with industries work and another 40 prisoners are kept busy with craft programs.

Industries programs consist of the following:

- Plate Shop at the Bolduc Correctional Facility in Warren
- Wood Harvesting, Wood Working and Sawmill at Charleston Correctional Facility in Charleston
- Garments at Downeast Correctional Facility in Machiasport
- Upholstery, Garments and Wood Working at Maine Correctional Center in Windham
- Garments and Embroidery at the Maine Correctional Center - Women's Unit
- Upholstery, Wood Working and Furniture Re-finishing at the Maine State Prison in Warren

Today, the Department of Corrections has two locations in which to sell products to the public: the Maine State Prison Showroom in Thomaston and the Industries Outlet outside of the Maine Correctional Center in Windham.

The Industries program continues to be a very important management tool for the overall control of prisoners. Prisoners who are working a six or seven hour day in the industries shops are less likely to present behavior problems and more likely to promote a safer prison living environment. The Maine Department of Corrections industries staff is working toward developing more markets for our products and expanding the overall scope of industries to include more marketable training jobs for our prison population.



YEAR-TO-DATE
THROUGH June 2003 FY03

	(MCC) 014-03C-0162-01		(CCF) 014-03E-0400-01		(MSP) PLATESHOP 061-03B-0144-01		(MSP) UPHOLSTERY		(MSP) STATE SALES & NOVELTY		(DCF) 014-03D-0542-01	
	Year-to-Date		Year-to-Date		Year-to-Date		Year-to-Date		Year-to-Date		Year-to-Date	
	General Fund	Other Special Revenue	General Fund	Other Special Revenue	General Fund	Other Special Revenue	General Fund	Other Special Revenue	General Fund	Other Special Revenue	General Fund	Other Special Revenue
Beginning Cash Balance:		13,382.56	--	109,755.26	--	218,915.00	--	138,459.00	--	172,398.00	--	63,804.06
Revenues:		220,316.90								1,674,984.00		
Sale of Forest Products				116,878.32								
Sale of Indust. Products				48,770.60								
Misc. Income				4,991.23								
DI-CAP (negative revenue)		(8,860.29)		(10,204.74)		(6,171.00)		(722.00)		(30,335.00)		(50.67)
Cost of Goods Sold								(71,187.00)		(803,343.00)		
Total Revenues:		224,839.17		270,190.67		212,744.00		66,550.00		841,306.00		63,753.39
Expenses:												
3000 Salaries (Personal Services)	(147,461.18)	(49,960.30)	(30,078.71)	(171,321.17)	(95,988.00)	(62,724.00)	(6,157.00)	(568,987.00)	(355,005.00)	(49,206.96)	(12,363.78)	
Prisoner Wages		(52,232.38)		(18,184.70)	(57,929.00)			(56,400.00)	(182,684.00)			
4000 PROF. SERVICES, NOT BY STATE		(620.00)	(453.00)	(1,650.73)								
4100 PROF. SERVICES, BY STATE						(686.00)			(750.00)			
4200 TRAVEL EXPENSES, IN STATE									(2,890.00)			
4300 TRAVEL EXPENSES, OUT OF STATE									(893.00)			
4400 STATE VEHICLES OPERATION			(572.34)						(1,303.00)	(12,000.00)		
4500 UTILITY SERVICES		(138.98)	(4,617.73)	(3,400.00)			(142.00)		(5,211.00)			
4600 RENTS		(252.50)	(16.00)	(227.50)					(23,604.00)			
4700 REPAIRS		(293.28)	(1,417.15)	(3,539.76)	(24.00)		(49.00)		(5,033.00)			
4800 INSURANCE		3.88	(530.76)				(4,107.00)		(12,155.00)			
4900 GENERAL OPERATIONS		(3,769.04)	(1,247.40)	174.25			(49.00)					
5000 EMPLOYEE TRAINING												
5100 COMMODITIES - FOOD												
5200 COMMODITIES - FUEL			(7,275.55)	(1,348.82)					(12,998.00)			
5300 TECHNOLOGY			(2,317.96)		(734.00)		(324.00)		(854.00)			
5400 CLOTHING			(473.37)						(2,917.00)			
5500 MINOR EQUIPMENT									(85,925.00)		(47,273.75)	
5600 OFFICE & OTHER SUPPLIES		(77,674.93)	(4,594.34)	(38,820.31)	(193.00)		(3,745.00)					
5800 HIGHWAY MATERIALS		(4,413.51)										
7200 EQUIPMENT									(13,554.00)			
Depreciation									13,554.00			
Depreciation Non Cash Item									(65,313.00)		(1,858.00)	
Transfer to support Director of Industries position		(19,625.00)		(7,423.00)			(86.00)		(4,476.00)		(431.92)	
STA-CAP		(3,630.54)		(1,987.94)	(919.00)				(173.00)			
Finance Charges				(1.89)			6,558.00		(19,741.00)			
Type 24 Expense												
Misc Expense unidentified All Other												
Novelly Expense 25%												
Total Expenses:	(147,461.18)	(212,606.58)	(53,594.31)	(247,731.57)	0.00	(156,473.00)	(8,101.00)	(649,187.00)	(798,084.00)	(62,411.50)	(61,927.45)	
Ending Cash Balance 6/30/03	--	12,232.59		22,459.10		56,271.00		58,449.00		43,222.00		1,825.94

Cash Balances 7/28/03 FY 03 Balance
Taken From MFASIS 8:25 A.M.

131,745.16

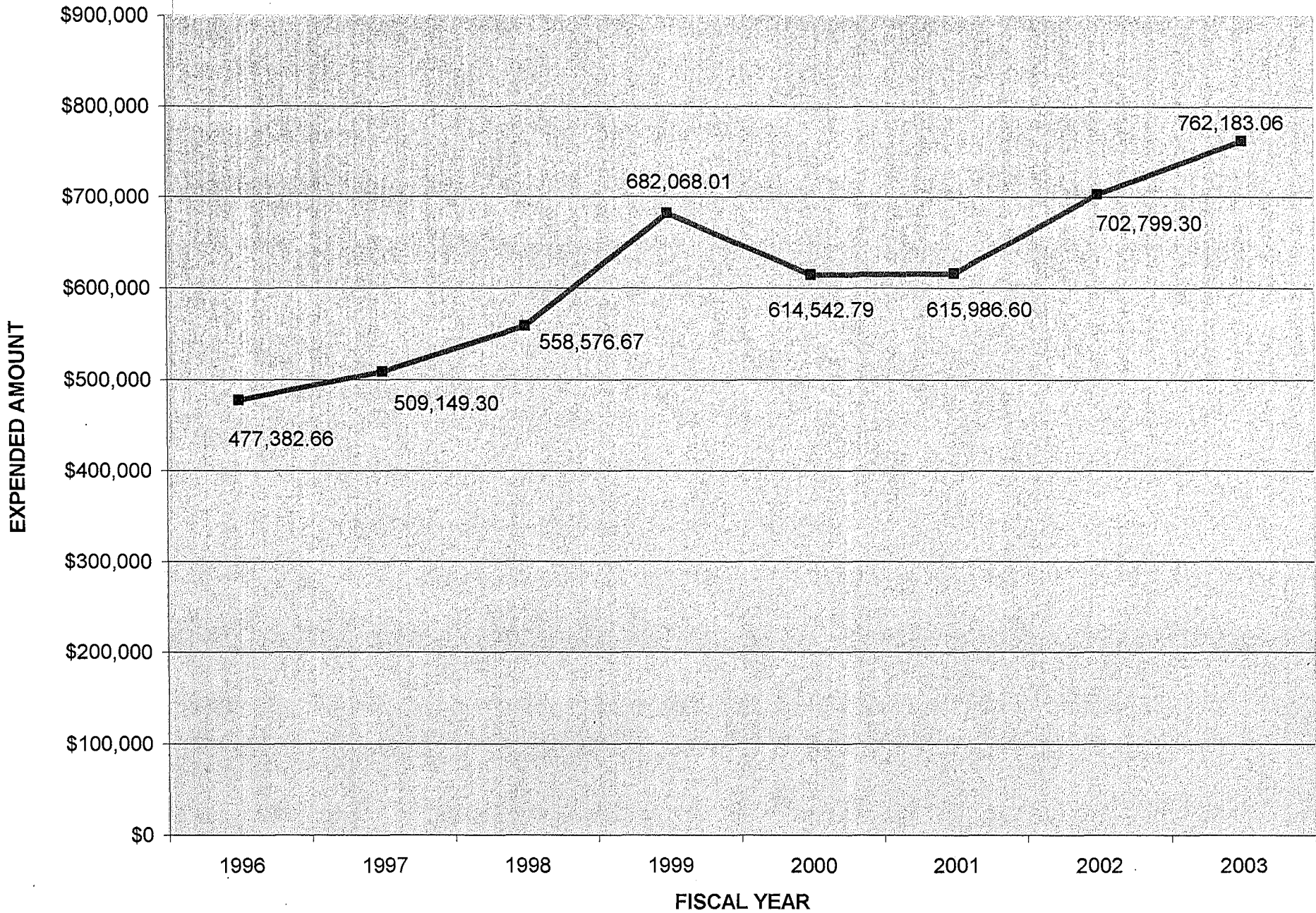
22,459.10

133,791.70

23,975.06
Total Cash Balance
MFASIS 7/28/2003
311,971.02

■ EXPENDED AMOUNT

PRISON INDUSTRIES



3. ADULT CORRECTIONAL FACILITIES

Maine State Prison

Population Capacity: 916

Custody Level of

Prisoners: Close, Medium
and Special Management

Number of Staff: 378

Employees



Warden Jeffrey D.

Merrill

Chief Administrative
Officer

807 Cushing Road

Warren ME 04864

(207)273-5300

Mission Statement

The mission of the Maine State Prison is to provide a safe, secure, and humane correctional environment for the incarcerated offender. Consistent with the mission of the Department of Corrections, the prison maintains appropriate control of offenders by providing various levels of security necessary to protect the public. This control is effected by utilizing the guiding principles of unit management and direct supervision concepts. The Maine State Prison balances its security obligation with its obligation to promote rehabilitation by providing and implementing a comprehensive treatment plan for each offender which encourages that offender to reenter society as a law-abiding, productive citizen. The treatment plan will include, where appropriate, the opportunity and incentive for offenders to progress to less secure facilities where they may continue their personal growth and development.

The Maine State Prison provides a work environment that emphasizes and expects teamwork, unity, respect, recognition of staff achievements and opportunities for personal and professional growth. Professionalism, integrity and adherence to the values of the Department of Corrections are the core of the Prison's mission.

History



Maine State Prison circa
1970

Thomaston, ME

The State Prison at Thomaston was opened officially in July, 1824 to serve as a penitentiary where convicts were sentenced to hard labor for life or for any terms of time not less than one year. The prison has always been a maximum security facility for adult felons. At one time, women were sentenced to the Maine State Prison, but were moved to the Women's Correctional Center in Skowhegan in 1935.

Additions were built in 1828, and 1843 and, after a fire in 1850, an expanded prison was completed in 1854. In 1923, the prison was again destroyed by fire and rebuilt in 1924.

The prison has had sections added, renovations done, and areas updated over the years as penological methods and housing needs have changed. The Segregation Unit was transferred to the Maine Correctional Institution, the

Protective Custody Unit was transferred to Maine Correctional Center, and on January 5, 1998 the Mental Health Stabilization Unit (MHSU) was opened.

The Mental Health Stabilization Unit is the cornerstone of the Maine Department of Corrections Mental Health Services Delivery System (MHSDS). The intent of the MHSDS is to advance the Department's mission to protect the public by providing timely, cost-effective mental health services that optimize the level of individual functioning of seriously mentally ill prisoners in the least restrictive environment consistent with the safety and security needs of both the prisoner and the institution.

Due to overcrowding, the age of the facility, and lack of room for expansion the State Prison was moved to a new facility surrounding the site of the Maine Correctional Institution in Warren. The former Maine Correctional Institution became the Special Management Unit of Maine State Prison when the prison became active in Warren during February, 2002. For a short period of time the Maine State Prison operated in both locations while the prisoners were moved from the Thomaston facility to the new Warren facility. This move was accomplished smoothly and rapidly without disruption of the local communities, utilizing existing prison staff, other Departmental personnel, and other State Agencies. After the move, the site of the old Maine State Prison was demolished with the exception of the Maine State Prison Showroom, which is still at its Route 1 location in Thomaston and still serving its international clientele.



Former site of Maine State Prison
- Thomaston

THE
PRESENT



The new Maine State Prison - Warren
February 2002

The Maine State Prison houses adult male prisoners classified as high risk, close, medium, and minimum custody, with minimum custody prisoners held awaiting transition to minimum security facilities. As part of the move to the new facility, the Maine State Prison and the Department of Corrections went under the Unit Management Concept of managing prisoners. Unit Management divides the prisoner population up into smaller units managed by multi-disciplinary Unit Teams.

Maine State Prison consists of:

- Special Management Unit housing High Risk Management prisoners, prisoners assigned to the Mental Health Stabilization Unit, and prisoners on Administrative Segregation or Disciplinary Status. Prisoners are housed in single cells in 3 separate pods.

- Close Unit: prisoners classified as close custody and prisoners on reception status. Prisoners are housed in single cells in 6 pods.
- Medium Unit: prisoners classified as medium custody and prisoners classified as minimum awaiting transfer to a minimum facility. Prisoners are housed in double cells (6 pods) with the exception of one pod of single cells.
- Maine State Prison is fully handicapped accessible and has cells in each pod for physically handicapped prisoners, allowing for full integration into the prison population.

Information on Classification (Criteria for Placement)

Prisoners are sent to the Maine State Prison using the following criteria (effective 1/2002)

- Unsuspended portion of sentence exceeds five (5) years.
- Escape conviction(s) or known escape attempt(s) from a medium or higher security facility.
- Prisoners with special needs will be referred to the Director of Classifications. Prisoners with special needs include, but are not limited to, subjects with severe mental, emotional, or physical disabilities or about whom there is information indicating that placement in a particular facility might pose a threat to the safety of the prisoner or another person.
- The prisoner has been released from a correctional facility within the last three (3) years and at the time of release the prisoner was classified as close or maximum custody.

Programs/Services

Education Services - The Education Department offers a variety of academic and life skills programs. Tutoring in literacy/remedial reading is provided by qualified prison tutors, literacy volunteers, and teachers. All tutors are LVA certified. Academic classes include basic computer instruction, GED prep, typing, English, horticulture, science, and college prep math. College classes are also offered over ITV (interactive television). Special programs, such as art, creative writing, music, literature, language, and a pre-release exit program, are also offered by the Education Department.

Mental Health Services - The Mental Health Service Department assures assessment and treatment planning for all prisoners with major mental illnesses or behavioral disorders. Treatment includes individual supportive counseling, cognitive-behavioral psychotherapy, group therapy, and psychopharmacological medications as indicated. The department also provides crisis intervention, discharge planning, staff training, and psycho-educational groups, e.g. anger management relapse prevention, sex offenders. The mental health staff work closely with security and medical personnel, as well as with other agencies to provide consistency and continuity of patient-prisoner care and treatment.

Substance Abuse Services - The Substance Abuse Department provides the following services:

Individual Counseling - One on one counseling services provided to those who request it (focusing on recovery issues). Initial appointments address assessment and evaluation leading to development of a treatment plan, prioritizing treatment issues appropriate to the individual.

Group Counseling- Several closed time limited groups are offered: Commitment to Change (10 weeks); Relapse Prevention (8 weeks); Return to Self-Relapse Prevention (12 weeks); Addiction 101 (15 hours) psycho-educational, small group (4 persons) and large group (12 persons); intensive six month 12 Step Group (3-7 participants).

Drop-In - Weekly group available to individuals on the waiting list. Provides basic information on a variety of subjects, informative in nature.

Self-Help - Actively supports Ledge AA group. Staff liaison working with administration, board members, community sponsors and volunteers to coordinate activities. Also working with Medical Department on monthly support group for individuals with HIV virus.

Social Services - Maine State Prison provides varied social services to the prisoner population and serves the needs of the Department of Corrections. All prisoners sentenced to the Maine State Prison are assigned to either a licensed Correctional Caseworker (L.S.W.) or a Correctional Care and Treatment Worker (C.C.T.W.) who will see the prisoner after his arrival.

The caseworker/CCTW assists the prisoner in developing an Individual Case Plan (I.C.P.), release plans as well as serving on the Unit Management Team and also frequently plays a role in defusing potentially disruptive situations. These functions taken together serve to control institutional tensions and provide a more stable environment.

Industries Programs- The Maine State Prison Industries Program includes a Wood Shop and Upholstery Shop.

Wood Shop - Wood products, from cutting boards to bureaus and hutches are hand-crafted by prisoners working in the Maine State Prison Wood Shop. Finishing of the products is done by prisoners working in the Finishing Shop. These work areas provide prisoners with a means of learning work ethics, marketable job skills and entry into the job market upon release. Products are sold through the Prison Showroom with monies used to support industries and craft programs, which involve approximately 150 prisoners.

Upholstery Shop - The upholstery shop at the Maine State Prison makes cushions, canvas bags, and more for sale in the Prison Showroom. Prisoners hand sand chairs under contract between the Maine State Prison and private business. Chair caning and rush roping are also done in the upholstery shop.

Small Products Line - The Maine State Prison Small Products Line provides an opportunity for prisoners to work on wood novelties during their recreation time. All

program participants must first complete a safety training course, where they are taught the safety basics of all machinery. Items from the Small Products Line are made for sale in the Prison Showrooms in Windham and Thomaston.

Groups - There are several inmate self-help groups at the Maine State Prison including AA, Jaycees, Long Timer's, HIV Peer Education, Yokefellow, and NAACP. All groups meet on a weekly basis and report to a staff person designated as liaison. Some of the groups also include volunteers from the community who meet inside the prison on a regular basis.

Religion- The Protestant and Catholic Chaplains offer extensive pastoral counseling on a weekly basis. The Protestant Chaplain is a full time employee while the Catholic Chaplain spends two and one half days at the prison. The rest of his time is spent at other Department of Corrections facilities.

Activities	Faith Group Services
Yokefellows Groups	Christian Fellowship Services
Christian Prayer Groups	Catholic Mass
Christian Bible Studies	Neo-Pagan Monthly Worship Service
Wiccan Study Group	Muslim Prayer Group
	Witnesses of Jehovah

Shared Resources with Bolduc Correctional Facility (BCF)

Tactical Team	K-9 Team	Fire Department
Business Office	Personnel Office	Hospital
Commissary	Fleet Management	Mental Health Services
Criminal Investigations	Road and Grounds Upkeep	

Directions to Maine State Prison

The Maine State Prison is located approximately 1 ¼ miles from Route 1 on Route 97.

Bolduc Correctional Facility



Facility Manager: [Al Barlow, Deputy Warden](#)
CAO/Contact Person: [Jeffrey D. Merrill, Warden](#)
516 Cushing Road
Warren ME 04864
207-273-2036

Population Capacity: 150

Custody level of Prisoners: Minimum/Community (Less than 5 years remaining on sentence)

Number of Staff: 65

Mission Statement

The primary purpose of this minimum security institution is to promote a safe and healthy work environment for the community, staff and prisoners alike, while providing the necessary opportunities for change and personal growth that will positively affect an individual's reintegration to society. ed to the Prison.

History:

The Bolduc Correctional Facility was built in the early 1930's as a farm barracks for the Maine State Prison. Known then as the "Prison Farm", this facility grew to be one of the largest dairy and beef farms in Maine.

Forty prisoners lived at the old farm barracks while a selected few resided at the Prison Farm's "Home Sites". The entire complex included three farms, the prisoners' barracks, poultry barns, turkey barns, piggery, cannery, slaughter house and numerous dairy facilities, including a pasteurization plant.

Large scale crop farming also became a trademark of the Prison Farm. Fields were leased and rented throughout most of Coastal Knox County. The Prison Farm flourished throughout the 1940's and 50's, but began to wane significantly during the 1960's until 1969, when a large fire destroyed many farm buildings and the pasteurization plant.

Warden Alan Robbins, citing the lack of profitability and necessary skilled labor, closed the farm in 1970. It's interesting to note that the local newspaper quoted Warden Robbins as saying that the new "drug culture" in our society was not providing the prison with experienced farm hands normally available from a rural population.

Within two years, Warden Garrell Mullaney reopened the Prison Farm with the assistance of the Department of Manpower Affairs. No longer a farm complex, this facility provided maintenance support to the Maine State Prison. Having no budget, a small cadre of officers led by Major Ronald Bolduc reopened this facility utilizing materials and programs from the Department of Manpower Affairs. Within four years, the Prison Farm became the primary vocational training site for the Bureau of Corrections. Prisoners began transferring to this facility from other correctional institutions for their vocational education.

By 1982, the Department of Corrections had obtained ownership of the vocational programs from Manpower Affairs. All Functions of the Bolduc Minimum Security Unit were once again under the sole jurisdiction of the Prison Warden. Also at this time, a small farming program had been rekindled under the direction of a part-time prison

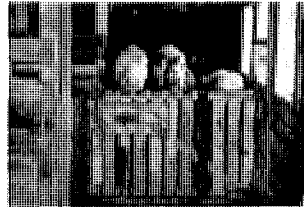
retiree. This new farm venture has continued to grow until once again the Prison Farm Program is able to provide staple goods, e.g. potatoes and dried beans, to all the Departmental Correctional facilities. The 1997 harvest produced 720 barrels of potatoes and nearly 6 tons of dried beans. Additionally, up to three head of beef cattle are slaughtered each year for use in the facility's kitchen. These are used to teach meat cutting in the Culinary Arts program as well as to feed the facility.

With overcrowding a major problem within the Department of Corrections, the 1980's saw the establishment of several new correctional facilities in other parts of the state. A Bolduc Unit Master Plan study was commissioned in 1988 under the direction of the Allied Ehrenkrantz Group. This proposal was endorsed by public referendum and through new construction and renovation, transformed the old Bolduc Minimum Security Unit to the current Bolduc Correctional Facility. Nearly five million dollars was spent between 1990 and 1993 to build two new housing units, a new gymnasium, and renovate the old barracks. The old barracks building, which at the time of construction housed 62 prisoners, now provides facilities for programs, administration, visitation and food service. The prisoner population has increased from a pre-construction high of 62 to the current rated capacity of 175.

Prisoners housed at the Bolduc Correctional Facility have the opportunity to make significant strides toward a positive reintegration to society. The prisoner can improve his skills, employability and self-knowledge through vocational training, academic and computer education, and counseling programs. The Bolduc Correctional Facility places a great deal of emphasis on a sound work ethic. This is a working facility and meritorious extra good time will only be awarded if earned. Most prisoners recognize this and their efforts are reflected in the overall success of this correctional facility.

Programs/Services:

Education



All BCF prisoners are encouraged to pursue educational goals and use the resources of the Education Department. Classification refers everyone interested in programs as well as everyone who is not a high school graduate for needs assessment and placement.

Programs include:

- * Literacy: Work one-on-one with literacy volunteers to improve reading skills
- * Adult Basic Ed: Skill building in math, reading, writing
- * GED: Preparation and testing for the high school equivalency diploma.
- * Vocational Backup: Work on specific skills needed in a vocational program
- * Counseling: Vocational and educational planning; life skills workshops; pre-release preparation
- * Computer study: basic training in Windows 95, advanced training, and independent computer time available to those who complete basic.
- * College: televised courses through the Education Network of Maine; tuition costs shared by the student and the Prisoner Benefit Fund

The Education Department manages the Library and facilitates group activities like the B.C.F. Newsletter, chess club and stock market game. It also sponsors special programs provided by volunteers and groups from the outside, including:

- * The Alternatives to Violence Program (AVP) has put on 3-day workshops on conflict resolution for the past two years
- * New Books, New Readers, a project of the Maine Humanities Council, focuses on the rewards of reading in workshop series for readers at all levels.
- * Mindfulness Meditation meets biweekly with volunteers from the community.
- * AIDS Awareness educational programs presented by the Waldo-Knox AIDS Coalition; the basic program is provided to all new prisoners and all furlough program participants.
- * Impact on Crime is a new education program which explores the effects of crimes on victim families and communities.
- * Veterans Affairs assistance

Vocational Training

Six vocational programs offer prisoners the chance to learn or improve marketable job skills:

Building Trades consists of practical experience in construction projects for the institution and sometimes in the local community. It usually covers rough framing, roofing and siding, drywall, interior and exterior finish work.

Culinary Arts trainees may graduate as Assistant Cook or Cook II depending on how well they do in the program. The course covers all phases of food preparation, including extensive training in the bake shop. Graduates have landed good jobs in restaurants and institutions.

Auto Body Repair provides experience in all aspects of body repair and refinishing; each trainee will spray-paint at least one entire vehicle before graduation. The instructor offers a session on custom work for students who have done especially well in the regular program.

Auto Mechanics focuses on engine work, from tune-ups to overhauls, and maintenance work including alignment. Modern equipment includes an electronic analyzer and an all-wheel alignment machine.

Plumbing and Heating trainees are licensed as helpers so that their hours in the program will count toward journeyman license requirements. Practical experience includes heating and plumbing system maintenance and repair as well as new installations.

Electrical Trades trainees are licensed as helpers and may take the journeyman exam after successful completion of the program. Theory and code are studied in the classroom. Since the course takes 12 months, openings are limited and only prisoners with a strong interest in an electrical career are encouraged to enroll.

Each program except electrical takes six months to complete. Each combines classroom study and hands-on work, and is taught by a certified instructor who is a professional in his field. Prior experience is not required.

Programs

The Bolduc Correctional Facility currently has two major industrial programs.

Farm Program

From a small one acre plot in 1980 to nearly 100 acres of crops under cultivation, the Bolduc Correctional Farm Program has developed into a major supplier of produce for the DOC facilities.

The farm operation is in its 12th year of operation as a major contributor and cost savings program to the Department of Corrections. Our current three year agricultural plan is

proceeding as expected and by the end of the 1999 growing season, we should have three major crops in rotation, i.e., potatoes, dried beans and hay. These crops effectively compliment each other and provide for healthier soils.

This past year also witnessed the construction of a new ninety foot greenhouse. The ultimate goal will be the construction of a third unit and the implementation of a year-round vegetable program. In addition, flowers could be grown to enhance the appearance of State buildings in all areas.

The livestock (beef) program has been reduced to only a dozen head, but will be sufficient enough to support our Culinary Arts Program.

A significant addition to the farm program this year was the drilling of a well that has the capacity of replenishing our water storage ponds. This new function in conjunction with our irrigation system should be able to provide the necessary water to our crops and enhance productions.

Plate shop

The Bolduc Correctional Facility in conjunction with the Secretary of State's office operates the state of Maine license plate program. In a non-new issue year we employ six prisoners on a regular basis. For the year 2002 we employed a total of 25 prisoners for approximately 12,500 hours. The BCF Plate Shop made and shipped 630,000 license plates.

Restitution

The Bolduc Correctional Facility is very active in the community. For well over 20 years, the facility's programs have worked to assist local municipalities, state agencies, school departments, community action agencies and regional historical societies. Projects have ranged from building wheel chair ramps at the homes of handicapped individuals to major construction and renovations such as the Cushing School and the Thomaston Branch of the University of Maine.

The "Hot Shot" Firefighting crew travels throughout the state assisting the State of Maine Forestry Departments. This group has been active for well over ten years and is highly acclaimed for its firefighting efforts.

Crews from the Bolduc Facility have assisted area municipalities and state agencies with roadside clean up and waste dump control. We currently provide the Department of Transportation with three full-time crews. This program has evolved into a major cooperative effort by two state agencies to provide a service to the State of Maine.

Work Release

For nearly 15 years the Bolduc Correctional Facility operated a Work Release Program in the local communities. It was suspended in 1988 to focus primarily on farming and vocational training, but the increase in population has created a need to return to this program.

In the past few years the work release program has grown from two prisoners to a maximum capacity of 25. While on Local Work Release, prisoners will pay room and board as well as any other court ordered restitution.

Substance Abuse Counseling and Self-help Programs

AA - The Gull Group meets weekly on Thursday nights. Outside volunteers attend as well as BCF prisoners.

NA - The Y2K group meets weekly on Wednesday nights. Outside volunteers attend as well as BCF prisoners.

Al Anon - The Unity Group meets weekly on Sunday nights. Outside volunteers attend as well as BCF prisoners

AA Furlough Program - Prisoners with established involvement in the in house AA group may be approved for AA furloughs to attend AA meetings in the local area. Volunteer drivers transport BCF prisoners to these meetings.

Individual Counseling - After being screened by the Mental Health Department and recommended for treatment through the Unit Management/Treatment and Care Teams, BCF prisoners are provided with individual counseling. This includes treatment planning, monitoring, case management, and referral to other programs both in and out of the facility.

Group Counseling - BCF offers A Journey Toward Recovery©, a two part relapse prevention program in twelve week blocks. Phase One, Return to Self, is a didactic psycho educational program addressing such topics as Boundaries, Stress Management, Feelings and Communication, Shame, the Nature and Process of Addiction, Decision-Making, and other relapse and recovery-related issues. This is a closed group. Phase Two, Focus on Change, was developed due to prisoner demand. It is presented more as a seminar, depending on increased prisoner participation. It explores more deeply some of the topics covered in RTS as well as others geared more to the highly motivated client. FOC is also a closed group, strictly voluntary and open only to graduates of RTS. Both groups utilize CON GAME™, a unique therapeutic game which allows for exploration of values, attitudes, and beliefs around substance abuse and dysfunctional behaviors, and puts the responsibility for change directly onto the shoulders of participants.

Plans are in the works for the development of a new group, Getting Out for Good to be offered to prisoners getting close to release, within their last year of incarceration. This will focus largely on developing a prevention plan and increasing the "tool-box" necessary for successful transition back into Society.

Education - The Substance Abuse Department's Peer Educator Support Technician (PEST) presents a six week, closed, educational group, Addictions 101, which explores the process of addiction, the process of recovery, and the process of relapse. In addition, Film & Discussion group meets once weekly, presenting information about various drugs, introduction to the disease concept of addiction, and other related topics. The Department works closely with all other facets of the Facility and maintains constant contact with outside resources. There is a strong volunteer network which provides valuable services to the department staff; these dedicated individuals are honored every August at the Gull Group Barbecue.

Mental Health Department

The Mental Health Department at the Bolduc Correctional Facility is staffed approximately 46 hours a week by three LCSW's. Services provided include counseling in these areas:

An 8-week emotional awareness /anger management program.

Educational group on sexual offending. This is a 12-week group offered on a rotating basis.

Taking Responsibility group on sexual offending. This is a 12-16 week group. Members generally have to complete the Education group as a prerequisite.

Victim Empathy for Offenders - This is a 12-16 week group offered on a rotating basis.

Relapse Prevention - This is a 12-16 week group offered on a rotating basis. Other services include crisis intervention, assessment and evaluation. Individual treatment is provided for a variety of problems and issues.

Unit Management System

The Bolduc Correctional Facility's Unit Management Team is comprised of a Unit Manager, Zone Supervisor, Correctional Caseworker, Correctional Care/Treatment Worker, Substance Abuse Counselor, Mental Health Worker, Correctional Officer, and a Unit Clerk.

This team has decision-making authority regarding certain programs and security decisions for prisoners who reside at this facility. Unit Management is a more effective way to manage programs.

Case Management

Each housing unit at BCF has its own caseworker or care/treatment worker (CTW). The caseworker or CTW is the resource person that the prisoners go to regarding day-to-day problems which they may be experiencing. The caseworker or CTW provides information on institutional and community programs, and makes necessary referrals to the proper resources. The caseworker or CTW responds to family crises, emergency situations, and coordinates furloughs for deathbed visits and funeral trips, as prison policy allows. The caseworker or CTW works closely with the Department of Human Services in the areas of child protection, parental rights, and child support payments. The caseworker or CTW also provides pre-release planning and coordinates with social service agencies in the community which the prisoner will be released to.

Religious services

Religious services are also available at the Bolduc Facility and are coordinated by the Chaplain at the Maine State Prison. Many faiths are represented and services, prayer meetings, and study groups are scheduled. Outside religious groups provide numerous activities to our population including an annual Christmas party.

Classification Statistics for 2002:

Admissions	241	Releases	130
		Straight Releases	47
		Probation Releases	81
		Release to County	2
		Jail	

Maine Correctional Center
17 Mallison Falls Road, P.O. Box 260
South Windham, ME 04082

(207) 893-7000

Prisoner Capacity: 514 (includes 82 female, 10 infirmary beds)
Custody of Prisoners: Minimum, Medium, Correctional Recovery Academy
Number of Employees: 243

CAO: Scott Burnheimer, Superintendent



Mission: To confine and rehabilitate persons, male and female, lawfully in the custody of the Department and to provide them with education, treatment and work opportunities.

The Maine Correctional Center was established by an Act of the Legislature in 1919. It was originally called the Reformatory for Men and later named the Men's Correctional Center. In 1976, the Stevens School was closed and the women were moved to the Maine Correctional Center (renamed). The Maine Correctional Center is reception center for male prisoners with a sentence of 5 years or less and all female prisoners coming to the Department of Corrections.

The Maine Correctional Center operates under the Unit Management concept. The facility is divided into three Units and the Multi-Purpose Unit.

Unit 1 includes a 90 bed medium security dorm, a 30 bed minimum security dorm for prisoners awaiting transfer to a minimum security facility and the 40 bed Correctional Recovery Academy (CRA). The CRA transitioned from a traditional Therapeutic Community to the current program that consists of a modified Therapeutic Community with DSAT curriculum added to enhance the program to provide an intensive substance abuse recovery program that services the inmate population that is most seriously affected by drug and alcohol abuse. This new program was launched on May 1, 2003. The CRA is managed by Spectrum Health Systems.

In May, June, July and August Spectrum hired and trained staff. They also attempted to transition the current prisoner base to the new program. No new prisoners were added during

this time frame. Approximately 20 prisoners remained in the program. In November the CRA staff received DSAT training from the Office of Substance Abuse. October 1st thru December 31st twenty-three (23) new prisoners have been added to the CRA. Three (3) from the old and new combined have been terminated. Seven (7) have been suspended. Of the 7 suspended, 3 have been reinstated to the program and 4 are pending. Currently, the program count is 38.

Unit 2 includes two 85 bed units of minimum security and the infirmary. The two minimum units have inmates that participate in many programs such as work release, release planning, and educational programs. At any one time, several prisoners are preparing for the Supervised Community Confinement Program where they could be released early with supervision from a probation officer. Work release involves projects both inside and outside of the facility, including work related to community restitution. The infirmary serves all the adult male facilities and is often used for less expensive recovery time after hospital stays.

Unit 3 is the Women's Center. The new Women's Center at the Maine Correctional Center opened in July of 2002 and houses the adult female population committed to the department in a building that provides all of the housing and programming needs of this special segment of the prisoner population. The Women's Center staff is specially trained to work with female inmates and to work with the special needs and concerns that affect only the female inmates. The Women's unit is progressing forward continuing the Department's mission to provide gender responsive programming to incarcerated women. Currently programs being provided in this unit are Adult Basic Education, Project HIP (Parenting), Career Center Workshops, Creative Writing, College courses, Houses of Healing, Ready to Learn, Typing, Community building, Victim Impact, Alternatives to Violence, Women at Risk (STD, HIV), and the Puppy Program.

Currently the kitchen employs 10 women. The women's unit has two industries programs – garments and embroidery. The Industries programs employs 13 women on a regular basis and 6 on temporary status (Industries Specialty Products). This area also hosts the quilting class, which holds 4. The Puppy Program has 4 Primary Handlers and 5 assistant handlers for 4 puppies. Young dogs are trained in obedience and raised to become service dogs for handicapped individuals. Several dogs have already been placed. There are several groups including the Office of Animal Welfare that are anxious to work with the Women's Center and the puppy program. This has been a very positive program for the women.

The women in the unit are provided an education in nutrition and healthy diets and then given the opportunity to plan their own meal menus.



The new Women's Unit at the Maine Correctional Center opened in July of 2002 and houses the adult female population committed to the department in a building that provides all of the housing and programming needs of this special segment of the prisoner population. The MCC Women's Unit staff is specially trained to work with female inmates and to work with the special needs and concerns that affect only the female inmates.

Multi-Purpose Unit (MPU) is the reception area for the majority of intakes for the entire Department. Due to the number of prisoners entering our Department, this unit faces many challenges. This unit receives 90% of the Department's intakes. After a prisoner's admission, the unit takes approximately 30 days to evaluate the programming needs of each new prisoner and makes recommendations for the housing assignment within the Department as well. This is a very labor intensive process. The MPU also houses the segregation unit for the facility as well as the Protective Custody (PC) unit for the Department. Although the PC unit is small, it requires a substantial amount of attention due to the nature of the prisoners involved. In the fall of 2003, the PC prisoners had their first opportunity at MCC to participate in an industries program and are now involved in the manufacturing of garments. The MPU also houses approximately 40 female prisoners. Those women include reception prisoners waiting to move to the Women's Center and those prisoners with behavioral issues due to mental health and discipline. MCC's mental health staff has provided supportive counseling, psychotherapy, crisis intervention, intake assessment, and group work for inmates in the MPU.

Programs Available at the Maine Correctional Center

The **Educational** Program is geared for a high school diploma and/or a G.E.D. There is a NovaNET program, which allows prisoners to increase their skills in grades 6 through 12. The NovaNET also offers several college courses via a closed circuit with the Southern Maine Community College.

HIP (Helping Incarcerated Parents) Support Groups continue to meet twice each month as well as monthly Children's Workshops. This program assists prisoners with parenting skills and allows incarcerated parents to meet with their children under supervised conditions. Parents have stated in their evaluations "they will give more focused attention to their child", they want to "learn more about their child's self esteem", and "they now will be sure to allow their child to discharge hurt feelings" instead of telling them NOT to cry. In our last group, 12 parents participated along with 11 caregivers and 21 children.

Transition planning is crucial to the successful reintegration of prisoners to their communities. The Career Center of Portland administered the Harrington-O'Shea Career Decision-Making Survey to residents in addition to talking about applications, resumes, and job interviews. All participants gave permission to pre-register them at the Career Center in their hometown as a first step in creating a successful transition to their communities. Twelve students participated during the last event held in 2003.

Special Education Services is new to the Maine Correctional Center. The new teacher has completed his introductory orientation and has set up a classroom in the school area. The first introductory visit by the state Department of Education has happened and a special education audit has been scheduled for March 2004.

The **Computers for Schools Program** that takes computers that are donated by the private industry and then repairs and refurbishes the computers with new hardware and software is one of several vocational education programs at MCC.

Computers for Schools (CFS) also has shortened the Computer refurbishing course from 12 months to 9 months and increased the seats from 6 to 8. A new class starts in January 2004. The program placed 8 computers in public schools the last quarter of 2003. In addition the program donated 22 computers to the Palermo Community Program in Palermo, Maine, a non-profit organization that gives computers to single mothers with children that are on a welfare program. The program currently has 100 computers that meet the CFS minimum standards for schools. That standard is a Pentium 2 class computer, which is internet ready. There is one order pending for a public school for 35 computers.

Computer for schools has added a new two week course for basic computer skills. This course teaches the students basic computer familiarization on how the computer works and terminology in a technical sense. The two week course also teaches introduction to Microsoft Word, Excel spread sheet applications, and file management. The new course is open to all inmates and seats 8 students. Two students received their A+ Certification this period. Five students have completed Phase 1 and 2 and are studying to take their A+ Certification. The 2003/2004 test objectives are now the current test; this covers the operating systems XP Home and XP Professional. All curriculums have been updated to meet these new objectives.

The **Graphic Arts Vocational Program** provides vocational training in graphic arts and printing services to the DOC. After years of saving up monies earned from providing graphic services to state agencies and non profits, enough funds were accumulated to order a new press for the program. It is scheduled to be installed the spring of 2004. This modern press is critical to maintaining a teaching environment which is equipped to train contemporary real world employment skills in graphic arts.

All inmates have access to MCC **Library** print and legal services. The number of general population inmates visiting the library varies each week. Approximately 50 inmates go to the general library weekly and an additional 20 utilize the law library on a regular basis. The Interlibrary Loan program is popular with approximately 30 books per month ordered by inmates in general population, PC unit, and the Women's Center.

Initiatives over the last quarter have included starting two **anger management** groups, one each for Units One and Two.

A **life skills group** was started in B-Pod North. Staff are also planning to facilitate a **trauma group** at the Women's Center, as well as planning with the chaplain to offer Houses of Healing Groups in the Pods. The goal in running groups is to offer information and dialogue to address concerns, have inmates' problem solve and come up with working solutions. Additionally, groups allow more individuals to be seen and hopefully prevent crisis. Inmates have requested a **support transition group** to help them transition back to community more successfully. Discussions for the future include exploring programs such as yoga or meditation, to help inmates deal in a constructive manner with stress and anxiety.

A **Chaplain** was hiring during the summer of 2003. He is coordinating all the religious needs within the facility and is developing a community network to assist in addressing the several faiths that are present. He also serves as the facility's volunteer coordinator.

Downeast Correctional Facility



Director C. Mark Caton
64 Base Road
Machiasport ME 04655
(207) 255-1100

The Downeast Correctional Facility, located at the former Bucks Harbor Air Force Station, was established by the Legislature in September 1984. Funds were appropriated to purchase the facility for the confinement and rehabilitation of persons who have been duly sentenced and committed to the Department of Corrections and began receiving inmates in June 1985. The facility is a medium/minimum security institution with a prisoner count of 142.

PROGRAMS

The **Educational** Program is geared for a high school diploma and/or a G.E.D. There is a NovaNET program, which allows prisoners to increase their skills in grades 6 through 12. The NovaNET also offers several college courses via a closed circuit with the Southern Maine Community College.

The **Vocational** Programs are staffed by degreed instructors in the following fields; Upholstery, Welding, and Building Trades. An **Industries** program was instituted in July 2001, for the manufacture of denim jeans and denim jackets for the entire Department of Corrections prisoner population.

The **Community Restitution** Program provides other State Agencies, Local Municipalities, and non-profit organizations with assistance in maintaining their facilities. The **Prison Pup** Program utilizes facility based training by prisoners to prepare service dogs to help deaf or physically challenged people to lead a more mobile independent life. The "Hot Shot" **Firefighting crew** travels throughout the state assisting the State of Maine Forestry Departments. This group has been active for well over ten years and is highly acclaimed for its firefighting efforts.

The Classification Committee has a direct impact on the prisoner for its primary responsibility is to orient each new prisoner to the facility, its housing, care and/or treatment programs. The committee is responsible for the safety and well being of each prisoner assigned to the Downeast Correctional Facility. The committee analyzes all

input to determine the initial anniversary and/or required changes to the security status of the prisoners housed at the facility. A caseworker assists prisoners and their families in making recommendations for treatment programs within the community and in the therapeutic and rehabilitative settings.

The **Medical Department** is staffed 12 hours a day by a Registered Nurse (RN) with visiting Doctors, PAs, LPNs, Dental and Optical staff as needed.

The **Treatment** Program consists of psychological treatment with counselors in Substance Abuse Counseling, Re-entry, Crisis Intervention and Anger Management.

Charleston Correctional Facility

Population Capacity: 75

Security custody levels: Minimum, Community

Number of Staff: 32

Director: Stephen Berry



Mission: Provides for the confinement and rehabilitation of prisoners who are classified as minimum and community security in order to prepare them for community supervision and release.

The Charleston Correctional Facility is located on the site of the former Charleston Air Force Station in Charleston, Maine. The facility opened with about 30 prisoners under the administrative control of the Maine Correctional Center in 1980.

Between 1981 and 1985 a second dorm was opened which brought the facility prisoner count to 62. Then in 1985 a third dorm was opened which increased the prisoner

population to 93 prisoners. This was the year the facility split away from the Maine Correctional Center and assumed primary responsibility for its own development and operation.

In 1990 the State's prisoner population was in a growth pattern which resulted in a new "bat wing dorm" being constructed. The facility count was then increased to 143. During the next 9 years our prisoner population grew to 180+ with four dormitories open.

In 1999 the facility became a co-correctional facility in order to house a segment of the rapidly expanding minimum security female prisoner population. One dormitory was closed and the facility's population was adjusted to 131 male and 32 female prisoners.

In 2001 during a major restructuring of the Maine Department of Corrections the facility was downsized. The female population was moved to new housing at the Maine Correctional Center in Windham. The male population was cut back to an overcrowd count of 95 male prisoners.

General Overview

Charleston Correctional Facility is a working facility; as such all our staff place a great deal of emphasis on assuring a real world work ethic is taught and modeled at all times. Our facility has consistently been a leader in all areas of minimum/community security corrections.

Prisoners housed at Charleston Correctional Facility have the opportunity to make significant strides toward self-improvement. The Prisoners are afforded the opportunity to improve their life skills, employability and self-knowledge through vocational training, community restitution programming, academics, counseling programs and a most unique work release program, all of which assist the prisoner in a positive reintegration to the greater community.

Programs/Services

Education

All Charleston Correctional Facility prisoners are encouraged to pursue educational goals and use the resources of the Education Department. The facility's classification team thoroughly reviews each and every prisoner file to ensure proper programming recommendations and placements are made.

Substance Abuse Counseling and Self-help Programs

AA - The Top of the Hill Group meets every Wednesday night. Outside members attend as well as CCF prisoners.

Individual Counseling – Individual counseling is provided by a Licensed Drug and Alcohol Counselor and is available on request and through referral by Classification. The counselor meets with prisoners 12 hours per week.

Group counseling – Charleston Correctional Facility offers *Free Your Mind*[®], a “comprehensive educational and treatment program which promotes cognitive skills development and encourages offenders to take a practical and realistic look at the progression of troubles in their lives and the irrational choices they have made. Offenders are given the choice and responsibility to work toward personal change by focusing on the truth about their lives and their personal responsibility to change their attitudes and actions”. The group is co-facilitated by the substance abuse counselor and the Facility caseworker, who is a Licensed Social Worker.

Mental Health Counseling: Mental health counseling is provided 8 hours per week by a contracted clinical psychologist who works with prisoners on a 1:1 basis and in group therapy. Individual treatment is provided for a variety of issues, including depression, anxiety, and other psychological disorders. Crisis intervention, assessment and evaluation are available, as is counseling in dealing with institutional adjustment and/or personal problems. Services provided include the following:

A **10-week anger management program** based on *Cage Your Rage*, an anger management program developed at the Saskatchewan Penitentiary. This program helps offenders recognize their angry feelings, learn where they came from, and deal with them in more responsible and less destructive ways. Offenders learn how to take more control over their lives by controlling these feelings.

Sex offenders are recommended to attend **individual/group sex offender counseling**.

Religious services: Weekly non-denominational religious services are held as well as faith specific prayer meetings and bible study groups.

[Work Release Program:](#)

The Charleston Correctional Facility work release program is a most unique program due to the fact we require the employer to supply transportation to and from work for those prisoners that are employed. There are currently a maximum of 14 prisoners allowed to be on actual work release at any given time. Prisoners continue to be housed at Charleston Correctional Facility while on the work release program, and are expected to pay room and board as well as make payments on any fines, restitution, and/or child support they might owe. The maximum duration of this program is six months actual time on the program.

[Vocational Program](#)

Wood Harvesting: The wood harvesting program consists of practical experience in all aspects of the vocation with a very strong emphasis on safety. The wood harvesting crew generally operates on about 6,500 acres of the Bud Leavitt Wildlife Management Area which is controlled by the Department of Inland Fish and Wildlife. The IF&W works

very closely with our staff to ensure proper land management “prescriptions” are drawn up for each block of land contained in the wildlife management area. The program is exceptionally well known for graduating students that are extremely knowledgeable in all aspects of the trade. Program graduates, upon application, receive their Maine Certified Logging Professional Certificate. These certificates combined with the advanced knowledge our program graduates acquire assure those graduates an excellent opportunity to be top contenders for employment within the wood harvesting industry.

During “mud season” our wood harvesting crew must stay out of the woods in order to preserve the forest floor. This time out of the woods is utilized to perform community restitution for numerous local communities. The crews work on roadside brushing and clearing as well as any other brushing/clearing the local community might request.

Industry Programs

Woodshop, Sawmill & Dry Kiln: Prisoners assigned to the Woodshop Industry Program are exposed to a large variety of building and furniture making skills. There is a very strong emphasis on shop and tool safety. Prisoners craft high quality hardwood furniture which is sold to other state institutions. The prisoners also manufacture many wooden craft items as well unique furniture for the home. Also, prisoners in this program construct several styles of custom ordered small buildings.

Prisoners assigned to the Sawmill Industry Program are instructed in all aspects of the art of creating quality lumber from soft and hardwood logs. There is a very strong emphasis on safety. Sawn lumber is kiln dried in our quality professional grade kiln. The lumber is dried to the appropriate specifications and is sold to numerous state agencies at a substantial savings. Our customer list in part includes the Maine State Prison, Maine Correctional Center, Maine Department of Inland Fish and Wildlife, and the Maine Department of Transportation.

A major benefit of the Industry Program is that it is self funded. Profits from the sale of industry goods and lumber are utilized to pay a nominal wage to prisoners working in the Industry program and are likewise utilized to entirely fund the salaries of the three Charleston Correctional Facility employees assigned to the program.

Work Assignments – General

Community Restitution/General Facility Maintenance (3 Crews): Charleston Correctional Facility is exceptionally well known for our community restitution program. Charleston crews have been performing community restitution projects for the surrounding local communities and numerous state agencies since 1980. A few examples of the worth while projects our crews perform include maintaining local cemeteries, refurbishing local community buildings and churches. We have converted vehicles into mobile crime labs for the Maine State Police. During the spring and summer of 2003 we completely rebuilt a building into the new Dover Foxcroft Police Department which saved the community over \$100,000 in labor expense. We supply emergency crews to

local towns and cities in times of crisis to perform such chores as shoveling school roofs and cleaning public ways and parks after major weather events. Our list of community service to our local communities is very extensive; in 2003 we will donate to our local communities approximately 29,000 man hours.

Motor Pool: The prisoners working in the motor pool perform general scheduled maintenance to all our vehicles and equipment. In certain cases we also perform rebuilds of small equipment, heavy equipment and passenger vehicles.

Plumbing: The prisoners assigned to work with the plumber receive practical training and experience working with heating and plumbing system maintenance and repair as well as completing new equipment/fixture installations.

Electrical Trades: The prisoners assigned to work with the electrician receive practical training and experience in the electrical trade.

Steam Plant Operations: Prisoners are assigned to work in the facility steam plant. They are taught the basics in the operation and maintenance of the two large oil burning boilers and two large wood burning boilers. Four foot pulp, wood slabs and scrap wood are burned in the wood boilers in order to save the facility a substantial amount of fuel oil.

Department of Transportation Work Crew: The Charleston Correctional Facility and the Maine Department of Transportation are a most positive example of interagency cooperation. Every work day a designated and trained Department of Transportation employee picks up a crew of prisoners to perform job tasks associated with bridge maintenance. This one crew has literally saved the State of Maine millions of dollars.

Storeroom Crew: A crew of prisoners works in the Charleston Correctional Facility Storeroom and Canteen performing general labor related tasks.

Kitchen Crew: A crew of prisoners works in the Charleston Correctional Facility kitchen and dining area. All kitchen related duties associated with the preparation, serving, and cleanup of meals are preformed by this crew under the supervision of a Food Service Employee.

Forest Fire Crews: The Maine Forest Service conducts forest fire fighting training for prisoners who have passed all the physical requirements to be on those very physically demanding crews. Forestry Officials repeatedly state that our forest fire fighting crews are among the best. Our forest fire fighting crews have fought forest fires throughout central, eastern, and northern Maine since 1981.

The Charleston Correctional Facility also serves as a **support center** for Mountain View Youth Development Center which is physically located next door. The staff and prisoners at the adult facility provides the youth facility with grounds maintenance and

the youth facility provides the adult facility with support services such as personnel, budget and fiscal management.

Classification Statistics 2002

123 prisoners were admitted to Charleston Correctional Facility in 2002.

120 prisoners were released in 2002.

Number and types of releases/transfers: 26 prisoners went to straight release, 48 prisoners were released to probation, and 46 were released to county jails or were transferred to other state facilities.

C. Division of Adult Community Corrections

The State of Maine, Division of Probation and Parole was created in 1967. In January 1984 Juvenile Intake and Aftercare services were consolidated into this Division. In 1976 parole was abolished and the courts imposed determinate sentences. In 1986 the legislature enacted the Intensive Supervision Program and in 1991 legislation was enacted that authorized the Supervised Community Confinement Program. The Intensive Supervision Program was dissolved in 1993 due to budgetary constraints and the Supervised Community Confinement Program was not funded until the emergency session of the 118th Legislature in 1998.

Summary

- 1967 Division of Juvenile and Adult Probation and Parole created**
- 1976 Parole abolished
- 1991 Supervised Community Confinement legislation passed
- 1996 Division reorganized
- 1997 6 federally funded Sex Offender Specialists were supported by a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, through the Justice Assistance Council
- 1998 118th Legislature**
 - 5 Supervised Community Confinement Positions
 - 1 Support Staff
 - 7 Probation Officers-November 1st
 - 1 Support Staff-November 1st
 - 2 part time support staff
- 1999 2 Administrative Case Officers
 - 1 Domestic Violence Officer (Federally funded)
 - 4 Part time support staff
- 2000 6 Probation Officers (The 6 federally funded Sex Offender Specialists are now supported by the general fund)

1. PROBATION SERVICES

Probation is a court-ordered term of community supervision with specified conditions for a determinate period of time that cannot exceed the maximum sentence for the offense. It is imposed on an adjudicated offender who is placed under supervision in lieu of or subsequent to incarceration, with a requirement to comply with certain standards of conduct. The probationer is required to abide by all conditions ordered by the court. Violation of these conditions may result in revocation by the court and imposition of an underlying sentence that was imposed at the time the offender was sentenced to probation. The probationer is generally required to pay the cost of supervision to the State of Maine, and may have

additional conditions requiring payment of restitution, court costs and fines, public service, various types of treatment.

Probation services are administered in four regions covering all sixteen counties. A Regional Correctional Administrator who reports directly to the Department of Corrections' Associate Commissioner for Adult Community Corrections administers each region.

The probationer is usually required to visit his/her supervising officer in the local field office at intervals related to their risk of re-offending as measured by a risk/need assessment tool. If the probationer's assessment places him/her in the higher risk of re-offending classifications, the officer will contact the offender at his/her home and place of employment in addition to maintaining contact with service providers and other community members.

The average number of adult offenders under supervision in the State of Maine for the first 8 months of the year 2002 was 9139. This number constitutes a significant increase in the past 2 years. That is, the average number of adult offenders under supervision in 1999 was 7544. In the year 2001, as reported by the Bureau of Justice Statistics, in their August 2002 Bulletin, Maine led the nation in year over year increase in the number of probationers under community supervision.

Nationally more than 2,000 probation agencies supervise an estimated 3.2 million offenders.

Beyond supervision duties Probation Officers perform countless other duties some of which are:

Risk/Needs Assessment	Sex Offender Registration
Office Reporting	Sex Offender Risk/Needs Assessment
Residence Contacts	Selective Community Notification
Pardon/Commutation Investigations	Restitution /Fine Collection
Pre-Sentence Investigation	Employer Contacts
Furlough Investigations	Offender Transportation
Interstate Compact Investigations	Domestic Violence Program Referrals
Violation Investigation/Reports	Electronic Monitoring
Court Intakes	Public Service Work
Court Appearances/Testimony	DNA Collection and Referral
Program Referral	Drug/Alcohol Testing
Program Monitoring	Substance Abuse Treatment Referrals
Bail Supervision	Statistical/Data Collection
Community Education	Automated Data Entry

Adult Community Corrections Staff

Number of Adult Community Corrections employees by region:

Region I		Region II	
Regional Correctional Administrator (RCA)	1	Regional Correctional Administrator (RCA)	1
Assistant RCA	1	Probation Officers	12
Probation Officers	16	Sex Offender Specialist	1
Sex Offender Specialist	2	Supervised Community Confinement Officer	1
Supervised Community Confinement Officers	2		
Region III		Region IV	
Regional Correctional Administrator (RCA)	1	Regional Correctional Administrator (RCA)	1
Probation Officers	13	Assistant RCA	1
Sex Offender Specialist	2	Probation Officers	16
Supervised Community Confinement Officer	1	Sex Offender Specialist	1
		Supervised Community Confinement Officer	1

2. Pre-Release Centers

The Pre-Release Center is designed to be the last phase of a progressive incarceration system. Prisoners in the facilities are within the last fourteen (14) months of their sentences and could be eligible for the facilities work release program when within seven (7) months of their scheduled release date. While at the Pre-Release Center, prisoners are allowed to work in the community and return to the facility at the end of their work shift. They are required to participate in a controlled savings plan, contribute to family (child) support, pay court ordered restitution, pay room and board expenses to the State, pay State and Federal income taxes, and they are responsible for their medical and dental expenses. In addition to the prisoners that are participating in the work release program are prisoners serving on community restitution work crews. These work crews provide valuable community services to the local towns and communities as well as for other State agencies. The minimum-security facilities (Bolduc Correctional Facility and Charleston Correctional Facility) provide pre-release or community programming as well.

Central Maine Pre-Release Center

Population Capacity: 50

Security custody levels: Minimum, Community, Transitional Substance Abuse Program

Number of Staff: 20



Mission: Provides structure, supervision and security to prisoners for a transition from incarceration to release and Phase II of the Therapeutic Community for Substance Abuse Treatment.

The Central Maine Pre-Release Center opened on the grounds of the former Stevens School in Hallowell. Prisoners housed at the Center who are assigned to work release are allowed to work in the community and pay room, board and transportation fees to the Center. In 1996, the administration of the Central Maine Pre-Release Center was transferred from the Maine Correctional Center to the Regional Correctional Administrator in Region III. The Center also serves as the transitional treatment program for graduates of the Therapeutic Community in the Maine Correctional Center.

Emerging Issues and Current Initiatives

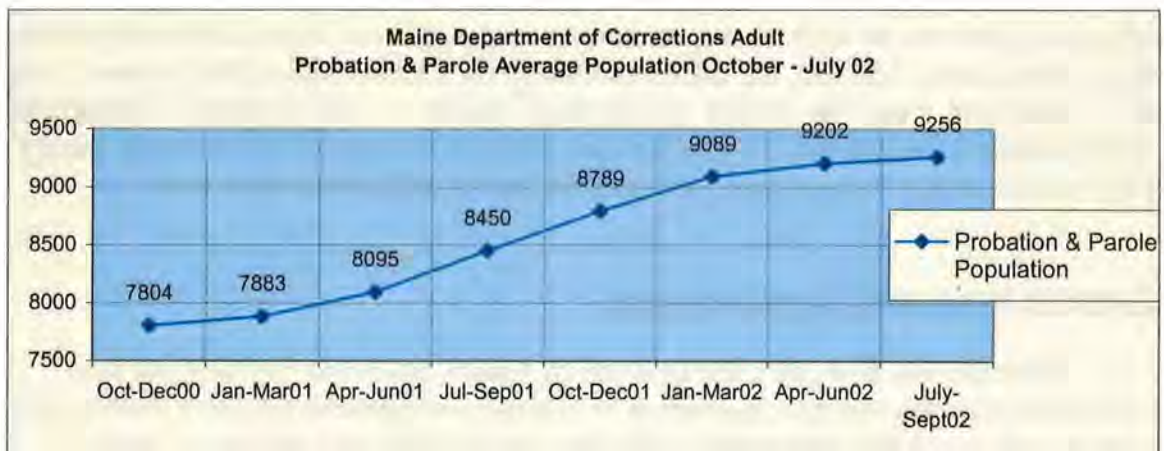
Over the past five years, the Division of Adult Community Services has seen tremendous changes and new approaches in offender management that have dramatically changed our role in the community and the manner in which we conduct our business. Increasing responsibilities have been added to the duties of probation officers, most notably in the areas of assessment and case management. Caseloads are managed according to the risk an offender presents to the community. Community corrections have also become specialized with the addition of probation officers with specialized caseloads for sex offenders and domestic violence.

1. CASE MANAGEMENT

Operational support for probation officers has improved. Within the past five years, office space has been procured for all probation officers across the state. Along with the reporting function, which is critical in probation work, officers are also responsible for submitting reports, conducting risk assessments, administering substance abuse testing, DNA collection and conducting investigative work. All of which depends heavily on the use of office machinery and the availability of administrative space to meet with clients, professional associates and the general public.

Data management and technology have improved as well. Five years ago there was scant data management capability within the Division of Adult Community Services. All probationer notes were kept in road notebooks and therefore the ability to generate reports was restricted by the time necessary to retrieve this information from road books in order to respond to the inquiry. With the introduction and implementation of DOCIS, officers were presented with a tool that could make road notes nearly obsolete while at the same time providing the officer the capability to respond to a variety of requests for information. The new information system under development (CORIS) will significantly improve the management of information. CORIS is designed by users and will be a case management approach to handling probation information.

What remains: In the past 14 months, 1,200 additional probationers have been added to the Division's caseload. This has brought caseloads to between 150 and 200 probationers for each probation officer. Some officers are in excess of 200.



2. SEX OFFENDER MANAGEMENT PROGRAM

One of the more prominent accomplishments in Adult Community Corrections in the past five years is the introduction of the **Maine Sex Offender Management Program**. In the criminal justice system, sex offenders present demands and considerations unlike other offenders. Their unique characteristics as offenders necessitate special skills and techniques for monitoring them while on probation. For this reason, in 1997 Adult Community Corrections, with financial support from a Byrne Grant, introduced the Maine Sex Offender Management Program. With the assistance of experts in the field of sex offender treatment, six probation officers were trained and began to use sex offender assessment instruments (Static 99 and ASOAP) and the latest research in the field to manage this population of probationers. The six probation officers assumed caseloads of the highest risk sex offenders in the state. With each sex offender specialists limited to supervising no more than 30 sex offenders their caseloads were quickly full and 180 of what was then Maine's approximately 750 sex offenders on probation were being supervised in the program. In 2000, the department secured General Funds to continue this program.

What remains: The Sex Offender presents the most difficult and intensive supervisory challenge imaginable to our probation division. They constitute a clear and significant danger to the safety of our communities. With the inception of the Sex Offender registration law, the general public has become more aware of the offender's their presence in their communities. The department's institutionally based sex offender treatment program will be designed to provide a continuum of treatment that will follow this offender to the community and maintain the support necessary that will reduce the likelihood of this individual re-offending. However, six Sex Offender Specialists for the entire State of Maine are not sufficient to cope with this ever-increasing threat. The caseloads have grown from a maximum of 30 to 40, far too many to receive the attention necessary to effectively manage these offenders. The rest of our Probation Officers also have sex offenders to supervise along with a caseload that is currently unmanageable. Therefore, ongoing training will be essential and community education will be essential.

In September of 2003, the Division of Community Services was awarded a technical assistance grant from the Center for Sex Offender Management (C-SOM) for the purpose of establishing and delivering an in-house training curriculum to more effectively and uniformly manage the adult sex offender population under the Division's supervision.

3. COMMUNITY SUBSTANCE ABUSE SERVICES/DRUG COURT

The Division of Adult Community Corrections has joined with the Office of Substance Abuse (OSA) to create a **model DSAT program in Knox County**. Currently this program is under design, but the training of the Community providers and Institutional personnel has already begun. The DSAT curriculum was originally designed to begin within an institution and transition to the community. Eventually, we intend to

make the DSAT program the mainstay for both institutional and community corrections. The program design is very compatible with our Statewide Reentry Initiative.

While Adult Community Corrections did not take a prominent role in the final development of Drug Court, it did play a significant role at the earlier conceptual stages when the program was first being introduced and developed. There are currently seven Drug Courts in Maine. **As time progressed, our involvement became much more involved and focused.** That is, as critical members of the drug court team, probation officers would serve the drug court by offering not only traditional probation services such as supervision and substance abuse testing, but also providing the court frequent community feedback on the progress or lack thereof of offenders enrolled in the program. Several Courts will only permit offenders to enroll in the program if they are subject to probation. The other Courts are contemplating similar formats. Unfortunately, this presents a tremendous burden on Adult Community Corrections. Drug Court requires a much higher level of supervision and resources. Consequently, much needed resources are being spread too thin throughout the Probation Regions that house Drug Courts. In light of the increased caseloads and budget shortfalls, Probation may have to take a step back and reassess its level of involvement with the Drug Courts.

4. IMPLEMENTATION OF GRADUATED SANCTIONS

Probation officers have long applied sanctions when supervising offenders in the community. The concept of applying sanctions in increasing severity based on an offender's behavior -- known as graduated sanctions -- was never formalized such that we could track their use or to measure their effectiveness. Graduated sanctions have now been formalized through the development of Policy and Procedure. Probation officers routinely use graduated sanctions to impose additional pressure on an offender to adhere to his/her conditions of probation prior to having to revoke in whole or in part the offender's probation and return him/her to incarceration. Graduated sanctions are effective when dealing with technical violations of the conditions of probation and can provide alternatives to revocations to the county jails.

The Maine Department of Corrections and the Kennebec County Sheriff's Department are planning to join in partnership to develop a Day Reporting Center that would significantly address the current, jail-overcrowding dilemma. This initiative would address over-crowding by providing three options that would create a pool of administrative offenders that would not require incarceration. These options are as follows:

- **Administrative furlough.** The Sheriff/Jail Administrator could furlough prisoners from the County Jail to Day Reporting Center. This furlough program could reduce the in-house jail population currently sentenced for crimes that would not pose an unnecessary risk to public safety. This option is within the Sheriff's discretionary powers
- **Judicial Diversion.** The courts could divert certain offenders from serving actual jail time to the Day Reporting Center that are deemed more serious than those that

would be considered straight probation. This intermediate sanction would offer the court an additional sentencing option.

- **Graduated Sanction.** The Community Corrections Division could make excellent use of this option in lieu of a full or partial revocation. This would be the final step taken for those clients that have achieved some degree of success but need more intensive supervision to remain trouble free.

The benefits of this proposed partnership are numerous. Obviously, the cost savings to the County and State Government could be significant, but the overall impact of this initiative could benefit all parties concerned especially the offender. By being offered another chance at maintaining their family relationships and support, and keeping their employment and treatment intact, they could continue with the transition process with minimal interruption.

It is anticipated that if this partnership is successful, a concerted effort will be made to introduce like initiatives with other Counties with the intent to reduce the need for offender incarceration.

5. DOMESTIC VIOLENCE

Just as there had been identified a need for specially trained probation officers to manage sex offenders, so to has there been identified a need for specially trained probation officers to deal with issues surrounding domestic violence. This is a small though effective program located in Cumberland County. At inception two probation officers were employed in the program but lack of funding has reduced that to one. The various organizations that work with domestic violence and violence against women have been very supportive of the program. They value this specially trained probation officer and feel that his dedicated DV caseload has gone a long way towards his developing unique experience and expertise that in turn have gone a long way towards improving his overall effectiveness. The issue of domestic violence has taken on statewide importance. The department is committed to continuing existing efforts, however specialized training and additional personnel are needed to address issues of community supervision.

The department's Victim Services Coordinator has actively participated as a member of the Maine Commission on Domestic and Sexual Assault. The primary focus of the Commission has been to assist agencies in the implementation of recommendations contained in a matrix of domestic violence and sexual assault issues. The statewide task forces and Commission members at their annual retreat developed the matrix in 2000. The primary issue effecting the Department of Corrections is the level of supervision and accountability of offenders on probation.

ADULT COMMUNITY CORRECTIONS REGIONS



V. Compliance with Federal and State Safety and Health Laws, ADA, etc

Prior to completion of the Department of Corrections Phase 1 Capital Plan in the year 2002, all but two of its correctional facilities were in compliance with ADA and federal and state life safety and health codes. As a result of this aggressive Phase I capital plan only two facilities, the Downeast Correctional Facility and Central Maine Pre-Release Center remain out of compliance with ADA and health safety codes. In addition, Maine is also now in full compliance with all Federal juvenile justice (OJJDP) requirements for juvenile detention.

The Department of Corrections has revised and updated each correctional facility's policies and procedures for responding to civil actions, disturbances, hostage situations, escape and fire. The emergency response plans for these events are extensive. Staff is trained in the response procedures and practice drills. These policies and procedures can be provided upon request.

The department is also working the Maine Emergency Management Agency as part of a statewide effort to develop a continuity of operational plan in response to the 9/11. As part of this initiative, two areas of concern have been identified:

- Business continuity/disaster recovery for the MIS infrastructure (a problem faced by all state agencies); and
- Statewide emergency communication system.

A. Business Continuity / Disaster Recovery for MIS

Currently, the Maine Department of Corrections' MIS Staff is performing daily tape backups of its Information Systems at the Central Office and at the Institutions. In addition, on a periodic basis, tapes are taken off-site at each of these locations and stored. Tapes that are stored on-site at the Central Office are placed in a fireproof safe. Additionally, file backup servers are being implemented at the Community Corrections Regional Offices.

Although the department has implemented some fundamental business continuity/recovery components, we are far from securing a true disaster recovery environment. At this time, it is possible that the process to move towards nightly Institutional server replication to the Tyson Building's Central Office Storage Area Network (SANS) could be initiated. However, in order to be in a position to quickly restore the department's operations after a disaster to the Central Office an off-site, "cold site", duplication of the Central Office hardware and software configuration must be employed. Frequent replication to this "cold site", located in an area of the WAN that is of high bandwidth (i.e. 100 to 1,000 megabytes per second... BIS, Cross Bldg, etc.), would be required in order to prevent a significant loss of data.

The following list represents some of the issues that need to be addressed before a “true” disaster recovery environment for the MDOC can be realized:

- Development of detailed restoration procedures.
- Off-site, “Cold site” that needs multiple servers, Power Supplies (UPS), as well as a Storage Area Network (SANS).
- Operating, Application, and Database Software to match our current configuration.
- The AMHI complex may need to become an ATM site, significantly increasing available bandwidth to the Tyson Building. (For Replication purposes)
- Generator at current Tyson sight
- Low Ambient, Split System, Air-Conditioning Unit (condenser is separated from the evaporator unit for the purposes of keeping the condenser from freezing up during unfavorable weather conditions).
- Fire Suppression
- Off-site Vaulting (storing of tape backups)
- Redundant network architecture (provides alternate routing in case the default circuit between locations is adversely affected).
- Modem Bank, Satellite Dishes at facilities (in case significant portions of the network go down)

The above list could represent \$500,000 or more in infrastructure investment.

B. Statewide emergency communication system

Present system RF land line/tower system. Federal funds being explored to address.

**MAINE DEPARTMENT OF CORRECTIONS
Appropriations-Expenditures
010-Appropriations**

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS APPROPRIATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final FY 04
	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP
	1994-95	1994-95	1995-96	1995-96	1996-97	1996-97	1997-98	1997-98	1998-99	1998-99	1999-2000	1999-2000	2000-01	2000-01	2001-02	2001-02	2002-03	2002-03	2003-04
Departmentwide																			
0032 Positions																			
Personal Serv			20,000		550,464		740,369		738,686		760,108		782,151		854,597		2,139,740		917,237
All Other																			
Capital																			
TOTAL	0	0	20,000	0	550,464	0	740,369	0	738,686	0	760,108	0	782,151	0	854,597	0	2,139,740	0	917,237
Victim Services																			
0046 Positions																			
Personal Serv															3.00		3.00		3.00
All Other															137,264	147,351	148,050	154,259	156,846
Capital															29,326	18,909	22,021	14,958	18,569
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	166,590	166,260	170,071	169,217	175,415
Parole Board																			
0123 Positions																			
Personal Serv	1,595	990	1,650	825	1,650	605	1,650	880	1,650	1,045	1,650	880	1,650	1,100	1,650	935	1,650	385	1,650
All Other	2,087	1,554	3,844	1,152	3,798	3,630	3,902	4,066	4,015	4,013	4,015	784	4,074	7,303	4,021	1,049	2,952	267	3,846
Capital																			
TOTAL	3,682	2,544	5,494	1,977	5,448	4,235	5,552	4,946	5,665	5,058	5,665	1,664	5,724	8,403	5,671	1,984	4,602	652	5,496
Prob & Parole																			
0124 Positions																			
Personal Serv	126.00		125.00		116.00		116.00		132.50		80.00		86.00		95.00		95.00		
All Other	5,520,353	5,280,741	5,934,972	5,474,108	5,855,501	5,529,795	5,749,619	5,447,117	6,617,831	6,095,672	3,748,452	3,772,510	4,295,242	4,363,000	5,259,276	5,147,505	5,488,970	5,241,070	5,471,754
Capital	894,038	923,664	1,020,244	1,089,372	898,705	1,734,137	1,002,667	1,001,504	1,388,979	1,133,533	1,276,161	1,197,319	1,693,877	1,541,062	1,331,773	1,452,773	1,297,370	1,214,921	1,325,044
		2,475	3,897	3,437					21,600	15,000		6,522							
TOTAL	6,414,391	6,206,881	6,959,113	6,566,917	6,754,206	7,263,932	6,752,286	6,448,621	8,028,410	7,244,205	5,024,613	4,976,351	5,989,119	5,904,062	6,591,049	6,600,279	6,786,340	6,455,990	6,796,798
Administration																			
0141 Positions																			
Personal Serv	26.00		29.00		32.50		32.50		34.50		40.50		41.50		39.50		39.50		
All Other	1,107,368	1,217,122	1,383,388	1,334,924	1,662,200	1,560,194	1,673,232	1,638,306	1,882,636	1,962,541	2,117,361	2,088,212	2,362,381	2,357,793	2,634,152	2,527,475	2,679,506	2,713,998	2,735,523
Capital	297,405	219,092	299,345	244,568	302,026	438,246	322,630	340,230	317,583	358,425	823,680	742,347	687,411	759,311	778,320	563,838	746,879	596,158	925,462
			4,882	4,802	19,800	19,479						5,860							20,000
TOTAL	1,404,773	1,436,214	1,687,615	1,584,294	1,984,026	2,017,919	1,995,862	1,978,535	2,200,219	2,320,966	2,941,041	2,836,419	3,049,792	3,117,104	3,412,472	3,091,313	3,426,385	3,310,156	3,680,985
MIS																			
0141 -02Positions																			
Personal Serv																			
All Other													2,300,000	271,327	1,764,828	221,244			321,697
Capital															148,153				108,725
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	2,300,000	271,327	1,764,828	369,397	0	430,422	0
Correctional Services																			
0192 Positions																			
Personal Serv	1.00									1,469		6,067							
All Other	26,712	28,596	20,319	17,499					3,360,403	3,376,286	3,580,314	4,009,743			0				
Capital	602,474	622,742	603,999	586,686	605,562	1,574,514	2,553,106	2,910,004											
TOTAL	629,186	651,338	624,318	604,184	605,562	1,574,514	2,553,106	2,910,004	3,360,403	3,377,755	3,580,314	4,015,811	0	0	0	0	0	0	0
Corr Medical Serv Fund																			
0286 Positions																			
Personal Serv															1.00		1.00		1.00
All Other	204,450	165	191,775	101,365	196,257	33,052	54,133	35,528	209,018	2,145	67,890	0	1,396,128	615,622	54,444	43,674	57,321	64,602	64,872
Capital															18,700	18,700	18,700	7,617	
TOTAL	204,450	165	191,775	101,365	196,257	33,052	54,133	35,528	209,018	2,145	67,890	0	1,396,128	615,622	5,893,309	6,692,407	9,903,581	10,821,262	13,239,327

MAINE DEPARTMENT OF CORRECTIONS

Appropriations-Expenditures

010-Appropriations

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS APPROPRIATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final FY 04 APPROP 2003-04
	APPROP 1994-95	EXPENDED 1994-95	APPROP 1995-96	EXPENDED 1995-96	APPROP 1996-97	EXPENDED 1996-97	APPROP 1997-98	EXPENDED 1997-98	APPROP 1998-99	EXPENDED 1998-99	APPROP 1999-2000	EXPENDED 1999-2000	APPROP 2000-01	EXPENDED 2000-01	APPROP 2001-02	EXPENDED 2001-02	APPROP 2002-03	EXPENDED 2002-03	
Comm Based Corr																			
0424 Positions																			
Personal Serv																			
All Other	2,634,761	2,264,830	3,206,910	4,681,567	4,706,869	4,206,852	5,338,272	5,157,197	690,155	607,951	0	0	0	0	0	0	0	0	0
Capital																			
TOTAL	2,634,761	2,264,830	3,206,910	4,681,567	4,706,869	4,206,852	5,338,272	5,157,197	690,155	607,951	0	0	0	0	0	0	0	0	0
Capital Construction																			
0432 01Positions																			
Personal Serv																			
All Other		3,772				17,386		92,043											
Capital		403		142,915		37,325													
TOTAL	0	4,175	0	142,915	0	54,711	0	92,043	0	0	0	0	0	0	0	0	0	0	0
Fuel																			
0463 Positions																			
Personal Serv																			
All Other	646,923	596,607	671,091	711,087	691,224	833,013	704,357	704,355	0	0	0	0	0	0	0	0	0	0	0
Capital																			
TOTAL	646,923	596,607	671,091	711,087	691,224	833,013	704,357	704,355	0	0	0	0	0	0	0	0	0	0	0
JJAG																			
0502 Positions																			
Personal Serv																			
All Other	11,019	11,982	13,005	12,393	13,254	13,702	13,214	16,197	13,801	9,460	13,550	13,973	13,968	15,678	23,680	23,666	48,424	49,174	49,552
Capital	7,336	7,879	7,483	6,442	7,592	7,161	7,765	18,089	7,949	9,012	8,180	8,179	8,417	7,139	8,380	5,949	8,307	6,691	8,492
TOTAL	18,355	19,861	20,488	18,835	20,846	20,863	20,979	34,287	21,750	18,473	21,730	22,152	22,385	22,817	32,060	29,616	56,731	55,865	58,044
Bureau Juv Corr																			
0665 Positions																			
Personal Serv																			
All Other	2.00	83,364	86,857	87,981	88,333	90,792	88,244	91,336	0	0	0	0	0	0	0	0	0	0	0
Capital	917	908	1,445	3,111	1,477	1,476	1,516	1,515	0	0	0	0	0	0	0	0	0	0	0
TOTAL	78,224	84,271	88,302	91,091	89,810	92,269	89,760	92,851	0	0	0	0	0	0	0	0	0	0	0
Office of Advocacy																			
0684 Positions																			
Personal Serv																			
All Other	3.00	117,746	127,503	109,207	132,262	101,076	123,950	129,046	113,218	112,086	132,395	134,980	136,124	143,189	151,674	150,218	154,346	166,902	163,368
Capital	1,000	1,000	1,826	1,525	1,868	1,866	1,907	1,907	1,949	1,932	2,006	1,842	37,120	6,952	36,689	44,386	34,066	12,965	30,175
TOTAL	111,545	118,746	129,329	110,733	134,130	102,941	125,857	130,953	115,167	114,019	134,401	136,821	173,244	150,141	188,363	194,604	188,412	179,866	193,543
TQM																			
0756 Positions																			
Personal Serv																			
All Other	966	6,216																	
Capital		19,956		3,961					0	0	0	0	0	0	0	0	0	0	0
TOTAL	966	46,798	0	3,961	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
County Jail																			
0888 Positions																			
Personal Serv																			
All Other									4,719,032	5,237,280	4,758,766	4,758,766	4,846,804	4,846,804	4,967,974	4,967,974	5,092,173	5,092,173	5,194,016
Capital																			
TOTAL	0	0	0	0	0	0	0	0	4,719,032	5,237,280	4,758,766	4,758,766	4,846,804	4,846,804	4,967,974	4,967,974	5,092,173	5,092,173	5,194,016

**MAINE DEPARTMENT OF CORRECTIONS
Appropriations-Expenditures
010-Appropriations**

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS APPROPRIATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final
	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	FY 04
	1994-95		1995-96		1996-97		1997-98		1998-99		1999-2000		2000-01		2001-02		2002-03		2003-04
Juv Comm Corrections																			
0892 Positions																			
Personal Serv											56.50		73.50		72.50		72.50		
All Other											2,718,282	2,665,275	3,440,963	3,376,830	3,927,710	3,911,631	4,032,360	3,782,471	4,106,593
Capital											1,202,574	1,038,685	5,365,836	4,863,639	5,238,724	5,203,742	5,277,738	4,262,285	4,816,112
TOTAL	0	0	0	0	0	0	0	0	0	0	3,920,856	3,703,959	8,806,799	8,240,469	9,166,434	9,115,373	9,310,098	8,044,756	8,922,705
Maine State Prison																			
0144 Positions																			
Personal Serv	12,027,453	12,697,433	12,523,659	12,311,494	12,227,906	12,687,437	16,038,494	16,819,450	16,973,215	18,054,245	18,213,730	18,975,750	20,366,186	21,067,005	23,354,559	24,512,965	22,692,893	24,966,504	23,804,997
All Other	3,108,433	3,189,081	2,647,809	2,587,322	2,772,652	2,602,594	4,811,497	5,141,146	5,003,164	5,004,525	5,159,711	5,119,967	5,551,904	5,529,967	5,408,624	5,985,129	5,954,062	5,930,438	5,967,637
Capital			146,731	71,998	44,800	111,854	61,275	68,488	47,575	22,183	94,195	103,712	46,250	54,373	149,000	114,289	38,100	55,108	29,600
TOTAL	15,135,886	15,886,514	15,318,199	14,970,813	15,045,358	15,401,884	20,911,266	22,029,084	22,023,954	23,080,953	23,467,636	24,199,429	25,964,340	26,651,345	28,912,183	30,612,382	28,685,055	30,952,049	29,802,234
MSP- Food																			
0462 Positions																			
Personal Serv																			
All Other	783,741	637,668	749,610	687,946	766,086	710,770	0	0	0	0	0	0	0	0	0	0	0	0	0
Capital																			
TOTAL	783,741	637,668	749,610	687,946	766,086	710,770	0	0	0	0	0	0	0	0	0	0	0	0	0
MSP Farm Program																			
0522 Positions																			
Personal Serv	67,936	73,227	74,575	76,217	76,864	78,054	82,128	81,857	86,807	89,796	90,612	94,427	0	0	0	0	0	0	0
All Other	28,564	31,252	27,619	26,931	28,558	25,611	31,503	29,419	35,530	38,397	34,017	36,657	0	0	0	0	0	0	0
Capital							6,000	5,598											
TOTAL	96,500	104,480	102,194	103,148	105,422	103,665	119,631	116,873	122,337	128,193	124,629	131,085	0	0	0	0	0	0	0
Warren Correctional Facility																			
0685 Positions																			
Personal Serv	3,047,617	3,179,227	2,947,358	3,051,322	2,883,192	3,124,201	0	0	0	0	0	0	0	0	0	0	0	0	0
All Other	1,195,915	1,227,836	1,058,954	730,762	1,083,193	1,043,634	0	0	0	0	0	0	0	0	0	0	0	0	0
Capital																			
TOTAL	4,243,532	4,407,062	4,006,312	3,782,084	3,966,385	4,167,835	0	0	0	0	0	0	0	0	0	0	0	0	0
Maine Correctional Center																			
0162 01Positions																			
Personal Serv	9,446,860	9,710,647	9,084,372	8,830,819	7,551,667	7,664,649	7,906,872	8,139,783	8,900,335	9,440,247	9,362,227	9,706,834	10,992,340	11,093,245	12,183,579	12,827,144	12,516,072	13,189,736	13,875,643
All Other	3,210,515	3,319,056	3,062,296	2,888,112	2,903,802	2,480,923	3,248,827	3,239,970	3,443,023	3,435,403	3,688,172	3,706,317	4,220,491	4,212,411	2,332,568	2,580,350	2,281,910	2,395,606	2,554,110
Capital			7,609	7,609	7,600	7,344	17,525	33,513	10,300	24,935	67,551	36,370	64,700	63,525	61,000	52,947	58,800		62,600
TOTAL	12,657,375	13,029,703	12,154,277	11,726,540	10,463,069	10,152,916	11,173,224	11,413,266	12,353,658	12,900,584	13,117,950	13,449,520	15,277,531	15,369,181	14,577,147	15,460,442	14,856,782	15,585,342	16,492,353
Cen Me. Pre-Release																			
0392 Positions																			
Personal Serv	655,917	673,021	718,800	738,194	753,595	835,792	789,733	860,380	830,057	900,186	881,408	875,676	894,576	1,038,334	1,009,243	1,100,759	1,041,789	1,191,867	1,144,886
All Other	90,573	86,790	90,517	91,008	93,409	78,007	150,779	182,932	152,411	192,480	233,451	217,352	261,987	268,486	166,157	176,081	168,471	167,235	183,372
Capital	8,100	15,922	7,500	4,043	5,900	7,591	3,525	4,923	5,000	4,988	8,300	3,441	0	4,859	5,500		2,100		
TOTAL	754,590	775,733	816,817	833,245	852,904	921,390	944,037	1,048,235	987,468	1,097,653	1,123,159	1,096,469	1,156,563	1,311,679	1,180,900	1,276,840	1,212,360	1,359,102	1,328,258
MCC- Food																			
0461 Positions																			
Personal Serv																			
All Other	575,288	510,524	500,818	500,816	421,771	397,122	0	0	0	0	0	0	0	0	0	0	0	0	0
Capital																			
TOTAL	575,288	510,524	500,818	500,816	421,771	397,122	0	0	0	0	0	0	0	0	0	0	0	0	0

MAINE DEPARTMENT OF CORRECTIONS

Appropriations-Expenditures

010-Appropriations

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS APPROPRIATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final	
	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	FY 04	
	1994-95		1995-96		1996-97		1997-98		1998-99		1999-2000		2000-01		2001-02		2002-03		2003-04	
CMPRC-FOOD																				
0834 Positions																				
Personal Serv																				
All Other					52,590	40,757	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Capital																				
TOTAL	0	0	0	0	52,590	40,757	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Downeast Corr Facility																				
0542 Positions																				
Personal Serv	67.00		70.00		71.00		71.00		71.00		71.00		71.00		71.00		71.00		71.00	
All Other	2,480,089	2,464,807	2,576,234	2,607,566	2,699,606	2,752,600	2,775,568	2,847,092	2,924,171	3,022,243	2,965,379	3,114,546	3,065,015	3,617,745	3,514,472	3,873,166	3,624,954	3,982,789	3,895,447	
Capital	424,354	410,307	448,298	453,383	474,627	472,004	711,789	715,634	775,849	885,397	878,527	910,789	973,388	958,242	678,763	711,070	661,581	656,065	764,686	
TOTAL	9,165	9,880			50,900	22,910	41,100	55,995	28,905	9,269	31,100	50,736	25,100	9,623	19,100	8,050	23,000			
TOTAL	2,913,608	2,884,994	3,024,532	3,060,949	3,174,233	3,224,604	3,538,257	3,585,636	3,741,120	3,963,635	3,872,811	4,034,604	4,069,503	4,626,723	4,218,335	4,593,859	4,305,635	4,646,904	4,683,133	
DCF-Carrying																				
0542 -02Positions																				
Personal Serv																				
All Other													60,000	3,100	0	492				
Capital													30,000	0	0	0				
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	90,000	3,100	0	492	0	0	0	0
DCF- Food																				
0543 Positions																				
Personal Serv																				
All Other	120,000	105,864	118,625	118,624	118,407	118,405	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Capital																				
TOTAL	120,000	105,864	118,625	118,624	118,407	118,405	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Charleston Corr Facility																				
0400 Positions																				
Personal Serv	94.00		57.00		57.00		67.00		67.00		59.00		28.00		28.00		28.00		28.00	
All Other	3,220,191	3,126,107	3,007,274	2,803,585	2,297,989	2,440,627	2,696,137	2,670,867	2,909,993	2,939,646	2,536,315	2,685,813	2,533,376	2,799,316	1,499,028	1,499,371	1,554,982	1,616,637	1,609,072	
Capital	697,736	694,213	634,427	569,828	603,835	611,970	938,111	885,894	1,021,546	948,800	1,122,616	1,198,417	1,177,297	1,184,066	357,864	357,703	350,102	336,774	407,327	
TOTAL	14,900	14,601	8,448	8,418		28,268				8,412		8,688								
TOTAL	3,932,827	3,834,921	3,650,149	3,381,831	2,901,824	3,080,865	3,634,248	3,556,761	3,931,539	3,896,858	3,658,931	3,892,918	3,710,673	3,983,382	1,856,892	1,857,075	1,905,084	1,953,411	2,016,399	
Bangor Pre-Release																				
0565 Positions																				
Personal Serv	14.00		15.00		15.00		15.00		15.00		15.00		0.00							
All Other	528,767	531,558	533,320	575,703	539,471	630,370	628,590	644,093	662,705	670,554	688,326	709,601	703,079	775,993	0	0	0	0	0	
Capital	128,125	119,615	115,511	109,209	119,852	104,310	132,665	144,147	134,963	141,630	180,047	192,262	207,943	211,596	0	0	0	0	0	
TOTAL	4,600	4,568				11,611														
TOTAL	656,892	651,172	653,431	689,480	659,323	746,291	761,255	788,240	797,668	812,184	868,373	901,863	911,022	987,589	0	0	0	0	0	
CCF-Food																				
0566 Positions																				
Personal Serv																				
All Other	174,137	136,027	156,160	131,400	144,261	141,505	0	1,254	0	0	0	0	0	0	0	0	0	0	0	
Capital																				
TOTAL	174,137	136,027	156,160	131,400	144,261	141,505	0	1,254	0	0	0	0	0	0	0	0	0	0	0	0
Mountain View Youth Dev. Ctr.																				
0857 Positions																				
Personal Serv							44.00		44.00		54.00		176.00		179.27		179.27			
All Other							1,000,242	995,385	1,683,133	1,749,055	2,264,526	2,105,995	2,966,499	2,822,382	9,463,615	8,340,879	9,968,843	9,965,480	9,900,205	
Capital							386,406	329,052	568,068	546,394	559,070	633,760	831,611	812,108	1,591,927	1,574,924	1,729,054	1,525,762	1,774,128	
TOTAL							8,300	8,136					25,333	10,406	7,270	23,500				
TOTAL	0	0	0	0	0	0	1,394,948	1,332,573	2,251,201	2,295,449	2,823,596	2,739,756	3,798,110	3,634,490	11,080,875	9,926,209	11,697,897	11,498,512	11,697,833	

MAINE DEPARTMENT OF CORRECTIONS

Appropriations-Expenditures

010-Appropriations

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS APPROPRIATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final	
	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	APPROP	EXPENDED	FY 04	
	1994-95	1994-95	1995-96	1995-96	1996-97	1996-97	1997-98	1997-98	1998-99	1998-99	1999-2000	1999-2000	2000-01	2000-01	2001-02	2001-02	2002-03	2002-03	2003-04	
Long Creek Youth Dev. Ctr.																				
0163 Positions	203.00		196.00		187.00		217.50		217.50		226.82		205.73		205.96		205.96			
Personal Serv	8,194,879	8,376,277	8,933,384	8,653,889	8,095,166	8,471,561	8,721,860	9,225,169	9,533,700	10,079,782	10,175,825	10,479,371	11,926,606	11,967,592	11,058,664	11,598,149	11,313,726	11,458,642	11,765,267	
All Other	1,236,583	1,232,148	1,169,498	1,017,475	2,773,943	1,522,099	2,048,559	2,106,057	2,717,085	2,448,045	2,707,937	2,918,050	2,992,414	3,095,319	2,088,496	2,315,419	1,877,052	1,713,848	1,741,240	
Capital	33,400	45,230	76,493	55,312	40,398	57,845	31,500	31,899	18,000	16,525	0	6,822	8,000	600		7,400			20,000	
TOTAL	9,464,862	9,653,655	10,179,375	9,726,675	10,909,507	10,051,505	10,801,919	11,363,125	12,268,785	12,544,352	12,883,762	13,404,243	14,927,020	15,063,511	13,147,160	13,920,968	13,190,778	13,172,490	13,526,507	
MYC- Food																				
0460 Positions																				
Personal Serv																				
All Other	279,114	269,573	284,975	250,351	290,959	198,249	0		0		0		0		0		0		0	
Capital																				
TOTAL	279,114	269,573	284,975	250,351	290,959	198,249	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total - Department	1,245.50	0.00	1,091.00	0.00	1,087.50	0.00	1,194.50	0.00	1,226.00	0.00	1,247.82	0.00	1,373.73	0.00	1,384.21	0.00	1,383.21	0.00	7.00	
Positions																				
Personal Serv	46,525,574	47,579,061	47,986,670	46,685,726	45,429,120	45,981,455	49,029,902	49,606,957	53,871,938	55,128,028	56,670,146	57,429,911	64,480,156	65,439,201	75,127,607	75,704,889	77,463,626	78,544,514	79,662,912	
All Other	17,344,469	16,632,122	17,073,079	17,590,042	20,063,323	19,399,292	22,450,391	23,041,942	24,550,722	24,371,645	26,287,134	26,691,236	32,616,702	29,194,454	32,623,299	32,811,066	35,349,998	34,996,885	38,888,671	
Capital	65,565	109,137	260,160	307,063	118,498	281,317	179,025	175,467	143,575	148,038	198,951	180,684	180,050	174,093	265,933	361,518	118,100	186,770	178,700	
TOTAL	63,935,608	64,320,320	65,319,909	64,582,832	65,610,941	65,662,065	71,659,318	72,824,365	78,566,235	79,647,710	83,156,231	84,301,831	97,276,908	94,807,749	108,016,839	108,877,473	112,931,724	113,728,169	118,730,283	

MAINE DEPARTMENT OF CORRECTIONS
Appropriations Allocations -Expenditures
013-Allocations

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS ALLOCATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final
	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	FY 04
	1994-95	1994-95	1995-96	1995-96	1996-97	1996-97	1997-98	1997-98	1998-99	1998-99	1999-2000	1999-2000	2000-01	2000-01	2001-02	2001-02	2002-03	2002-03	2003-04
Prob & Parole																			
0124 Positions																			
Personal Serv					16,039		298,981	174,379	322,959	295,282	355,979	343,288	428,586	376,841	48,303	49,606	51,296	52,994	135,787
All Other	160,000	84,399	168,467	99,263	177,396	38,159	274,395	41,375	283,175	49,614	319,770	83,510	668,467	57,493	581,178	1,785	579,413	624	634,252
Capital		22,365		3,903			36,000												
TOTAL	160,000	106,764	168,467	103,166	193,435	38,159	609,376	215,754	606,134	344,896	675,749	426,798	1,097,053	434,334	629,481	51,391	630,709	53,619	770,039
MIS-ALIEN GRANT																			
0141 -02Positions																			
Personal Serv			1.0		1.0														
All Other			44,944	36,267	46,593	46,139	48,668	40,829	53,209	67,439	54,597	35,953	55,380	37,536	42,167	41,947	45,014	87,738	291,787
Capital			5,056	6,363	3,407	186,437	3,542	884,254	3,754	68,645	95,011	319,925	97,633	498,454	93,080	130,572	93,229	229,691	583,205
TOTAL	0	0	50,000	42,631	50,000	232,577	52,210	925,083	56,963	136,084	149,608	355,878	153,013	535,990	135,247	172,520	138,243	317,429	874,992
TRUTH IN SENTENCING																			
0141 -04Positions																			
Personal Serv									47,611	9,785	40,301	44,844	44,598	36,269					
All Other									6,210	595	6,364	3,421	6,523	3,295	4,595		4,506		4,781
Capital																			
TOTAL	0	0	0	0	0	0	0	0	53,821	10,381	46,665	48,266	51,121	39,564	4,595	0	4,506	0	4,781
Correctional Services																			
0192 Positions																			
Personal Serv									44,582	47,293	48,730	8,977							
All Other	89,901	71,670	94,710	88,964	299,730	89,015	309,022	73,295	330,120	86,907	339,379	19,988							
Capital																			
TOTAL	89,901	71,670	94,710	88,964	299,730	89,015	309,022	73,295	374,702	134,200	388,109	28,965	0	0	0	0	0	0	0
Corr Prog Imp																			
0286 Positions																			
Personal Serv																			
All Other															500		494,461	437,344	505,351
Capital																			
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	500	0	494,461	437,344	505,351
Capital Construction																			
0432 01Positions																			
Personal Serv																			
All Other							576,610		2,270,400	408,923	2,270,440	3,075,845	2,336,282	485,658	351,506	678,602	351,506	320,940	372,913
Capital												3,719,332		64,473		1,382,793		693,702	
TOTAL	0	0	0	0	0	0	576,610	0	2,270,400	408,923	2,270,440	6,795,176	2,336,282	550,131	351,506	2,061,396	351,506	1,014,642	372,913
JJAG																			
0502 Positions																			
Personal Serv	3.0		1.0		1.0														
All Other	94,652	63,006	45,196	45,546	45,532	38,196	37,711	37,748	88,848	41,340	84,076	69,230	87,684	83,486	88,933	79,652	93,118	79,903	90,313
Capital	540,613	264,005	554,804	466,946	554,468	663,463	577,053	782,601	606,272	474,493	617,464	843,137	635,370	307,801	631,810	906,067	631,656	783,506	648,437
Capital	14,735	13,394																	
TOTAL	650,000	340,405	600,000	512,492	600,000	701,659	614,764	820,349	695,120	515,834	701,540	912,367	723,054	391,287	720,743	985,719	724,774	863,410	738,750
Juv Comm Corrections																			
0892 Positions																			
Personal Serv																			
All Other													337,904		337,904	63,703	337,904	41,247	100,000
Capital																			
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	337,904	0	337,904	63,703	337,904	41,247	100,000

**MAINE DEPARTMENT OF CORRECTIONS
Appropriations Allocations -Expenditures
013-Allocations**

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS ALLOCATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final
	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	FY 04
	1994-95		1995-96		1996-97		1997-98		1998-99		1999-2000		2000-01		2001-02		2002-03		2003-04
Maine State Prison																			
0144 Positions																			
	4.0		4.0		4.0														
Personal Serv	173,438	33,224	183,034	45,598	188,416	97,797	93,811		98,469										
All Other	5,950	6,810	6,478	6,268	6,516	5,863	5,568	7,988	5,586	5,174	6,196	6,974	6,196	8,656	7,730	13,257	7,730	19,308	13,595
Capital	0																		
TOTAL	179,388	40,034	189,512	51,866	194,932	103,660	99,379	7,988	104,055	5,174	6,196	6,974	6,196	8,656	7,730	13,257	7,730	19,308	13,595
Maine Correctional Center																			
0162 01Positions																			
	10.0																		
Personal Serv	353,876	257,308	437,209	161,731	441,253	130,568	241,888	73,273	256,212	51,028	60,354	47,998	62,841	25,930	67,761	27,540	72,308	30,517	73,711
All Other	57,578	86,950	57,952	25,391	57,978	1,930	61,062	2,112	63,046	52,299	10,534	310,902	10,552	477,024	806,742	333,928	312,781	7,150	43,060
Capital	0	7,990												11,900	11,900		11,900		
TOTAL	411,454	352,248	495,161	187,122	499,231	132,499	302,950	75,386	319,258	103,328	70,888	358,900	73,393	502,954	886,403	361,468	396,989	37,667	116,771
Maine Correctional Center																			
0162 02Positions																			
Personal Serv																			
All Other										11,389									45,376
Capital																			
TOTAL	0	0	0	0	0	0	0	0	0	11,389	0	0	0	0	0	0	0	0	45,376
Cen Me. Pre-Release																			
0392 Positions																			
Personal Serv																			
All Other																			4,070
Capital																			
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4,070
Downeast Corr Facility																			
0542 Positions																			
Personal Serv																			
All Other	81,055	12,307	81,055	30,979	81,055	21,614	42,922	8,956	43,798	2,767	43,798	2,225	43,798	827	43,798	631	43,798	603	46,466
Capital	2,000	1,769	2,000		2,000														
TOTAL	83,055	14,076	83,055	30,979	83,055	21,614	42,922	8,956	43,798	2,767	43,798	2,225	43,798	827	43,798	631	43,798	603	46,466
DCF-Carrying																			
0542 -02Positions																			
Personal Serv																			
All Other										334						17,791			8,538
Capital																			
TOTAL	0	0	0	0	0	0	0	0	0	334	0	0	0	0	0	17,791	0	0	8,538
Charleston Corr Facility																			
0400 01Positions																			
	2.0																		
Personal Serv	65,990	43,550	65,361	44,269	66,032	41,321	58,739	49,571	63,466	42,860	63,019	28,799	67,975	37,430	46,199	45,280	49,748	49,078	55,033
All Other	121,313	37,783	125,078	31,362	131,349	41,882	294,597	9,022	458,749	11,171	476,258	10,009	490,089	3,908	36,075	13,137	36,478	4,298	37,497
Capital	3,435		3,435	3,000	3,435		3,435		3,435										
TOTAL	190,738	81,333	193,874	78,631	200,816	83,203	356,771	58,593	525,650	54,031	539,277	38,808	558,064	41,338	82,274	58,417	86,226	53,375	92,530
Charleston Corr Facility																			
0400 03Positions																			
Personal Serv												1,901		948					
All Other												14		5					
Capital																			
TOTAL	0	0	0	0	0	0	0	0	0	0	0	1,915	0	953	0	0	0	0	0

**MAINE DEPARTMENT OF CORRECTIONS
Appropriations Allocations -Expenditures
013-Allocations**

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS ALLOCATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final	
	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	
	1994-95		1995-96		1996-97		1997-98		1998-99		1999-2000		2000-01		2001-02		2002-03		2003-04	
Mountain View Youth Dev. Ctr.																				
0857 Positions																				
Personal Serv																				
All Other																58,572		58,572		59,744
Capital															10,000		10,000			
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	68,572	0	68,572	0	59,744	
Long Creek Youth Dev. Ctr.																				
0163 Positions																				
Personal Serv	10.5		455,694	255,573	459,235	210,429	482,301	169,476	520,921	160,141	189,860	180,865	195,339	104,988	162,016	123,886	171,346	71,750	198,326	
All Other	33,886		36,339	6,964	35,897	10,854	36,594	14,497	36,759	52,332	58,538	178,650	58,572	113,814	247,584	137,442	247,584	57,658	252,536	
Capital	0							13,950		3,349		500		8,687						
TOTAL	446,260	0	492,033	262,537	495,132	221,283	518,895	197,923	557,680	215,822	248,398	360,015	253,911	227,489	409,600	261,328	418,930	129,408	450,862	
Long Creek Youth Dev. Ctr.																				
0163 03Positions																				
Personal Serv		312,904																		
All Other		55,435															2,368			
Capital																				
TOTAL	0	368,339	0	0	0	0	0	0	0	0	0	0	0	0	0	2,368	0	0	0	
Total - Department																				
Positions	29.50	0.00	6.00	0.00	6.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Personal Serv	1,100,330	709,992	1,231,438	588,985	1,263,100	564,451	1,262,099	545,277	1,496,277	715,168	896,916	761,855	942,403	703,429	455,379	367,911	482,830	371,981	844,957	
All Other	1,090,296	619,359	1,129,939	762,499	1,347,796	1,059,218	2,181,365	1,824,101	4,107,869	1,224,645	4,243,752	4,854,599	4,691,386	1,956,935	3,201,074	2,299,283	3,199,618	1,960,353	3,301,837	
Capital	20,170	45,518	5,435	6,903	5,435	0	39,435	13,950	3,435	3,349	0	3,719,832	0	73,160	21,900	1,382,793	21,900	693,702	0	
TOTAL	2,210,796	1,374,869	2,366,812	1,358,387	2,616,331	1,623,669	3,482,899	2,383,328	5,607,581	1,943,162	5,140,668	9,336,286	5,633,789	2,733,523	3,678,353	4,049,988	3,704,348	3,026,036	4,146,794	

MAINE DEPARTMENT OF CORRECTIONS
Appropriations Allocations -Expenditures
014-Allocations

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS ALLOCATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final		
	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED		
	1994-95		1995-96		1996-97		1997-98		1998-99		1999-2000		2000-01		2001-02		2002-03		2003-04		
Victim Services																					
0046 Positions																					
Personal Serv																					
All Other																					
Capital																					
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13,115	291	13,115	537	14,410		
Prob & Parole																					
0124 Positions																					
Personal Serv																					
All Other																					
Capital																					
TOTAL	30,000	0	10,000	0	10,000	3,781	10,000	1,517	10,000	7,239	10,000	0	45,021	-55,121	45,021	20,090	45,021	817	48,262		
Curriculum Workshops & Training																					
0141 Positions																					
Personal Serv																					
All Other																					
Capital																					
TOTAL	5,309	0	5,591	67	5,887	0	6,062	428	6,262	0	6,444	0	6,631	0	6,631	98,834	6,631	0	7,035		
Industry																					
0141 -02Positions																					
Personal Serv																					
All Other																					
Capital																					
TOTAL	0	0	0	0	0	0	500	46	500	10,465	52,498	19,034	6,715	1,827	80,218	69,763	81,093	81,815	82,544	85,847	86,253
DI-CAP																					
0141 -05Positions																					
Personal Serv																					
All Other																					
Capital																					
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	95,586	36,169	206,661	113,252	253,975	138,126	265,127	
JAIBG																					
0141 -01Positions																					
Personal Serv																					
All Other																					
Capital																					
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Correctional Services																					
0192 Positions																					
Personal Serv																					
All Other																					
Capital																					
TOTAL	77,158	34,733	81,950	35,203	85,394	3,019	32,018	12,187	33,075	15,469	34,034	4,849	0	0	0	0	0	0	0	0	
County Jail																					
0888 Positions																					
Personal Serv																					
All Other																					
Capital																					
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	110,757	69,014	112,972		

MAINE DEPARTMENT OF CORRECTIONS
Appropriations Allocations -Expenditures
014-Allocations

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS ALLOCATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final	
	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	FY 04	
	1994-95		1995-96		1996-97		1997-98		1998-99		1999-2000		2000-01		2001-02		2002-03		2003-04	
Juv Comm Corrections																				
0892 Positions																				
Personal Serv																				
All Other													400,000	109,864	401,250	283,779	-391	88,972	83,694	
Capital																		316,246	440,241	
																		10,500		
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	400,000	109,864	401,250	286,072	402,125	415,718	523,935	
Maine State Prison																				
0144 Positions																				
Personal Serv			1.0																	
All Other	22,615	24,080	22,619	21,323	32,931	36,365	35,468	17,136	37,413	4,076	38,754	2,662	43,584	11,063	47,480	4,658	99,991	91,729	108,603	
Capital		21,787	15,500	5,026	18,500	283,845	19,077	9,996	19,709	2,349	8,575	483	18,594	5,063	21,190	2,757	22,193	19,835	28,881	
			8,834	7,579			22,000	34,672	12,500	-209	15,000				45,000		20,500		15,000	
TOTAL	22,615	45,868	46,953	33,928	51,431	320,209	76,545	61,804	69,622	6,217	62,329	3,146	62,178	16,126	113,670	7,415	142,684	111,564	152,484	
MSP Farm Program																				
0522 Positions																				
Personal Serv			2,079		2,185		1,200		1,200		1,200									
All Other	20,000	1,370	22,500	7,215	24,500	2,428	3,675	1,770	3,675	453	3,811			-2						
Capital			17,000		15,000															
TOTAL	20,000	1,370	41,579	7,215	41,685	2,428	4,875	1,770	4,875	453	5,011	0	0	-2	0	0	0	0	0	
Maine Correctional Center																				
0162 01 Positions																				
Personal Serv			1.0		1.0															
All Other	1,000	1,107	22,809	15,143	36,250	37,636	38,331	39,258	40,162	40,830	43,296	45,566	137,624	99,611	100,760	104,295	103,477	103,052	109,202	
Capital			2,000	93	2,000	174	2,087	171	2,157	220	2,205	237	335,557	271,374	345,557	387,735	355,557	215,352	428,252	
													38,900	3,835	44,000	42,376	25,000		41,575	
TOTAL	1,000	1,107	24,809	15,237	38,250	37,811	40,418	39,428	42,319	41,050	45,501	45,803	512,081	374,821	490,317	534,405	484,034	318,404	579,029	
MCC- Farm Program																				
0521 Positions																				
Personal Serv																				
All Other	32,950	30,948	38,475	38,468	28,104	34,281	28,798	28,770	29,727	16,826	30,591	6,115	31,480	7,086	31,480	5,474	31,480	3,652	26,477	
Capital	1,000		9,800	9,800	25,000	9,094	23,000	22,890	19,400		25,000	14,317	11,900		11,900	11,900	11,900			
TOTAL	33,950	30,948	48,275	48,268	53,104	43,375	51,798	51,660	49,127	16,826	55,591	20,432	43,380	7,086	43,380	17,374	43,380	3,652	26,477	
MCC- Vocational Training & Industry Fund																				
0541 Positions																				
Personal Serv	1.0		2.0		2.0															
All Other	33,376		71,767	16,009	73,071	33,000	104,185	33,745	111,833	83,438	89,978	55,932								
Capital	215,000	128,996	221,011	132,981	227,997	185,185	253,262	153,200	314,936	299,627	323,908	306,121	-6,506							
	35,000	9,812	23,000	10,864	16,000	15,000	79,900		84,000	3,350	42,500	8,155								
TOTAL	283,376	138,808	315,778	159,854	317,068	233,185	437,347	186,945	510,769	386,415	456,386	370,208	0	-6,506	0	0	0	0	0	
MCC- Repairs																				
0688 Positions																				
Personal Serv			2.0		2.0															
All Other			71,767	16,009	73,071	33,000	104,185	33,745	111,833	83,438	89,978	55,932								
Capital			221,011	132,981	227,997	185,185	253,262	153,200	314,936	299,627	323,908	306,121	-6,506							
			23,000	10,864	16,000	15,000	79,900		84,000	3,350	42,500	8,155								
TOTAL	0	138,808	315,778	159,854	317,068	233,185	437,347	186,945	510,769	386,415	456,386	370,208	0	-6,506	0	0	0	0	0	
Downeast Corr Facility																				
0542 Positions																				
Personal Serv																				
All Other	5,000	5,383	5,000	735	5,000	4,565	25,000	12,720	25,000	12,267	25,000	11,584	25,000	24,678	52,310	45,521	53,947	1,858	51,290	
Capital		700													90,624		132,300	67,999	96,103	
TOTAL	5,000	6,083	5,000	735	5,000	4,565	25,000	12,720	25,000	12,267	25,000	11,584	25,000	24,678	142,934	45,521	186,247	69,857	147,393	

MAINE DEPARTMENT OF CORRECTIONS
Appropriations Allocations -Expenditures
014-Allocations

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS ALLOCATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final
	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	FY 04
	1994-95		1995-96		1996-97		1997-98		1998-99		1999-2000		2000-01		2001-02		2002-03		2003-04
Charleston Corr Facility																			
0400 Positions																			
Personal Serv	35,600	2,268	36,624	4,700	36,665	2,272	103,477	29,643	113,853	48,942	113,945	75,320	159,447	76,597	167,951	158,419	175,838	171,321	170,791
All Other	6,000	10,683	6,154	3,430	6,341	3,972	57,352	17,010	53,285	39,797	60,910	58,192	62,963	75,368	85,854	95,263	85,979	76,410	160,557
Capital	8,000	4,101	8,000		8,000	2,500	23,000	10,500	18,000		23,000	6,500	18,000		18,000		18,000		18,000
TOTAL	49,600	17,052	50,778	8,130	51,006	8,744	183,829	57,153	185,138	88,739	197,855	140,012	240,410	151,965	271,805	253,682	279,817	247,732	349,348
Mountain View Youth Dev. Ctr.																			
0857 Positions																			
Personal Serv																			
All Other															1218125		1218125		100,000
Capital															30,000		30,000		
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,248,125	0	1,248,125	0	100,000
Long Creek Youth Dev. Ctr.																			
0163 Positions																			
Personal Serv					7.0	193,778	684	255,367	276,432		233,120		122,711	-11	60				
All Other	10,500	997	10,500	1,583	1,216,722	5,060	1,216,718	6,518	1,216,808	515	1,320,449	181,341	1,248,125	94,168	1,320,052	12,602	1,320,052	14,523	100,000
Capital			2,500																
TOTAL	10,500	997	13,000	1,583	1,410,500	5,744	1,472,085	6,518	1,493,240	515	1,553,569	181,341	1,370,836	94,157	1,320,112	12,602	1,320,052	14,523	100,000
Total - Department																			
Positions	2.00	0.00	7.00	0.00	13.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Personal Serv	93,831	18,475	254,516	87,982	475,325	145,874	642,213	153,526	692,726	260,725	662,769	254,445	639,170	293,193	656,315	464,733	769,381	680,906	874,960
All Other	400,677	351,086	612,841	342,986	1,831,068	708,578	1,907,811	397,533	2,030,070	704,853	2,156,550	876,870	2,226,077	531,400	3,631,052	975,318	3,800,713	821,979	1,621,316
Capital	44,000	46,212	92,134	39,107	80,000	41,594	227,800	68,062	217,900	6,492	148,000	37,127	68,800	3,835	148,900	54,276	105,400	10,500	74,575
TOTAL	538,508	415,772	959,491	470,075	2,386,393	896,046	2,777,824	619,121	2,940,696	972,070	2,967,319	1,168,443	2,934,047	828,428	4,436,267	1,494,326	4,675,494	1,513,385	2,570,851

MAINE DEPARTMENT OF CORRECTIONS
Appropriations Allocations -Expenditures
015-Allocations

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS ALLOCATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final
	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	FY 04
	1994-95		1995-96		1996-97		1997-98		1998-99		1999-2000		2000-01		2001-02		2002-03		2003-04
JAIBG																			
0141 -01Positions																			
Personal Serv									31,200	2,856	124,541	98,349	131,778	136,595	134,925	124,533	141,273	134,148	144,756
All Other									1,852,800	571	1,759,459	1,105,260	4,684,512	1,741,675	1,735,768	1,644,423	1,735,771	2,168,178	1,781,558
Capital													76,500	20,509		118,172		206,855	
TOTAL	0	0	0	0	0	0	0	0	1,884,000	3,427	1,884,000	1,203,609	4,892,790	1,898,779	1,870,693	1,887,127	1,877,044	2,509,180	1,926,314
Long Creek Youth Dev. Ctr.																			
0163 Positions																			
Personal Serv																			
All Other		7,149	7,000	6,221	7,000	4,215	7,000	4,427	7,000	2,353	14,000	1,828	14,000	2,862	4,824		5,789		
Capital																			
TOTAL	0	7,149	7,000	6,221	7,000	4,215	7,000	4,427	7,000	2,353	14,000	1,828	14,000	2,862	4,824	0	5,789	0	0
Total - Department																			
Positions	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Personal Serv	0	0	0	0	0	0	0	0	31,200	2,856	124,541	98,349	131,778	136,595	134,925	124,533	141,273	134,148	144,756
All Other	0	7,149	7,000	6,221	7,000	4,215	7,000	4,427	1,859,800	2,924	1,773,459	1,107,088	4,698,512	1,744,537	1,740,592	1,644,423	1,741,560	2,168,178	1,781,558
Capital	0	0	0	0	0	0	0	0	0	0	0	0	76,500	20,509	0	118,172	0	206,855	0
TOTAL	0	7,149	7,000	6,221	7,000	4,215	7,000	4,427	1,891,000	5,780	1,898,000	1,205,437	4,906,790	1,901,641	1,875,517	1,887,127	1,882,833	2,509,180	1,926,314

MAINE DEPARTMENT OF CORRECTIONS
Appropriations Allocations -Expenditures
018-Allocations

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS ALLOCATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final	
	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	
	1994-95		1995-96		1996-97		1997-98		1998-99		1999-2000		2000-01		2001-02		2002-03		2003-04	
Capital Construction																				
0432 03Positions																				
Personal Serv																				
All Other																				
Capital		56,525		19,443		70,464														
TOTAL	0	56,525	0	19,443	0	70,464	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Capital Construction																				
0432 04Positions																				
Personal Serv																				
All Other				31,994		27,683		14,726		7,284		14,930		15,323		2,362				
Capital		3,559,181		3,995,584		1,091,245		270,910		234,210		98,971		77,868		89,835		53,043		
TOTAL	0	3,559,181	0	4,027,578	0	1,091,245	0	298,592	0	248,936	0	106,255	0	92,798	0	105,158	0	55,405	0	0
Total - Department																				
Positions	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Personal Serv	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
All Other	0	0	0	31,994	0	0	0	27,683	0	14,726	0	7,284	0	14,930	0	15,323	0	2,362	0	0
Capital	0	3,615,706	0	4,015,028	0	1,161,709	0	270,910	0	234,210	0	98,971	0	77,868	0	89,835	0	53,043	0	0
TOTAL	0	3,615,706	0	4,047,022	0	1,161,709	0	298,592	0	248,936	0	106,255	0	92,798	0	105,158	0	55,405	0	0

MAINE DEPARTMENT OF CORRECTIONS
Appropriations Allocations -Expenditures
061-Allocations

9/24/2003 8:54

DEPARTMENT OF CORRECTIONS ALLOCATIONS

	FY 95		FY 96		FY 97		FY 98		FY 99		FY 00		FY 01		FY 02		FY 03		Not Final	
	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	EXPENDED	ALLOCATED	
	1994-95		1995-96		1996-97		1997-98		1998-99		1999-2000		2000-01		2001-02		2002-03		2003-04	
Maine State Prison																				
0144 Positions			6.0		6.0															
Personal Serv		209,821	244,254	219,347	265,854	245,138	261,033	244,733	275,486	273,766	274,534	284,549	361,570	288,276	411,434	328,606	428,206	355,005	482,910	
All Other		183,208	343,078	258,036	355,745	264,011	313,848	313,844	315,696	408,302	361,441	329,994	377,271	327,711	530,417	371,169	531,672	407,178	782,032	
Capital			50,000		50,000		58,500		56,000		36,000		34,000		152,500	3,024	65,000		10,000	
TOTAL	0	393,029	637,332	477,383	671,599	509,149	633,381	558,577	647,182	682,068	671,975	614,543	772,841	615,987	1,094,351	702,799	1,024,878	762,183	1,274,942	
Total - Department																				
Positions	0.00	0.00	6.00	0.00	6.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Personal Serv	0	209,821	244,254	219,347	265,854	245,138	261,033	244,733	275,486	273,766	274,534	284,549	361,570	288,276	411,434	328,606	428,206	355,005	482,910	
All Other	0	183,208	343,078	258,036	355,745	264,011	313,848	313,844	315,696	408,302	361,441	329,994	377,271	327,711	530,417	371,169	531,672	407,178	782,032	
Capital	0	0	50,000	0	50,000	0	58,500	0	56,000	0	36,000	0	34,000	0	152,500	3,024	65,000	0	10,000	
TOTAL	0	393,029	637,332	477,383	671,599	509,149	633,381	558,577	647,182	682,068	671,975	614,543	772,841	615,987	1,094,351	702,799	1,024,878	762,183	1,274,942	

PERFORMANCE MEASUREMENTS WITHIN THE MAINE DEPARTMENT OF CORRECTIONS

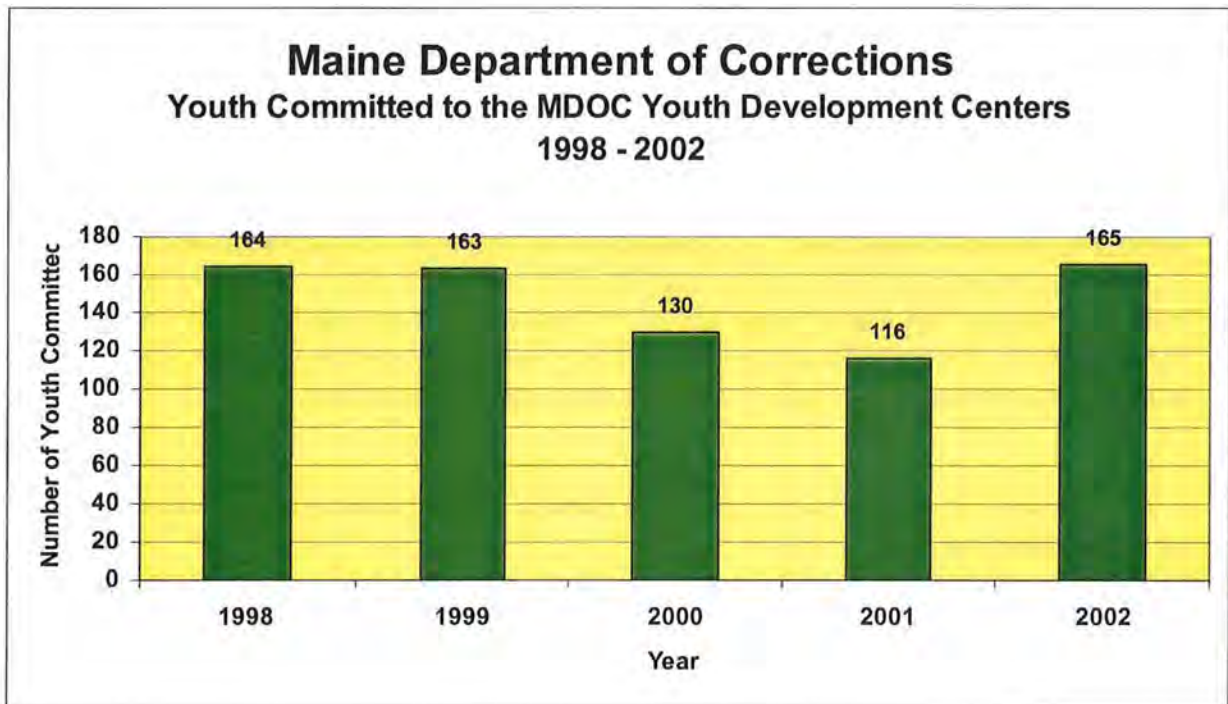
Overview of the Maine Department of Corrections Performance Measures

Performance Measures - Performance measures are those activities, outcomes or events that demonstrate performance toward our objectives. Many of our performance measures are proxy measures. Proxy measures are activities or outcomes which research has demonstrated are effective in reaching the desired goals and objectives. For example, research suggests that the ability to hold a job is a significant factor in reducing the likelihood that an offender will re-offend. Therefore, proxy measures include the number or percentage of offenders in vocational training programs.

Some of the performance measures that are currently being tracked on a monthly or annual basis are:

1. Number of Juveniles committed to correctional facilities
2. Probationers that reoffend and are recommitted
3. Community Services provided by the inmates of the juvenile and adult correctional facilities.
4. Volunteer Services provided to the juvenile and adult correctional facilities.
5. MDOC Staff and Offender Injury data
6. Adult inmate demographics
7. Victim Services programs
8. Overall in-house adult inmate population

MEASURING THE NUMBER OF YOUTH COMMITTED TO THE MDOC YOUTH DEVELOPMENT CENTERS

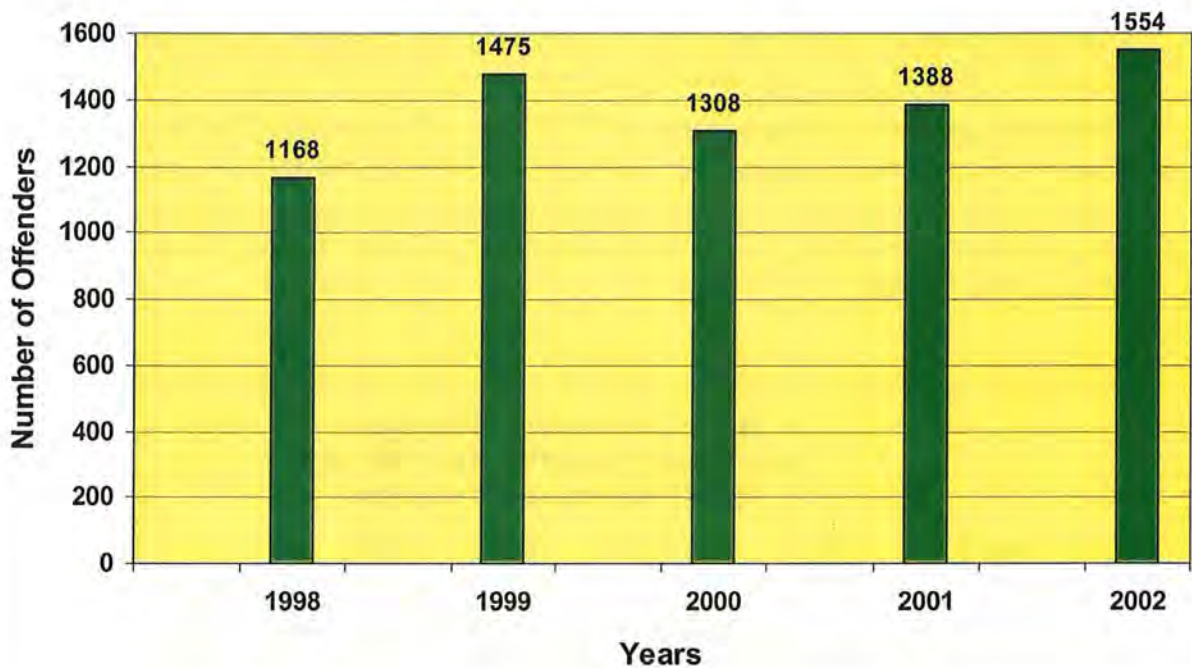


MEASURING CLIENTS ON PROBATION WHO REOFFEND AND ARE RECOMMITTED INTO A STATE OR COUNTY ADULT CORRECTIONAL FACILITY

The performance measure of determining the number of client's on probation who reoffend and are recommitted into a State or County adult correctional facility is an important tool that the Maine Department of Corrections (MDOC) uses to assist in the evaluation of the Department's adult community services. These clients who are on probation have been charged with the commission of a new crime which may result in additional jail, prison and/or probationary time.

The number of probationers who have had their probation either partially or totally revoked and are recommitted into a State or County adult correctional facility since the baseline measurement year of 1998 is as follows:

**Maine Department of Corrections
Probationers Who Reoffend & Are Recommitted
1998 - 2002 Comparison**



MEASURING COMMUNITY SERVICE

The increase in Community Service Hours is one measure for assessing the department's progress in meeting the goals outlined in our strategic plan. This measure specifically addresses Goal C. to ensure that offenders are accountable to both their victims and the communities in which they offend.

Community service includes any work that a juvenile or adult offender performs for a nonprofit organization, town, county, or state agency other than the Maine Department of Corrections (MDOC). Examples of community service are work crews that work on the restoration of local town buildings, maintain town and State Parks, and perform services for the Department of Transportation. If the offender receives any monetary benefit for his/her labor it is not considered community service.

The total MDOC community services performed for 1998 (Baseline Year) is compared to the 1999, 2000, and 2001 community services, these figures include the community services performed in juvenile and adult correctional facilities as well as the juvenile and adult community corrections. The financial value of these services is based on a minimum

wage of \$5.15/hour. (Many of the jobs performed require special skills that would increase the labor value)

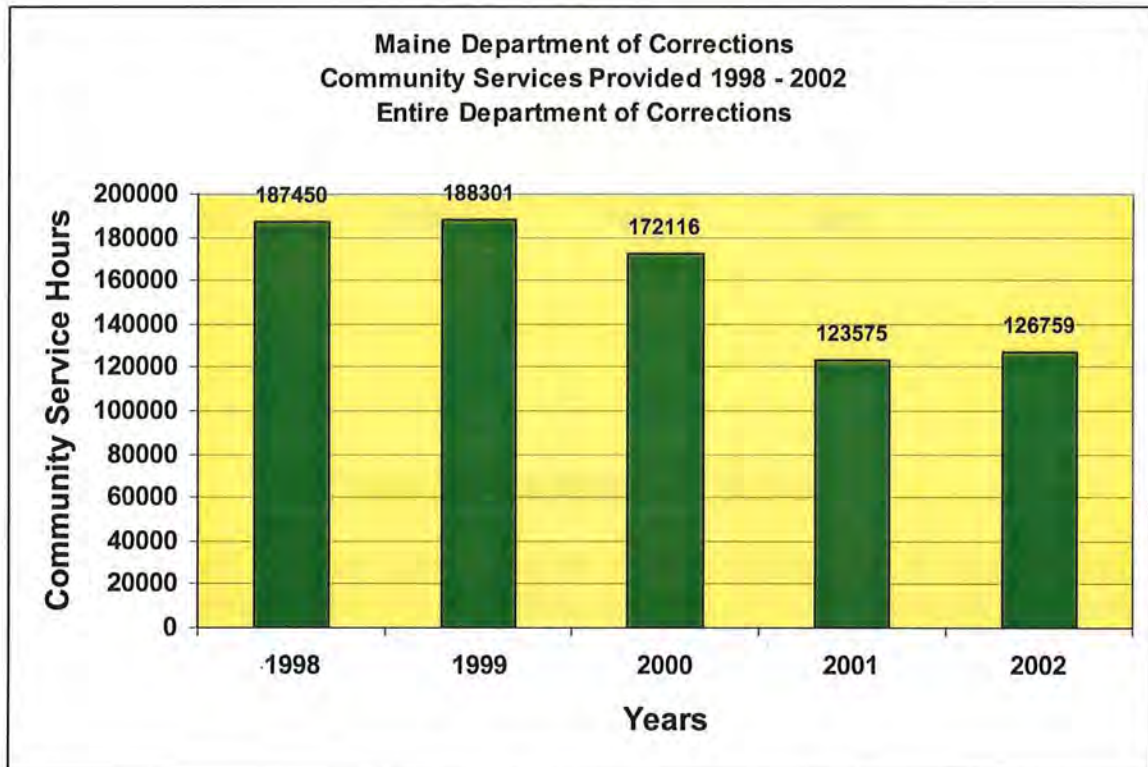
The 1998 MDOC yearly total was 187,450 hours of community services performed Statewide. The financial value of these services is a minimum of \$ 965,367.00.

The 1999 MDOC yearly total was 188,301 hours of community services performed Statewide. The financial value of these services is a minimum of \$ 969,750.00.

The 2000 MDOC yearly total was 172,116 hours of community services performed Statewide. The financial value of these services is a minimum of \$ 886,397.00.

The 2001 MDOC yearly total was 123,575 hours of community services performed Statewide. The financial value of these services is a minimum of \$ 636,411.00.

The goal of the MDOC is consistent improvement and the goal for the year 2002 will be to exceed the annual hourly level for community services that was performed in each of the previous years.



MEASURING VOLUNTEER SERVICES

The increase in Volunteer Service Hours is one measure for assessing the Maine Department of Corrections (MDOC) progress in meeting the goals that are outlined in the MDOC's Strategic Plan. This measure specifically addresses Goal C: To ensure that offenders are accountable to both their victims and the communities in which they offend and that communities are full partners and share responsibility for how offenders are held accountable.

Volunteer Services includes any work or service that is performed for the MDOC by a person that is not employed by the MDOC. Examples of Volunteer Services are literacy volunteers, mentors, religious program providers, substance abuse program providers, and education service providers. If the volunteer receives any monetary benefit for his/her labor it is not considered volunteer services.

The total MDOC Volunteer Services performed for 1999 (Baseline Year) thru 2001 have been compiled, these figures include volunteer services performed in both juvenile and adult correctional facilities.

The financial value of these services is based on a hourly rate of \$10.00/hour which is a low estimate because professional services that are being provided by the volunteers would cost much more if the services had to be provided by MDOC staff or contracted services.

The 1999 MDOC yearly total was 17,781 hours of volunteer services performed Statewide. The financial value of these services is a minimum of \$177,781.00.

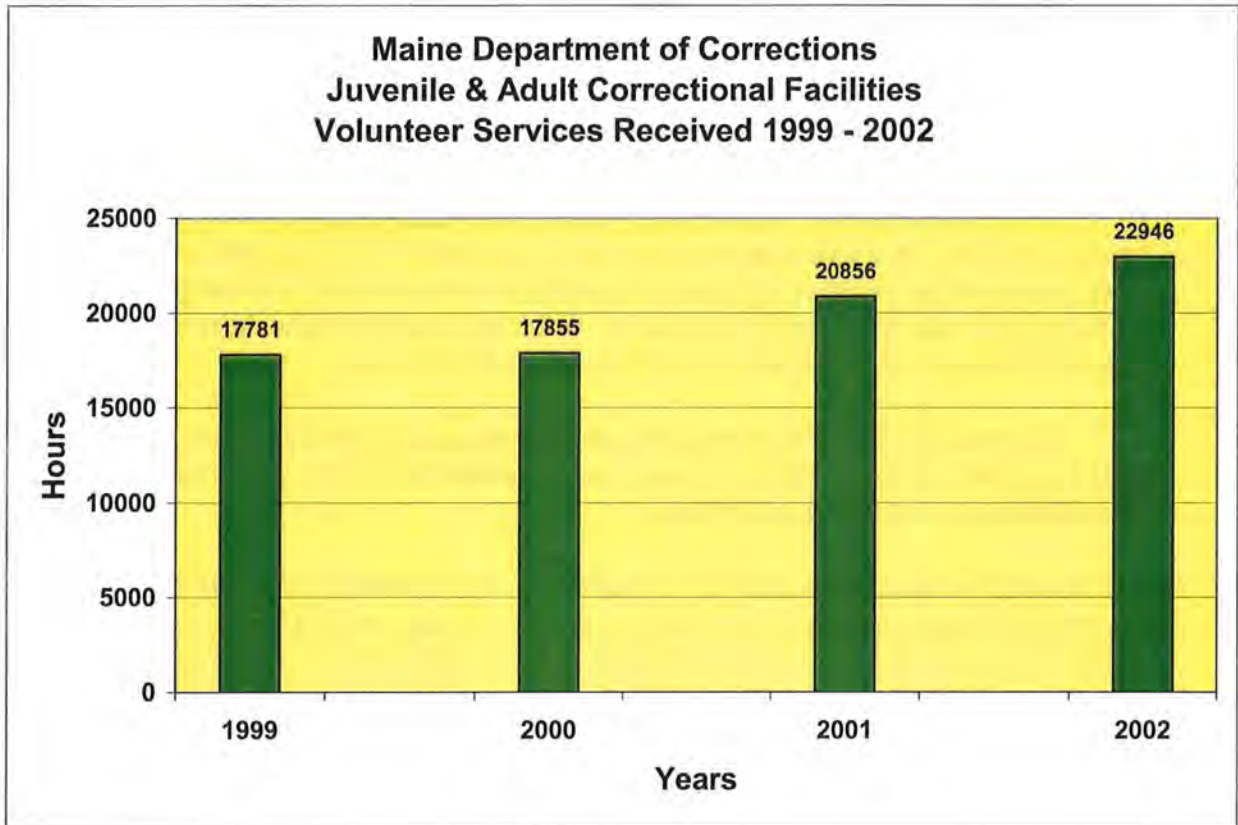
The 2000 MDOC yearly total was 17855 hours of volunteer services performed Statewide. The financial value of these services is a minimum of \$ 178,550.00

The 2001 MDOC yearly total was 20856 hours of volunteer services performed Statewide. The financial value of these services is a minimum of \$ 208,560.00

The 2002 MDOC yearly total was 22946 hours of volunteer services performed Statewide. The financial value of these services is a minimum of \$ 229,460.00.

The MDOC goal for the year 2003 is 25240 hours of volunteer service, which will represent a 10 % increase of the 2002 yearly amount.

The services which are provided by volunteers that offer services to the MDOC can be contrasted to the Community Services) that are provided to the communities by offenders that are incarcerated in the custody of the MDOC. The MDOC and the local communities of Maine have established a collaboration that exchanges services so that it results in a win-win situation for everyone involved in either the volunteer program or the community service program.



MEASURING MDOC STAFF AND OFFENDER INJURIES

The decrease in the number and types of MDOC staff and offender injuries is one measure for assessing the department’s progress in meeting the goals outlined in our strategic plan. This measure specifically addresses Goal D. to ensure a correctional environment in which employees and offenders are safe.

MDOC staff and offender injury Information is gathered, on a monthly basis, from each of the MDOC Juvenile and adult correctional facilities on the numbers of injuries, types of injuries, and the location at which the injury occurred. A determination is made for both the MDOC staff and offender injuries to identify if each injury was a result of an assault or an illness or accident.

The data and information on the MDOC staff injuries are gathered from the State Workman’s Compensation Reports with input from the MDOC personnel Administrators. The data and information on the MDOC offender injuries are from the inmate Injury reports that are submitted, on a monthly basis, to Central Office by the medical departments from each of the juvenile and adult facilities. The data is used by the MDOC

Safety Committee to identify potentially unsafe working or living conditions as well as by the MDOC Correctional Administrators to help identify possible unsafe staff-offender operating practices. The staff and offender injury data is used by many different people for many different reasons in an effort to ensure a correctional environment in which employees and offenders are safe.

The total MDOC staff injuries have been tracked since 1998 and the Offender injuries have been tracked since May of 1998.

The 1998 MDOC staff injury yearly total for was 119

The 1999 MDOC staff injury yearly total for was 129

The 2000 MDOC staff injury yearly total for was 135

The 2001 MDOC staff injury yearly total for was 187

The 1998 (May – Dec) MDOC offender injury yearly total for was 739

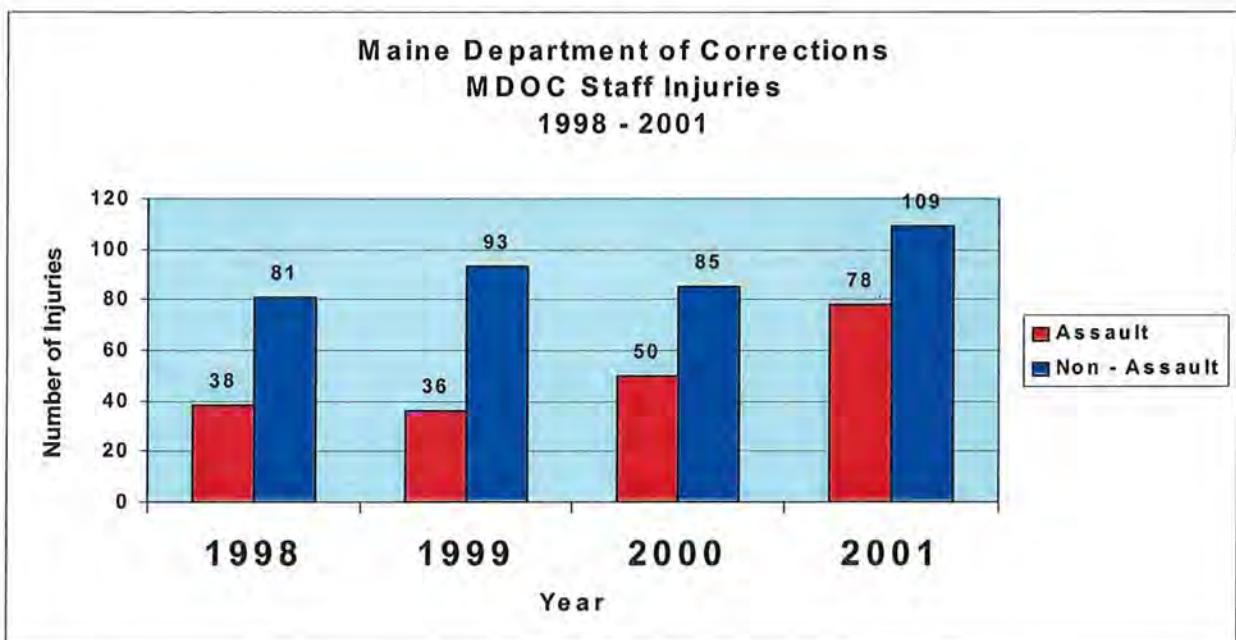
The 1999 MDOC offender injury yearly total for was 1157

The 2000 MDOC offender injury yearly total for was 926

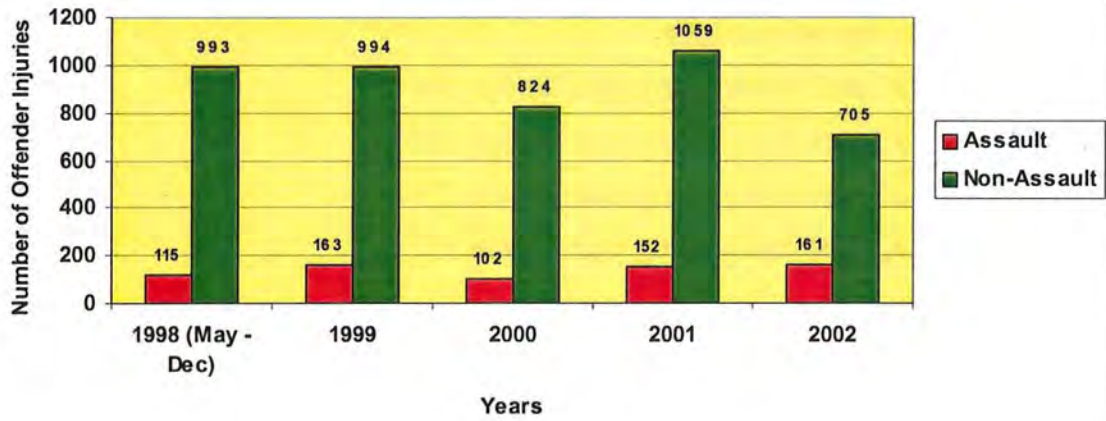
The 2001 MDOC offender injury yearly total for was 1211

The 2002 MDOC offender injury yearly total for was 866

The goal of the Maine Department of Corrections is consistent improvement and the ongoing goal is to continually decrease the number of both MDOC staff and offender injuries.



Maine Department of Corrections
Total Offender Injuries - Correctional Facilities
1998 - 2002



State of Maine
Department of Corrections
2003-2004 Regulatory Agenda

201: The Department of Corrections

208: State Parole Board

AGENCY UMBRELLA-UNIT NUMBER: 03-201

AGENCY: Department of Corrections

CONTACT PERSON: Ellis King, Correctional Planning Analyst,
State House Station 111, Augusta, Maine 04333
(207) 287-4342, e-mail: Ellis.King@maine.gov

EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:

CHAPTER 10, Sec. 27.2: Supervised Community Confinement – EMERGENCY April 2, 2003

STATUTORY AUTHORITY: 34-A MRSA, Section 3036-A

PURPOSE: The Maine Department of Corrections is EMERGENCY adopting a proposal to revise the existing policy, procedures, and rules governing the Supervised Community Confinement Program Policy pursuant to 34-A M.R.S.A., section 3036-A. to implement the changes to the Supervised Community Confinement Program that are necessary, due to overcrowding in the facilities, to avoid an immediate threat to the public health, safety or general welfare.

EXPECTED 2003 – 2004 RULE-MAKING ACTIVITY:

CHAPTER 1: Detention and Correctional Standards for Counties and Municipalities

STATUTORY AUTHORITY: 34-A MRSA, Section 1208

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify standards regarding juvenile detention and revise adult standards to keep pace with professional practices.

ANTICIPATED SCHEDULE: Spring/Summer adoption.

AFFECTED PARTIES: Benefited parties: offenders & jail staff. Regulated parties: municipal detention and correctional facilities.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 2.12 Committed Offender Fund Accounts – Fiscal Management

STATUTORY AUTHORITY: 34-A MRSA, Section 3039

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify and add new information regulating fund accounts for adult offenders sentenced to the Department

ANTICIPATED SCHEDULE: Spring/Summer adoption.

AFFECTED PARTIES: Regulated parties: Adult offenders sentenced to the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 2.15 Agreements with Community Agencies– Fiscal Management

STATUTORY AUTHORITY: 34-A MRSA, Section 1206

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify and add new information regulating the agreements with community agencies.

ANTICIPATED SCHEDULE: Spring/Summer adoption.

AFFECTED PARTIES: Community agency having fiscal agreements with the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 6.6 Payments of Restitution or Fines

STATUTORY AUTHORITY: 17A M.R.S.A., section 1330 and 34-A MRSA, Section 3035, 3809-A, and 4111

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify and add new information regulating the payment and collection of restitution and/or fines.

ANTICIPATED SCHEDULE: Fall/Winter adoption.

AFFECTED PARTIES: Regulated parties: Juvenile and adult offenders sentenced to the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 14.21 Organization and Use of Canine Units – Security

STATUTORY AUTHORITY: 34-A MRSA, Section 1403

PURPOSE: Revision or repeal of existing rule. The purpose of the amendment is to clarify and add new information regulating the organization and use of the Department's canine units.

ANTICIPATED SCHEDULE: Fall/Winter repeal or revision

AFFECTED PARTIES: Department Canine units and security staff

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 29.1: Grievance Process, General

STATUTORY AUTHORITY: 34-A MRSA, Section 1402 and Section 1203

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify and add new information regulating the Department's client grievance policy and procedures for general issue grievances.

ANTICIPATED SCHEDULE: Spring/Summer adoption.

AFFECTED PARTIES: Regulated parties: Juvenile and adult offenders sentenced to the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 29.2: Grievance Process, Medical and Mental Health Care

STATUTORY AUTHORITY: 34-A MRSA, Section 1402 and Section 1203

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify and add new information regulating the Department's client grievance policy and procedures for medical /mental health issue grievances.

ANTICIPATED SCHEDULE: Spring/Summer adoption.

AFFECTED PARTIES: Regulated parties: Juvenile and adult offenders sentenced to the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 15.3: Resident Discipline System

STATUTORY AUTHORITY: 34-A MRSA, Section 3032

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify and add new disciplinary offenses for juvenile offenders.

ANTICIPATED SCHEDULE: Spring/Summer adoption.

AFFECTED PARTIES: Regulated parties: Juvenile offenders sentenced to the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 15.4 Drug and Alcohol Testing of Juvenile Clients

STATUTORY AUTHORITY: 34-A MRSA, Section 1402

PURPOSE: Revision of existing rule. The purpose of the amendment is to modify the procedure for juvenile client drug testing.

ANTICIPATED SCHEDULE: Spring/Summer adoption.

AFFECTED PARTIES: Regulated parties: Juvenile offenders sentenced to the Department.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 18.6: Community Rehabilitative Programs Furlough Policy

STATUTORY AUTHORITY: 34-A MRSA, Section 3033

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify when a prisoner may be eligible for or removed from furlough.

ANTICIPATED SCHEDULE: Winter/Spring adoption.

AFFECTED PARTIES: Regulated parties: Adult offenders sentenced to the Department.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 18.8: Release Programs

STATUTORY AUTHORITY: 34-A MRSA, Section 3035

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify when a prisoner may be eligible for release programs.

ANTICIPATED SCHEDULE: Winter/Spring adoption.

AFFECTED PARTIES: Regulated parties: prisoners

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 20.1: Prisoner Discipline

STATUTORY AUTHORITY: 34-A MRSA, Section 3032

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify and add new disciplinary offenses for adult offenders.

ANTICIPATED SCHEDULE: Spring/Summer adoption.

AFFECTED PARTIES: Regulated parties: Adult offenders sentenced to the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 20.2 Drug and Alcohol Testing of Adult Clients

STATUTORY AUTHORITY: 34-A MRSA, Section 1402

PURPOSE: Revision of existing rule. The purpose of the amendment is to modify the procedure for adult client drug testing.

ANTICIPATED SCHEDULE: Spring/Summer adoption.

AFFECTED PARTIES: Regulated parties: Adult offenders sentenced to the Department.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 27.2: Supervised Community Confinement

STATUTORY AUTHORITY: 34-A MRSA, Section 3036-A

PURPOSE: Revision of existing rule. The purpose of the amendment is to address changes in eligibility standards for prisoner participation.

ANTICIPATED SCHEDULE: Fall/Winter adoption.

AFFECTED PARTIES: Regulated parties: State adult facilities and community corrections prisoners sentenced to the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 30.7 Variances

STATUTORY AUTHORITY: 34-A MRSA, Section 1208

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify and add new information regulating municipal and county variances.

ANTICIPATED SCHEDULE: Fall/Winter adoption.

AFFECTED PARTIES: Benefited parties: offenders & jail staff. Regulated parties: municipal detention and correctional facilities.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 11: Testing and Release of HIV Information

STATUTORY AUTHORITY: 5-A MRSA, Section 19023

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify to whom the department may release the results of HIV testing. Also to designate who may receive test results from county jails, as required by statute.

ANTICIPATED SCHEDULE: Fall adoption.

AFFECTED PARTIES: Regulated parties: prisoners and county facilities

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 15: Batterers' Intervention Program Certification

STATUTORY AUTHORITY: 34-A MRSA

PURPOSE: Revision. The purpose of the amendment is to revise standards for the certification of batterers' intervention programs.

ANTICIPATED SCHEDULE: Winter/Spring adoption.

AFFECTED PARTIES: Regulated parties: batterers' intervention programs.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

AGENCY: STATE PAROLE BOARD

CONTACT PERSON: Ellis King, Correctional Planning Analyst
State House Station 111, Augusta, Maine 04333
(207) 287-4342, e-mail: Ellis.King@maine.gov

EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA: None

EXPECTED 2003 – 2004 RULE-MAKING ACTIVITY:

CHAPTER 1: State Parole Board

STATUTORY AUTHORITY: 34-A MRSA

PURPOSE: Revision. The purpose of the amendment is to revise standards for the State Parole Board.

ANTICIPATED SCHEDULE: Fall adoption.

AFFECTED PARTIES: Regulated parties: State adult facilities and community corrections prisoners sentenced to the Department.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated



Maine Dept. of Corrections

AGENCY FUND	APPROP ORG	JOB CLASS TITLE	WORKING TITLE	LEG COUNT
Office of Victims Services				
03A	010	0046	ACCOUNT CLERK II	1.0
03A	010	0046	ADVOCATE	1.0
03A	010	0046	CHIEF VICTIM SVCS ADVOCATE	1.0
TOTAL FOR FUND				3.0
TOTAL FOR APPROPRIATION				3.0
Adult Community Corrections				
03A	010	0124	ASST REGIONAL CORRECTIONAL ADMIN	2.0
03A	010	0124	CLERK TYPIST II	3.0
03A	010	0124	CLERK TYPIST III	9.0
03A	010	0124	CORRECTIONAL PLANNING ANALYST	1.0
03A	010	0124	PROBATION OFFICER	73.0
03A	010	0124	PROBATION PAROLE OFF II	3.0
03A	010	0124	PUBLIC SERVICE MANAGER II	4.0
TOTAL FOR FUND				95.0
03A	013	0124	PROBATION OFFICER	1.0
TOTAL FOR FUND				1.0
TOTAL FOR APPROPRIATION				96.0
Administration				
03A	010	0141	ACCOUNTING TECHNICIAN	3.0
03A	010	0141	ADMIN SECRETARY	3.0
03A	010	0141	PUBLIC SERVICE MANAGER II	1.0
03A	010	0141	ASSOC COMM FOR ADULT SERVICES	1.0
03A	010	0141	ASSOC COMM FOR JUVENILE SVCS	1.0
03A	010	0141	ASSOC COMM FOR LEG & PROGRAMS SVCS	1.0
03A	010	0141	PUBLIC SERVICE MANAGER I	1.0
03A	010	0141	PUBLIC SERVICE COORDINATOR I	1.0
03A	010	0141	COMM DEPT OF CORRECTIONS	1.0
03A	010	0141	COMPREHENSIVE HEALTH PLAN II	1.0
03A	010	0141	CORRECTIONAL COMPLIANCE MONITOR	1.0
03A	010	0141	CORRECTIONAL MAINT MECHANIC	1.0
03A	010	0141	CORRECTIONAL PLANNING ANALYST	1.0
03A	010	0141	CORRECTIONAL TRADES SUPERVISOR	1.0
03A	010	0141	PUBLIC SERVICE MANAGER II	1.0
03A	010	0141	PUBLIC SERVICE COORDINATOR I	1.0
03A	010	0141	PUBLIC SERVICE MANAGER III	1.0
03A	010	0141	PUBLIC SERVICE MANAGER II	1.0
03A	010	0141	PUBLIC SERVICE COORDINATOR I	1.0
03A	010	0141	PUBLIC SERVICE COORDINATOR I	0.5
03A	010	0141	INFO SYS SUPPT SPEC II	4.0
03A	010	0141	INFO SYSTEM SUPPORT MGR	1.0
03A	010	0141	INFO SYSTEM SUPPORT SPEC	1.0
03A	010	0141	MANAGEMENT ANALYST II	1.0
03A	010	0141	PAYROLL SUPERVISOR	1.0
03A	010	0141	PUBLIC SERVICE MANAGER I	1.0
03A	010	0141	PHYSICIAN ASSISTANT	1.0
03A	010	0141	PUBLIC SERVICE COORDINATOR III	1.0
03A	010	0141	SECRETARY	1.0
03A	010	0141	SENIOR ADMIN SECRETARY	1.0
03A	010	0141	PUBLIC SERVICE COORDINATOR I	1.0
03A	010	0141	SENIOR INFO SYS/SUPP SPEC	1.0
03A	010	0141	SYSTEMS ANALYST	1.0
TOTAL FOR FUND				39.5
03A	013	0141	ADVOCATE	1.0
03A	013	0141	CLERK TYPIST III	0.0
03A	013	0141	PUBLIC SERVICE MANAGER II	0.0
03A	013	0141	SOCIAL SERVS PROGRAM SPEC I	0.0
TOTAL FOR FUND				1.0
03A	014	0141	CLERK TYPIST II	2.0
03A	014	0141	PUBLIC SERVICE COORDINATOR II	1.0
03A	014	0141	PUBLIC SERVICE COORDINATOR I	0.5
03A	014	0141	PUBLIC SERVICE COORDINATOR I	1.0
03A	014	0141	SENIOR STAFF ACCOUNTANT	1.0
03A	014	0141	STAFF ACCOUNTANT	1.0
TOTAL FOR FUND				6.5
03A	015	0141	CONTRACT/GRANT SPEC	1.0
03A	015	0141	STAFF DEVELOPMENT COORDINATOR	1.0
TOTAL FOR FUND				2.0
TOTAL FOR APPROPRIATION				49.0
Correctional Medical Services Fund				
03A	010	0286	BUSINESS MANAGER II	1.0
TOTAL FOR FUND				1.0
TOTAL FOR APPROPRIATION				1.0
Justice - Planning, Projects & Statistics				
03A	010	0502	CLERK TYPIST II	1.0
TOTAL FOR FUND				1.0
03A	013	0502	CORRECTIONAL COMPLIANCE MONITOR	1.0
03A	013	0502	CORRECTIONAL PLANS COORDINATOR	1.0
TOTAL FOR FUND				2.0
TOTAL FOR APPROPRIATION				3.0

Maine Dept. of Corrections

AGENCY FUND	APPROP ORG	JOB CLASS TITLE	WORKING TITLE	LEG COUNT
Office of Advocacy				
03A	010	0684	ADVOCATE	1.5
03A	010	0684	CHIEF ADVOCATE	1.0
TOTAL FOR FUND				2.5
TOTAL FOR APPROPRIATION				2.5
Juvenile Community Corrections				
03A	010	0892	CLERK TYPIST II	2.5
03A	010	0892	CLERK TYPIST III	7.0
03A	010	0892	CORRECTIONS RESOURCE COORDINATOR	5.0
03A	010	0892	JUVENILE COMM CORRECTIONS OFFICER	54.0
03A	010	0892	PUBLIC SERVICE MANAGER II	4.0
TOTAL FOR FUND				72.5
03A	014	0892	PSYCHOLOGIST III	0.0
TOTAL FOR FUND				0.0
TOTAL FOR APPROPRIATION				72.5
TOTAL FOR AGENCY				227.0
Maine State Prison				
03B	010	0144	ACCOUNT CLERK II	3.0
03B	010	0144	ACCOUNTING TECHNICIAN	2.0
03B	010	0144	ASST CLASSIFICATION OFFICER	1.0
03B	010	0144	CHAPLAIN I	1.5
03B	010	0144	CLASSIFICATION OFFICER	2.0
03B	010	0144	CLERK TYPIST II	6.0
03B	010	0144	CLERK TYPIST III	7.0
03B	010	0144	COMMUNITY PROGRAMS COORDINATOR	1.0
03B	010	0144	CORR CARE & TREATMENT WKR	9.0
03B	010	0144	CORR ELECTRICIAN SUPERVISOR	1.0
03B	010	0144	CORRECTIONAL AUTO MECH SUPV	1.0
03B	010	0144	CORRECTIONAL BLDG MAINT SUPT	1.0
03B	010	0144	CORRECTIONAL BLDG MAINT SUPV	1.0
03B	010	0144	CORRECTIONAL BOILER ENGINEER	1.0
03B	010	0144	CORRECTIONAL CAPTAIN	10.0
03B	010	0144	CORRECTIONAL CASEWORKER	6.0
03B	010	0144	CORRECTIONAL COOK SUPERVISOR	4.0
03B	010	0144	CORRECTIONAL ELECTRICIAN II	1.0
03B	010	0144	CORRECTIONAL FOOD SVC MANAGER	1.0
03B	010	0144	CORRECTIONAL GRD & EQUIP SUPV	1.0
03B	010	0144	CORRECTIONAL INVESTIGATOR	1.0
03B	010	0144	CORRECTIONAL LPN	7.0
03B	010	0144	CORRECTIONAL MAINT MECHANIC	5.0
03B	010	0144	CORRECTIONAL OFFICER	243.0
03B	010	0144	CORRECTIONAL PLT MAIN ENG I	1.0
03B	010	0144	CORRECTIONAL PLT MAIN ENG III	1.0
03B	010	0144	CORRECTIONAL PLUMBER SUPV	1.0
03B	010	0144	CORRECTIONAL POSTAL CLERK	2.0
03B	010	0144	CORRECTIONAL SERGEANT	37.0
03B	010	0144	CORRECTIONAL STOREKEEPER I	1.0
03B	010	0144	CORRECTIONAL TRADES SHOP SUPERVISOR	7.0
03B	010	0144	CORRECTIONAL TRADES SUPERVISOR	1.0
03B	010	0144	CORRECTIONS INDUSTRIES MANAGER	1.0
03B	010	0144	CORRECTIONS UNIT MANAGER	4.0
03B	010	0144	PUBLIC SERVICE MANAGER II	1.0
03B	010	0144	PUBLIC SERVICE MANAGER III	1.0
03B	010	0144	GUARD CAPTAIN	1.0
03B	010	0144	INDUSTRIAL SHOP SUPERVISOR	1.0
03B	010	0144	INFO SYS SUPPT SPEC II	1.0
03B	010	0144	LABORER II	1.0
03B	010	0144	LAUNDRY WORKER II	1.0
03B	010	0144	PUBLIC SERVICE MANAGER II	1.0
03B	010	0144	PUBLIC SERVICE MANAGER II	3.0
03B	010	0144	NURSE I	0.0
03B	010	0144	NURSE II	7.0
03B	010	0144	NURSE III	2.0
03B	010	0144	NURSE V	1.0
03B	010	0144	PERSONNEL ASSISTANT	1.0
03B	010	0144	PUBLIC SERVICE MANAGER I	1.0
03B	010	0144	PUBLIC SERVICE COORDINATOR I	1.0
03B	010	0144	PUBLIC SERVICE COORDINATOR I	1.0
03B	010	0144	PRISON LIBRARIAN	1.0
03B	010	0144	PRISON RETAIL STORE MANAGER	1.0
03B	010	0144	PRISON STEWARD	1.0
03B	010	0144	PUBLIC SERVICE MANAGER III	1.0
03B	010	0144	PSYCH SOCIAL WORKER II	5.0
03B	010	0144	PSYCHOLOGIST III	1.0
03B	010	0144	SECRETARY	1.0
03B	010	0144	SENIOR ADMIN SECRETARY	1.0
03B	010	0144	SENIOR STAFF ACCOUNTANT	1.0
03B	010	0144	STAFF DEVELOPMENT COORDINATOR	1.0
03B	010	0144	STAFF DEVELOPMENT SPEC III	1.0
03B	010	0144	SUBSTANCE ABUSE COUNSELOR	2.0
03B	010	0144	SUPV RECREATION	2.0

Maine Dept. of Corrections

AGENCY FUND	APPROP ORG	JOB CLASS TITLE	WORKING TITLE	LEG COUNT	
03B 010	0144	TEACHER BS	TEACHER BS	4.0	
03B 010	0144	TEACHER/PRINCIPAL	TEACHER/PRINCIPAL	1.0	
03B 010	0144	VOC TRADES INSTRUCTOR BS	VOC TRADES INSTRUCTOR BS	6.0	
				TOTAL FOR FUND	427.5
03B 014	0144	CORRECTIONAL OFFICER	CORRECTIONAL OFFICER	2.0	
				TOTAL FOR FUND	2.0
03B 061	0144	ACCOUNT CLERK I	ACCOUNT CLERK I	1.0	
03B 061	0144	ACCOUNT CLERK II	ACCOUNT CLERK II	1.0	
03B 061	0144	CORRECTIONAL OFFICER	CORRECTIONAL OFFICER	3.0	
03B 061	0144	CORRECTIONAL TRADES SHOP SUPERVISOR	CORRECTIONAL TRADES SHOP SUPERVISOR	1.0	
03B 061	0144	PLATE SHOP MANAGER	PLATE SHOP MANAGER	1.0	
03B 061	0144	STAFF ACCOUNTANT	STAFF ACCOUNTANT	1.0	
03B 061	0144	WOOD PRODUCTS MANAGER	WOOD PRODUCTS MANAGER	1.0	
				TOTAL FOR FUND	9.0
				TOTAL FOR APPROPRIATION	438.5
				TOTAL FOR AGENCY	438.5
Maine Correctional Center					
03C 010	0162	ACCOUNT CLERK I	ACCOUNT CLERK I	2.0	
03C 010	0162	ACCOUNT CLERK II	ACCOUNT CLERK II	1.0	
03C 010	0162	ACCOUNTING TECHNICIAN	ACCOUNTING TECHNICIAN	2.0	
03C 010	0162	ADMIN ASST	ADMIN ASST	1.0	
03C 010	0162	ASST CLASSIFICATION OFFICER	ASST CLASSIFICATION OFFICER	3.0	
03C 010	0162	CHAPLAIN I	CHAPLAIN I	1.0	
03C 010	0162	CHIEF PRISON SECURITY	CHIEF PRISON SECURITY	1.0	
03C 010	0162	CLASSIFICATION OFFICER	CLASSIFICATION OFFICER	1.0	
03C 010	0162	CLERK TYPIST II	CLERK TYPIST II	6.0	
03C 010	0162	CLERK TYPIST III	CLERK TYPIST III	3.0	
03C 010	0162	COMMUNITY PROGRAMS COORDINATOR	COMMUNITY PROGRAMS COORDINATOR	1.0	
03C 010	0162	CORR CARE & TREATMENT WKR	CORR CARE & TREATMENT WKR	3.0	
03C 010	0162	CORRECTIONAL AUTO MECH SUPV	CORRECTIONAL AUTO MECH SUPV	1.0	
03C 010	0162	CORRECTIONAL BOILER ENGINEER	CORRECTIONAL BOILER ENGINEER	1.0	
03C 010	0162	CORRECTIONAL BOILER OPERATOR	CORRECTIONAL BOILER OPERATOR	1.0	
03C 010	0162	CORRECTIONAL CAPTAIN	CORRECTIONAL CAPTAIN	7.0	
03C 010	0162	CORRECTIONAL CASEWORKER	CORRECTIONAL CASEWORKER	4.0	
03C 010	0162	CORRECTIONAL COOK	CORRECTIONAL COOK	1.0	
03C 010	0162	CORRECTIONAL COOK SUPERVISOR	CORRECTIONAL COOK SUPERVISOR	1.0	
03C 010	0162	CORRECTIONAL ELECTRICIAN II	CORRECTIONAL ELECTRICIAN II	1.0	
03C 010	0162	CORRECTIONAL FOOD SVC MANAGER	CORRECTIONAL FOOD SVC MANAGER	1.0	
03C 010	0162	CORRECTIONAL INVESTIGATOR	CORRECTIONAL INVESTIGATOR	1.0	
03C 010	0162	CORRECTIONAL LAUNDRY SUPV II	CORRECTIONAL LAUNDRY SUPV II	1.0	
03C 010	0162	CORRECTIONAL MAINT MECHANIC	CORRECTIONAL MAINT MECHANIC	3.0	
03C 010	0162	CORRECTIONAL OFFICER	CORRECTIONAL OFFICER	147.0	
03C 010	0162	CORRECTIONAL PLT MAIN ENG I	CORRECTIONAL PLT MAIN ENG I	1.0	
03C 010	0162	CORRECTIONAL PLT MAIN ENG III	CORRECTIONAL PLT MAIN ENG III	1.0	
03C 010	0162	CORRECTIONAL SERGEANT	CORRECTIONAL SERGEANT	14.0	
03C 010	0162	CORRECTIONAL STOREKEEPER II	CORRECTIONAL STOREKEEPER II	1.0	
03C 010	0162	CORRECTIONAL TRADES SHOP SUPERVISOR	CORRECTIONAL TRADES SHOP SUPERVISOR	2.0	
03C 010	0162	CORRECTIONAL TRADES SUPERVISOR	CORRECTIONAL TRADES SUPERVISOR	1.0	
03C 010	0162	CORRECTIONAL WAREHOUSE SUPT	CORRECTIONAL WAREHOUSE SUPT	1.0	
03C 010	0162	CORRECTIONS INDUSTRIES MANAGER	CORRECTIONS INDUSTRIES MANAGER	1.0	
03C 010	0162	CORRECTIONS UNIT MANAGER	CORRECTIONS UNIT MANAGER	3.0	
03C 010	0162	PUBLIC SERVICE MANAGER II	DIR ADMIN SERVICES	1.0	
03C 010	0162	PUBLIC SERVICE MANAGER III	DIRECTOR PSYCHOLOGY SERVICES	1.0	
03C 010	0162	INDUSTRIAL SHOP SUPERVISOR	INDUSTRIAL SHOP SUPERVISOR	1.0	
03C 010	0162	INSTITUTIONAL CLOTHING SUPV	INSTITUTIONAL CLOTHING SUPV	1.0	
03C 010	0162	PUBLIC SERVICE MANAGER II	MGR CORRECTIONAL OPERATIONS	2.0	
03C 010	0162	PAYROLL SUPERVISOR	PAYROLL SUPERVISOR	1.0	
03C 010	0162	PUBLIC SERVICE MANAGER I	PERSONNEL OFFICER	1.0	
03C 010	0162	PRISON LIBRARIAN	PRISON LIBRARIAN	1.0	
03C 010	0162	PSYCH SOCIAL WORKER II	PSYCH SOCIAL WORKER II	2.0	
03C 010	0162	SECRETARY	SECRETARY	1.0	
03C 010	0162	SENIOR ADMIN SECRETARY	SENIOR ADMIN SECRETARY	1.0	
03C 010	0162	SENIOR STAFF ACCOUNTANT	SENIOR STAFF ACCOUNTANT	1.0	
03C 010	0162	STAFF DEVELOPMENT SPEC IV	STAFF DEVELOPMENT SPEC IV	1.0	
03C 010	0162	PUBLIC SERVICE MANAGER III	SUPT ME CORRECTIONAL CENTER	1.0	
03C 010	0162	SUPV RECREATION	SUPV RECREATION	0.0	
03C 010	0162	TEACHER BS	TEACHER BS	0.0	
03C 010	0162	TEACHER MS	TEACHER MS	1.0	
03C 010	0162	TREATMENT PLANT OPERATOR	TREATMENT PLANT OPERATOR	1.0	
03C 010	0162	VOC TRADES INSTRUCTOR BS	VOC TRADES INSTRUCTOR BS	2.0	
				TOTAL FOR FUND	240.0
03C 013	0162	CLERK TYPIST II	CLERK TYPIST II	1.0	
03C 013	0162	TEACHER MS+30	TEACHER MS+30	0.0	
				TOTAL FOR FUND	1.0
03C 014	0162	CORRECTIONAL OFFICER	CORRECTIONAL OFFICER	1.0	
03C 014	0162	CORRECTIONAL TRADES SHOP SUPERVISOR	CORRECTIONAL TRADES SHOP SUPERVISOR	1.0	
				TOTAL FOR FUND	2.0
				TOTAL FOR APPROPRIATION	243.0

Maine Dept. of Corrections

AGENCY FUND	APPROP ORG	JOB CLASS TITLE	WORKING TITLE	LEG COUNT
Central Maine Pre-Release Center				
03C	010	0392	CORRECTIONAL COOK SUPERVISOR	1.0
03C	010	0392	CORRECTIONAL OFFICER	15.0
03C	010	0392	CORRECTIONAL SERGEANT	3.0
03C	010	0392	PUBLIC SERVICE MANAGER I	1.0
TOTAL FOR FUND				20.0
TOTAL FOR APPROPRIATION				20.0
TOTAL FOR AGENCY				263.0
Downeast Correctional Facility				
03D	010	0542	ACCOUNT CLERK I	1.0
03D	010	0542	ACCOUNT CLERK II	1.0
03D	010	0542	ADMIN SECRETARY	1.0
03D	010	0542	ASST CLASSIFICATION OFFICER	1.0
03D	010	0542	BUSINESS SERVICES MANAGER	1.0
03D	010	0542	CHIEF OF SECURITY	1.0
03D	010	0542	CORRECTIONAL CAPTAIN	1.0
03D	010	0542	CORRECTIONAL CASEWORKER	1.0
03D	010	0542	CORRECTIONAL COOK SUPERVISOR	1.0
03D	010	0542	CORRECTIONAL MAINT MECH SUPV	1.0
03D	010	0542	CORRECTIONAL MAINT MECHANIC	4.0
03D	010	0542	CORRECTIONAL OFFICER	40.0
03D	010	0542	CORRECTIONAL PROGRAMS MGR	1.0
03D	010	0542	CORRECTIONAL SERGEANT	6.0
03D	010	0542	CORRECTIONAL STOREKEEPER I	1.0
03D	010	0542	CORRECTIONAL TRADES SHOP SUPERVISOR	1.0
03D	010	0542	PUBLIC SERVICE MANAGER II	1.0
03D	010	0542	NURSE III	1.0
03D	010	0542	STAFF ACCOUNTANT	1.0
03D	010	0542	TEACHER BS	2.0
03D	010	0542	VOC TRADES INSTRUCTOR BS	3.0
TOTAL FOR FUND				71.0
03D	014	0542	CORRECTIONAL TRADES SHOP SUPERVISOR	1.0
TOTAL FOR FUND				1.0
TOTAL FOR APPROPRIATION				72.0
TOTAL FOR AGENCY				72.0
Charleston Correctional Facility				
03E	010	0400	CLERK TYPIST II	1.0
03E	010	0400	CORRECTIONAL CAPTAIN	1.0
03E	010	0400	CORRECTIONAL CASEWORKER	1.0
03E	010	0400	CORRECTIONAL MAINT MECHANIC	1.0
03E	010	0400	CORRECTIONAL OFFICER	16.0
03E	010	0400	CORRECTIONAL SERGEANT	5.0
03E	010	0400	PUBLIC SERVICE MANAGER I	1.0
03E	010	0400	TEACHER BS	1.0
03E	010	0400	VOC TRADES INSTRUCTOR BS	1.0
TOTAL FOR FUND				28.0
03E	013	0400	CORRECTIONAL OFFICER	1.0
TOTAL FOR FUND				1.0
03E	014	0400	CORRECTIONAL OFFICER	2.0
03E	014	0400	CORRECTIONAL TRADES SHOP SUPERVISOR	1.0
TOTAL FOR FUND				3.0
TOTAL FOR APPROPRIATION				32.0
Mountain View Youth Development Center				
03E	010	0857	ACCOUNT CLERK II	1.0
03E	010	0857	ACCOUNTING TECHNICIAN	1.0
03E	010	0857	ADMIN SECRETARY	1.0
03E	010	0857	ASST PRINCIPAL	1.0
03E	010	0857	BUILDING CONTROL SUPV	1.0
03E	010	0857	CHAPLAIN I	1.0
03E	010	0857	CHIEF VOLUNTEER SERVICES	1.0
03E	010	0857	CLERK TYPIST II	4.0
03E	010	0857	CLERK TYPIST III	4.0
03E	010	0857	CORRECTIONAL BLDG MAINT SUPV	1.0
03E	010	0857	CORRECTIONAL COOK SUPERVISOR	1.0
03E	010	0857	CORRECTIONAL ELECTRICIAN II	1.0
03E	010	0857	CORRECTIONAL FOOD SVC MANAGER	1.0
03E	010	0857	CORRECTIONAL INVESTIGATOR	1.0
03E	010	0857	CORRECTIONAL MAINT MECHANIC	2.0
03E	010	0857	CORRECTIONAL PLT MAIN ENG II	1.0
03E	010	0857	CORRECTIONAL PLUMBER II	1.0
03E	010	0857	CORRECTIONAL STOREKEEPER I	1.0
03E	010	0857	CORRECTIONAL STOREKEEPER II	1.0
03E	010	0857	CORRECTIONAL WAREHOUSE SUPT	1.0
03E	010	0857	DIR CLASS & COLLATERAL SVCS	1.0
03E	010	0857	PUBLIC SERVICE MANAGER I	1.0
03E	010	0857	PUBLIC SERVICE MANAGER I	1.0
03E	010	0857	DIRECTOR SPECIAL EDUCATION MYC	1.0
03E	010	0857	INFO SYS SUPPT SPEC II	1.0
03E	010	0857	JUVENILE FACILITY OPRNS SUPV	7.0
03E	010	0857	JUVENILE PROGRAM MANAGER	6.0
03E	010	0857	JUVENILE PROGRAM SPECIALIST	17.0

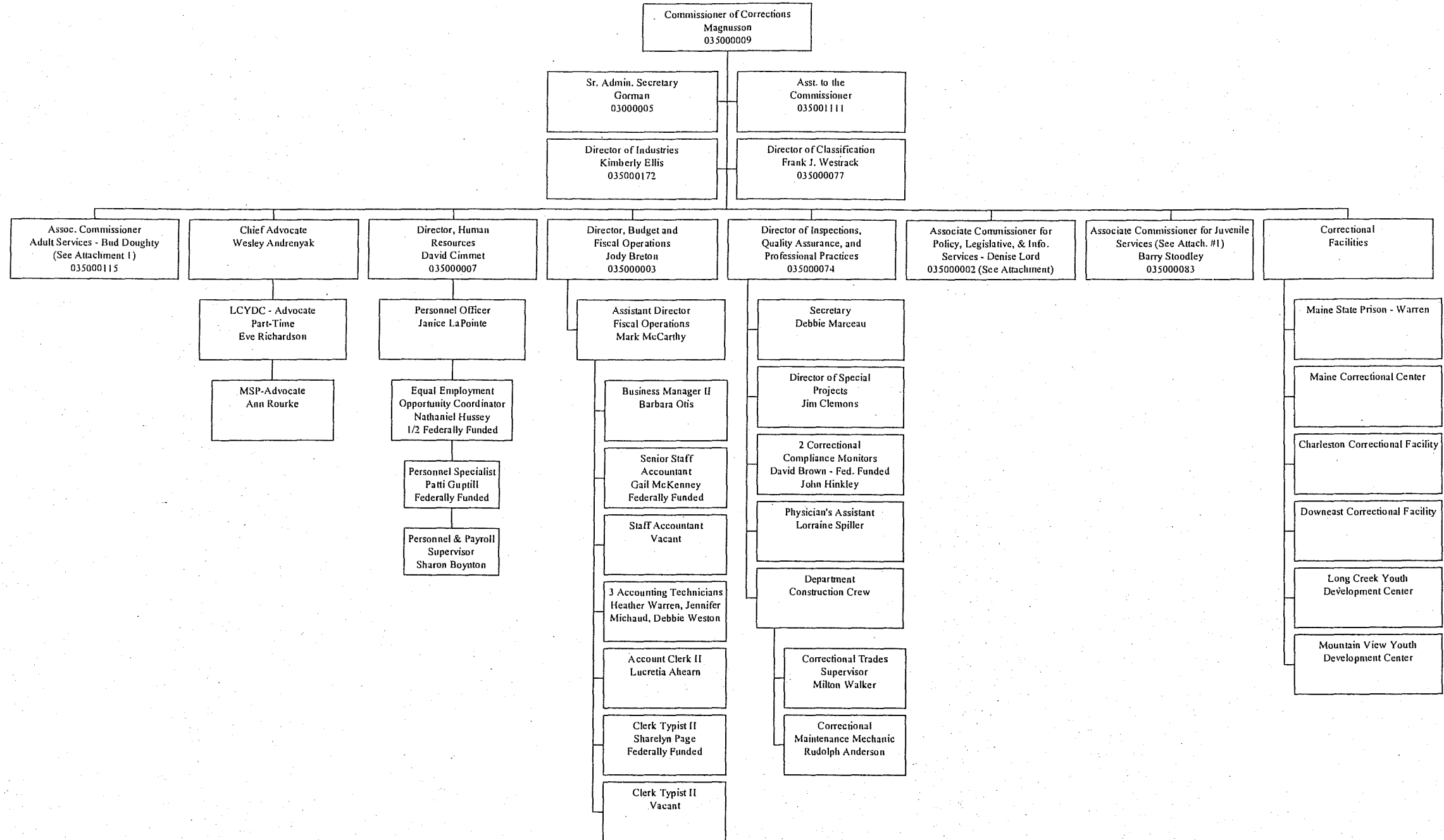
Maine Dept. of Corrections

AGENCY FUND	APPROP ORG	JOB CLASS TITLE	WORKING TITLE	LEG COUNT
03E 010	0857	JUVENILE PROGRAM WORKER	JUVENILE PROGRAM WORKER	79.0
03E 010	0857	LIBRARIAN II	LIBRARIAN II	1.0
03E 010	0857	PUBLIC SERVICE MANAGER II	MGR CORRECTIONAL OPERATIONS	1.0
03E 010	0857	PERSONNEL ASSISTANT	PERSONNEL ASSISTANT	1.0
03E 010	0857	PUBLIC SERVICE MANAGER I	PERSONNEL OFFICER	1.0
03E 010	0857	PRINCIPAL-CORRECTIONS	PRINCIPAL-CORRECTIONS	1.0
03E 010	0857	PSYCH SOCIAL WORKER II	PSYCH SOCIAL WORKER II	5.0
03E 010	0857	PSYCHOLOGIST III	PSYCHOLOGIST III	2.0
03E 010	0857	PSYCHOLOGIST IV	PSYCHOLOGIST IV	1.0
03E 010	0857	SENIOR STAFF ACCOUNTANT	SENIOR STAFF ACCOUNTANT	1.0
03E 010	0857	STAFF DEVELOPMENT SPEC III	STAFF DEVELOPMENT SPEC III	1.0
03E 010	0857	SUBSTITUTE TEACHER	SUBSTITUTE TEACHER	0.0
03E 010	0857	PUBLIC SERVICE MANAGER III	SUPT CORRECTIONAL INSTITUTION	1.0
03E 010	0857	SUPV RECREATION	SUPV RECREATION	1.0
03E 010	0857	TEACHER BS JUVENILE	TEACHER BS JUVENILE	10.0
03E 010	0857	TEACHER MS JUVENILE	TEACHER MS JUVENILE	5.0
03E 010	0857	TEACHER MS+30 JUVENILE	TEACHER MS+30 JUVENILE	1.0
03E 010	0857	VTI-JUVENILE BS	VTI-JUVENILE BS	3.0
03E 010	0857	VTI-JUVENILE MS	VTI-JUVENILE MS	1.0
TOTAL FOR FUND				178.0
03E 013	0857	TEACHER MS JUVENILE	TEACHER MS JUVENILE	0.0
TOTAL FOR FUND				0.0
TOTAL FOR APPROPRIATION				178.0
TOTAL FOR AGENCY				210.0
Long Creek Youth Development Center				
03F 010	0163	ACCOUNTING TECHNICIAN	ACCOUNTING TECHNICIAN	1.0
03F 010	0163	ADMIN SECRETARY	ADMIN SECRETARY	1.0
03F 010	0163	ASST PRINCIPAL	ASST PRINCIPAL	1.0
03F 010	0163	AUTO MECHANIC II	AUTO MECHANIC II	1.0
03F 010	0163	BUILDING CONTROL SUPV	BUILDING CONTROL SUPV	1.0
03F 010	0163	CHAPLAIN I	CHAPLAIN I	1.0
03F 010	0163	CHIEF VOLUNTEER SERVICES	CHIEF VOLUNTEER SERVICES	1.0
03F 010	0163	CLERK TYPIST II	CLERK TYPIST II	4.0
03F 010	0163	CLERK TYPIST III	CLERK TYPIST III	4.0
03F 010	0163	PUBLIC SERVICE COORDINATOR III	CLINICAL DIRECTOR	1.0
03F 010	0163	CORRECTIONAL BLDG MAINT SUPV	CORRECTIONAL BLDG MAINT SUPV	1.0
03F 010	0163	CORRECTIONAL COOK SUPERVISOR	CORRECTIONAL COOK SUPERVISOR	1.0
03F 010	0163	CORRECTIONAL ELECTRICIAN II	CORRECTIONAL ELECTRICIAN II	1.0
03F 010	0163	CORRECTIONAL FOOD SVC MANAGER	CORRECTIONAL FOOD SVC MANAGER	1.0
03F 010	0163	CORRECTIONAL INVESTIGATOR	CORRECTIONAL INVESTIGATOR	1.0
03F 010	0163	CORRECTIONAL LAUNDRY SUPV II	CORRECTIONAL LAUNDRY SUPV II	1.0
03F 010	0163	CORRECTIONAL MAINT MECHANIC	CORRECTIONAL MAINT MECHANIC	3.0
03F 010	0163	CORRECTIONAL PLT MAIN ENG I	CORRECTIONAL PLT MAIN ENG I	1.0
03F 010	0163	CORRECTIONAL STOREKEEPER II	CORRECTIONAL STOREKEEPER II	1.0
03F 010	0163	CORRECTIONAL WAREHOUSE SUPT	CORRECTIONAL WAREHOUSE SUPT	1.0
03F 010	0163	DIR CLASS & COLLATERAL SVCS	DIR CLASS & COLLATERAL SVCS	1.0
03F 010	0163	PUBLIC SERVICE MANAGER I	DIR REHAB & ADMIN PROGRAMS	1.0
03F 010	0163	PUBLIC SERVICE MANAGER I	DIR SPECIAL PROJECTS	0.0
03F 010	0163	PUBLIC SERVICE MANAGER I	DIR SUPPORT SERVICES	1.0
03F 010	0163	DIRECTOR SPECIAL EDUCATION MYC	DIRECTOR SPECIAL EDUCATION MYC	1.0
03F 010	0163	INFO SYS SUPPT SPEC II	INFO SYS SUPPT SPEC II	1.0
03F 010	0163	JUVENILE FACILITY OPRNS SUPV	JUVENILE FACILITY OPRNS SUPV	7.0
03F 010	0163	JUVENILE PROGRAM MANAGER	JUVENILE PROGRAM MANAGER	6.0
03F 010	0163	JUVENILE PROGRAM SPECIALIST	JUVENILE PROGRAM SPECIALIST	21.0
03F 010	0163	JUVENILE PROGRAM WORKER	JUVENILE PROGRAM WORKER	85.0
03F 010	0163	LIBRARIAN II	LIBRARIAN II	1.0
03F 010	0163	MED SECRETARY	MED SECRETARY	1.0
03F 010	0163	PUBLIC SERVICE MANAGER II	MGR CORRECTIONAL OPERATIONS	2.0
03F 010	0163	NURSE II	NURSE II	2.0
03F 010	0163	NURSE III	NURSE III	1.0
03F 010	0163	PAYROLL SUPERVISOR	PAYROLL SUPERVISOR	1.0
03F 010	0163	PUBLIC SERVICE MANAGER I	PERSONNEL OFFICER	1.0
03F 010	0163	PRINCIPAL-CORRECTIONS	PRINCIPAL-CORRECTIONS	1.0
03F 010	0163	PSYCH SOCIAL WORKER II	PSYCH SOCIAL WORKER II	7.0
03F 010	0163	PSYCHOLOGIST II	PSYCHOLOGIST II	1.0
03F 010	0163	PSYCHOLOGIST III	PSYCHOLOGIST III	1.0
03F 010	0163	PSYCHOLOGIST IV	PSYCHOLOGIST IV	1.0
03F 010	0163	SENIOR STAFF ACCOUNTANT	SENIOR STAFF ACCOUNTANT	1.0
03F 010	0163	STAFF ACCOUNTANT	STAFF ACCOUNTANT	1.0
03F 010	0163	STAFF DEVELOPMENT SPEC III	STAFF DEVELOPMENT SPEC III	1.0
03F 010	0163	SUBSTITUTE TEACHER	SUBSTITUTE TEACHER	0.0
03F 010	0163	PUBLIC SERVICE MANAGER III	SUPT CORRECTIONAL INSTITUTION	1.0
03F 010	0163	SUPV RECREATION	SUPV RECREATION	1.0
03F 010	0163	TEACHER BS JUVENILE	TEACHER BS JUVENILE	9.0
03F 010	0163	TEACHER MS JUVENILE	TEACHER MS JUVENILE	3.0
03F 010	0163	TEACHER MS+30 JUVENILE	TEACHER MS+30 JUVENILE	6.0
03F 010	0163	VTI-JUVENILE BS	VTI-JUVENILE BS	3.0
03F 010	0163	VTI-JUVENILE MS	VTI-JUVENILE MS	1.0
TOTAL FOR FUND				199.0

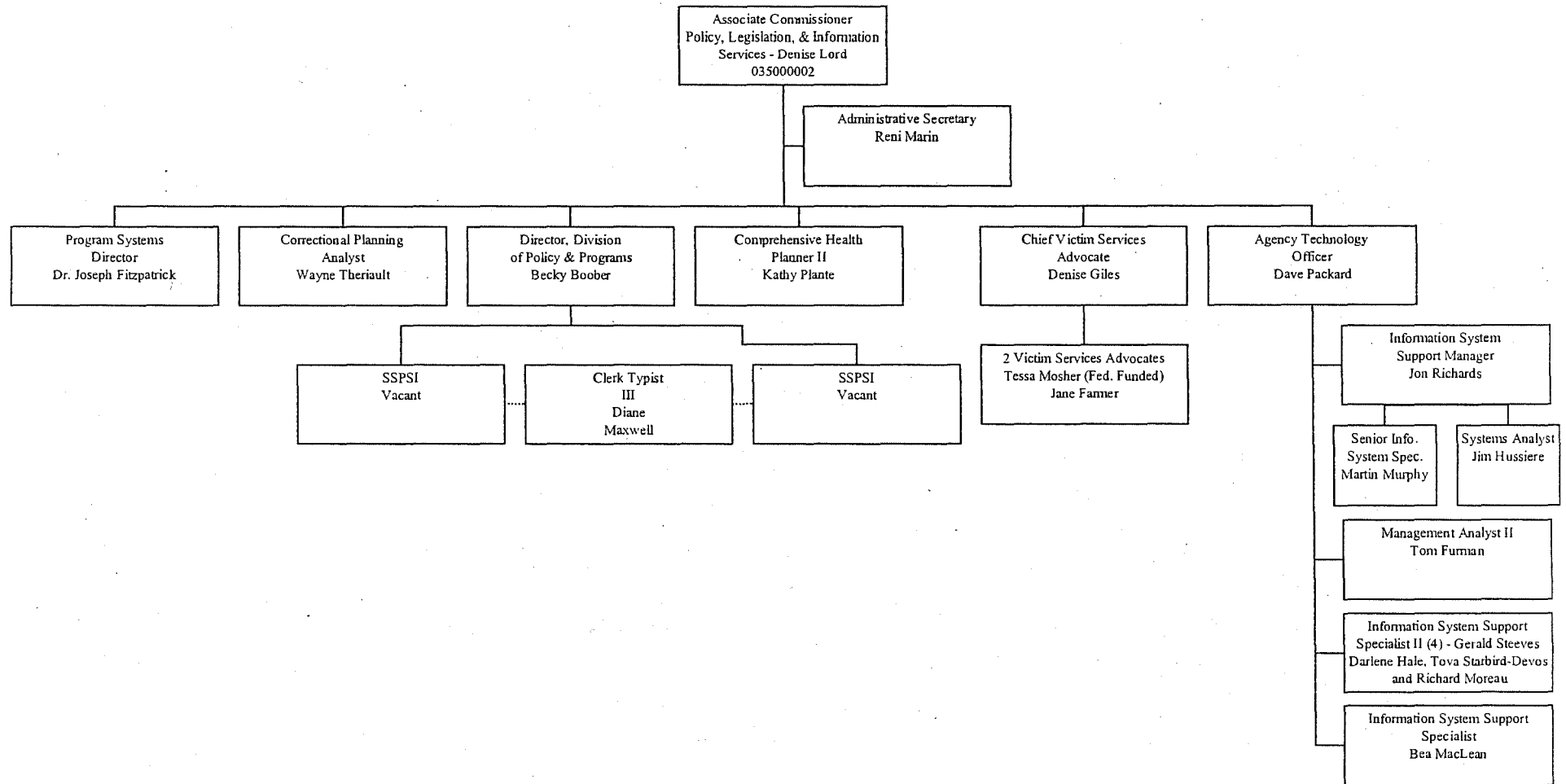
Maine Dept. of Corrections

AGENCY FUND	APPROP ORG	JOB CLASS TITLE	WORKING TITLE	LEG COUNT
03F 013	0163	TEACHER BS JUVENILE	TEACHER BS JUVENILE	2.0
03F 013	0163	TEACHER MS+30 JUVENILE	TEACHER MS+30 JUVENILE	1.0
TOTAL FOR FUND				3.0
TOTAL FOR APPROPRIATION				202.0
TOTAL FOR AGENCY				202.0
DEPARTMENT TOTAL				1,412.5

Department of Corrections
 Central Office
 February 25, 2003

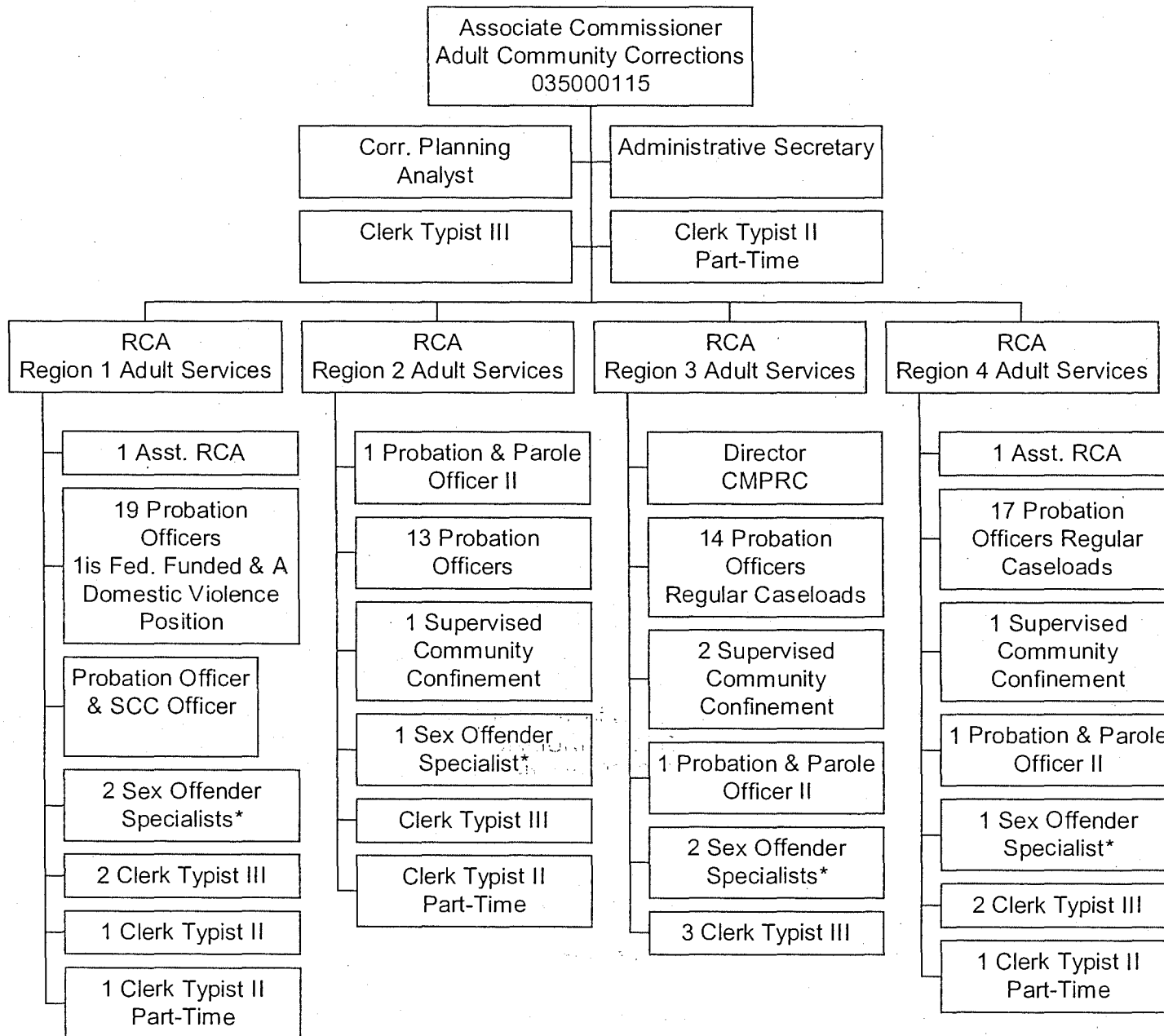


Maine Department of Corrections
Division of Policy, Legislative & Information Services
February 25, 2003



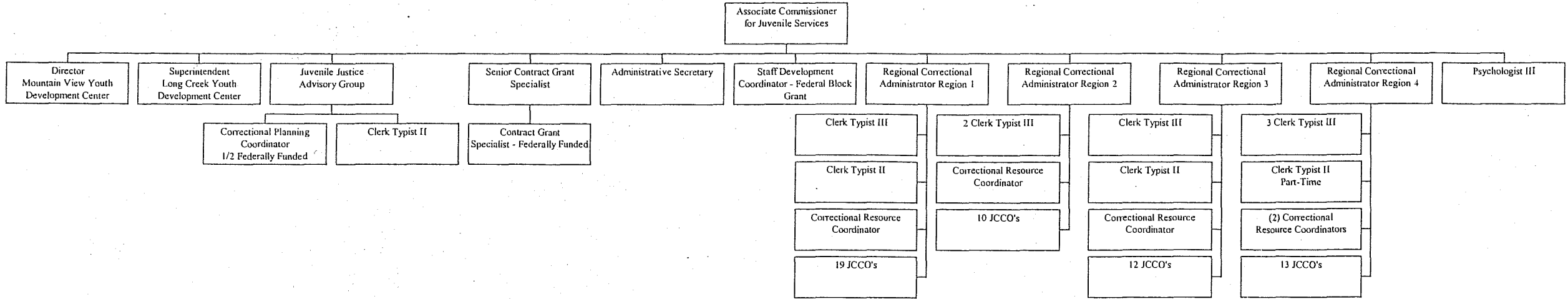


Department of Corrections
 ADULT COMMUNITY CORRECTIONS
 February 25, 2003

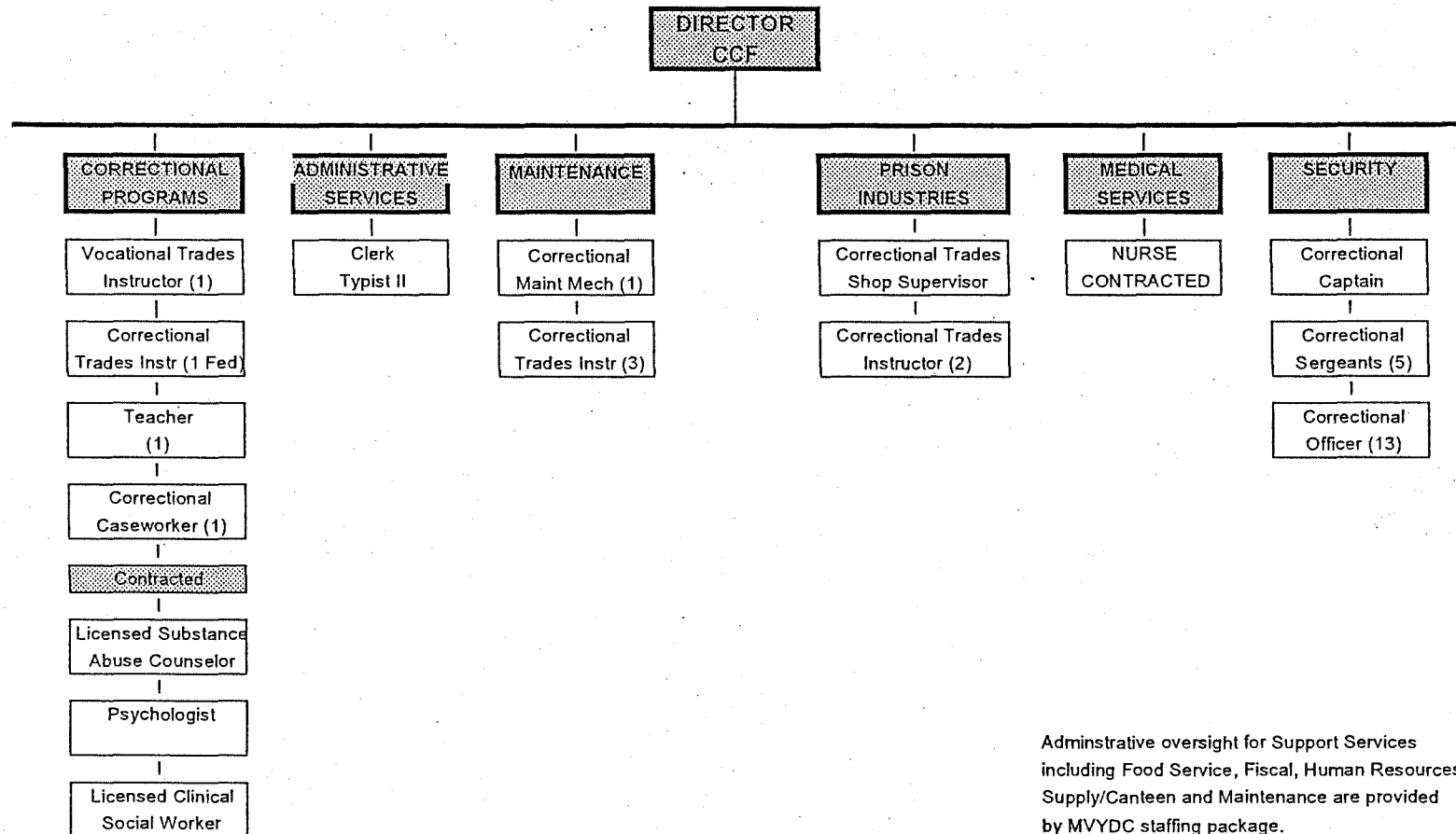




Maine Department of Corrections
 Division of Juvenile Services
 February 25, 2003



DEPARTMENT OF CORRECTIONS
CHARLESTON CORRECTIONAL FACILITY



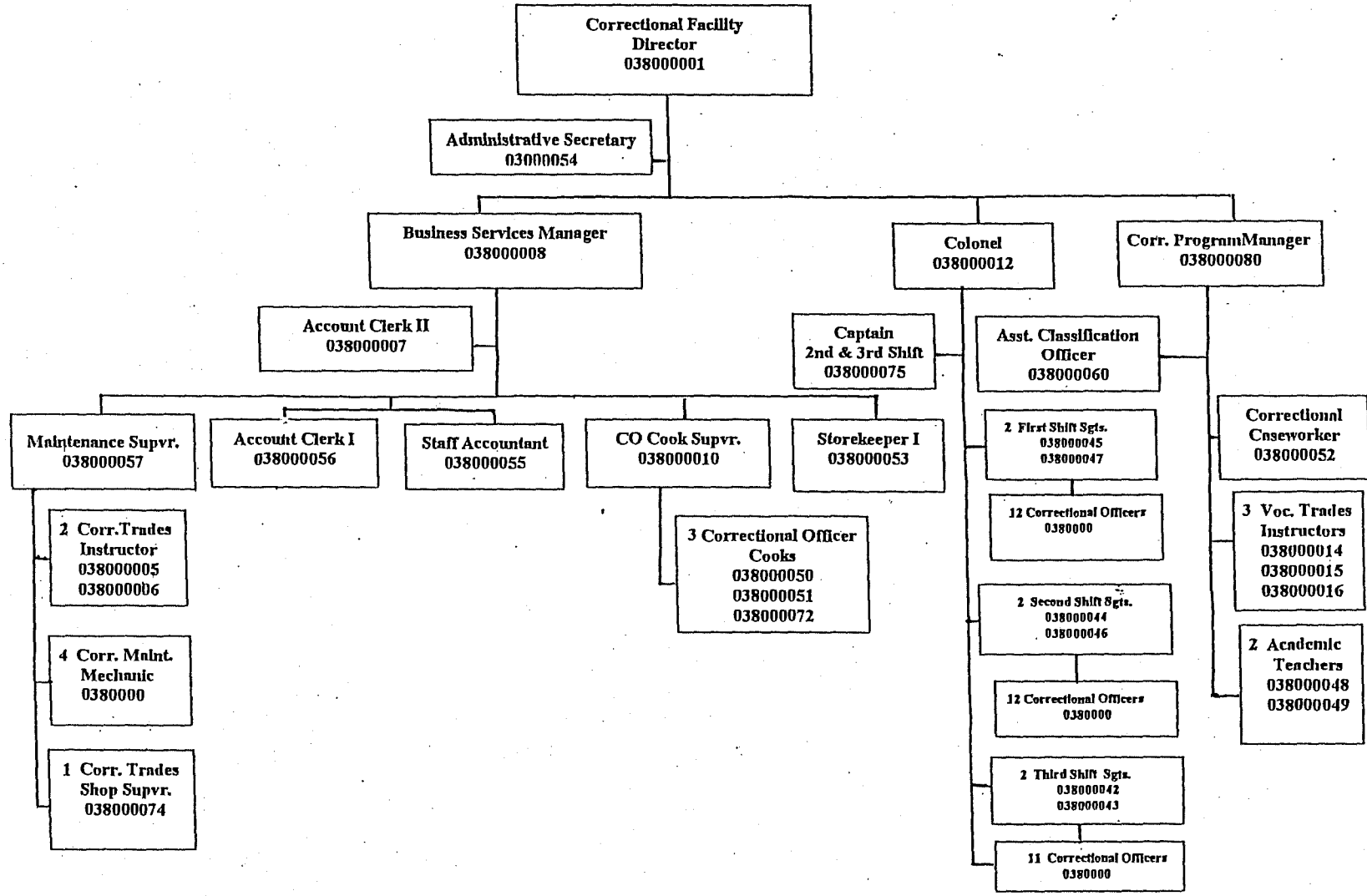
Administrative oversight for Support Services including Food Service, Fiscal, Human Resources Supply/Canteen and Maintenance are provided by MVDYDC staffing package.

Revised 02/10/03
3 Industries
1 Fed. Positions
28 CCF
32

DEPARTMENT OF CORRECTIONS

Downeast Correctional Facility

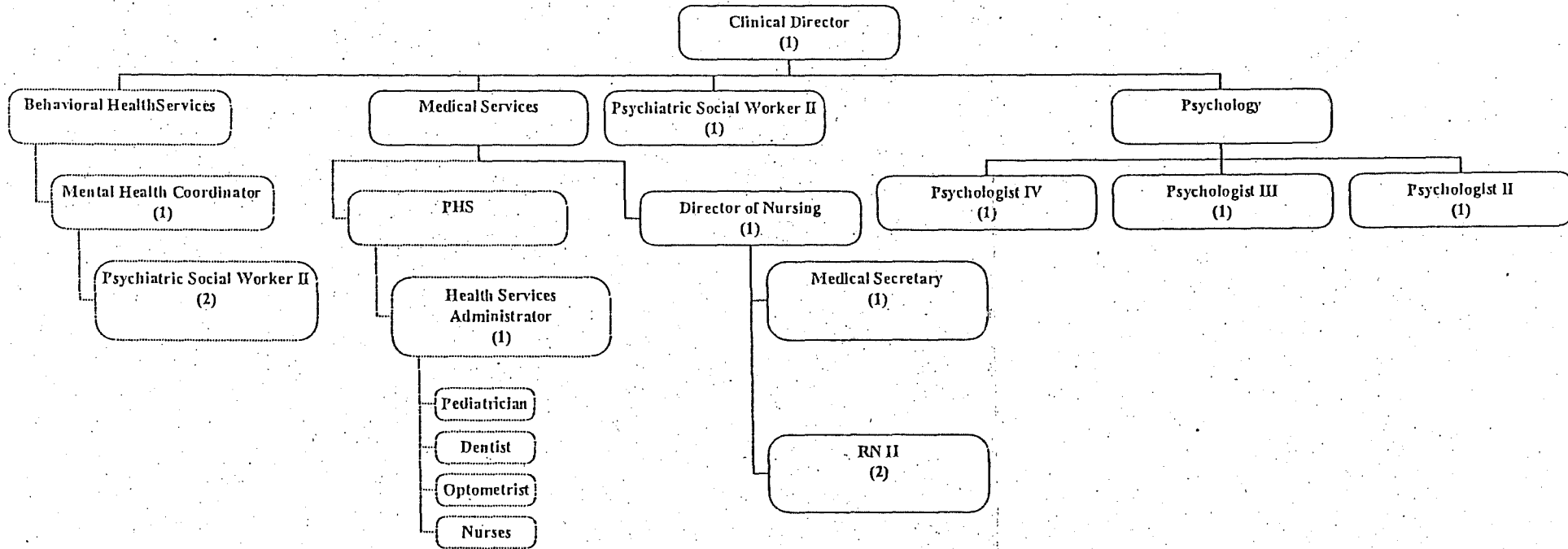
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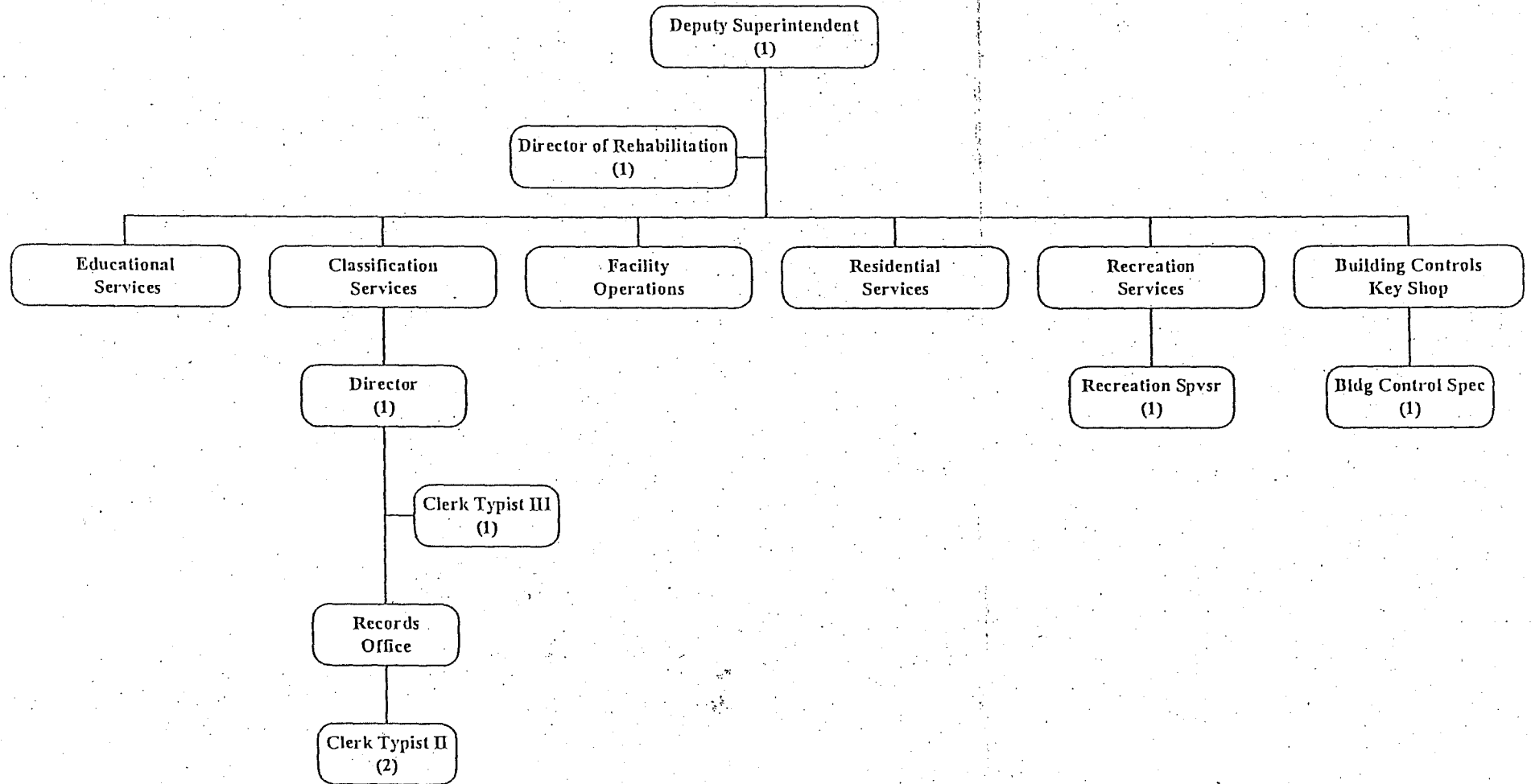
LONG CREEK YOUTH DEVELOPMENT CENTER

Clinical Services



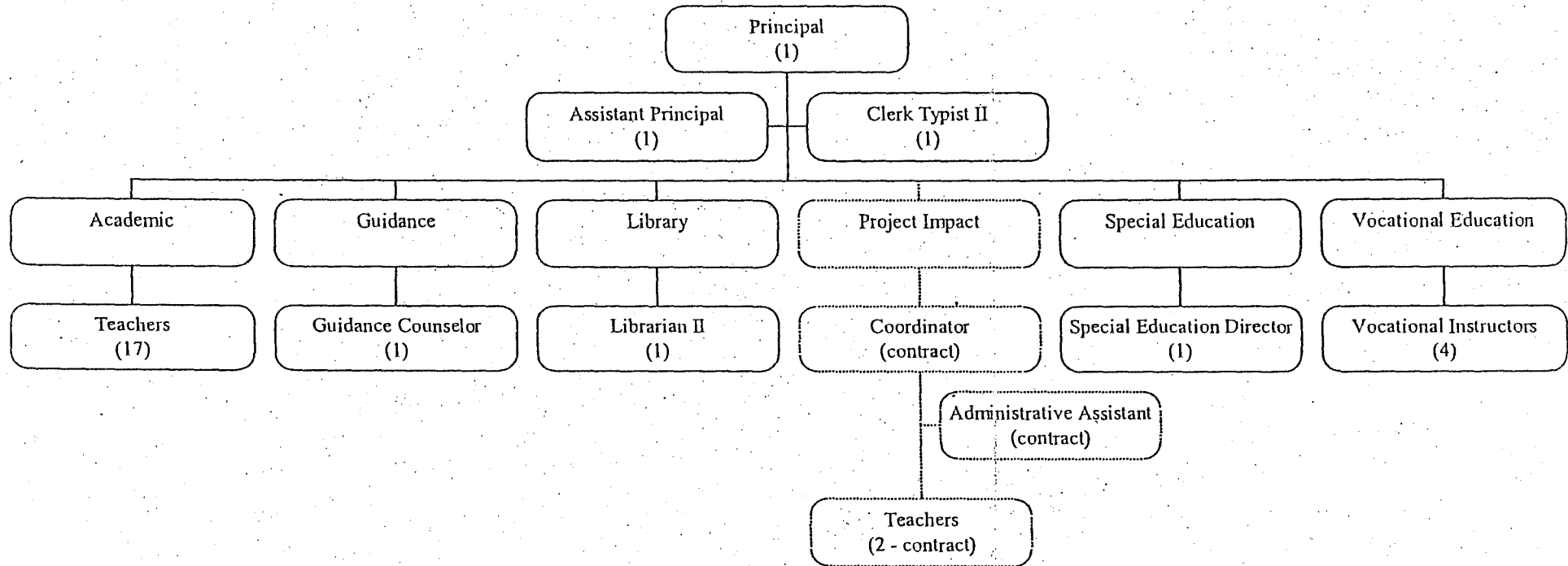
LONG CREEK YOUTH DEVELOPMENT CENTER

Correctional Operations



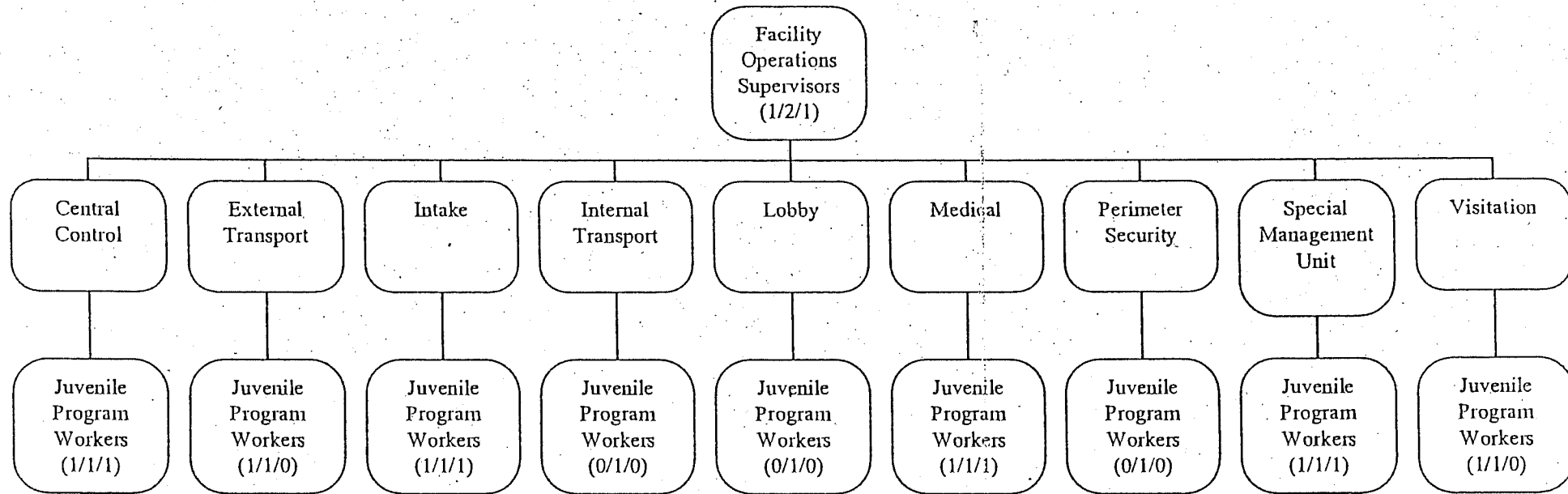
LONG CREEK YOUTH DEVELOPMENT CENTER

Education



LONG CREEK YOUTH DEVELOPMENT CENTER

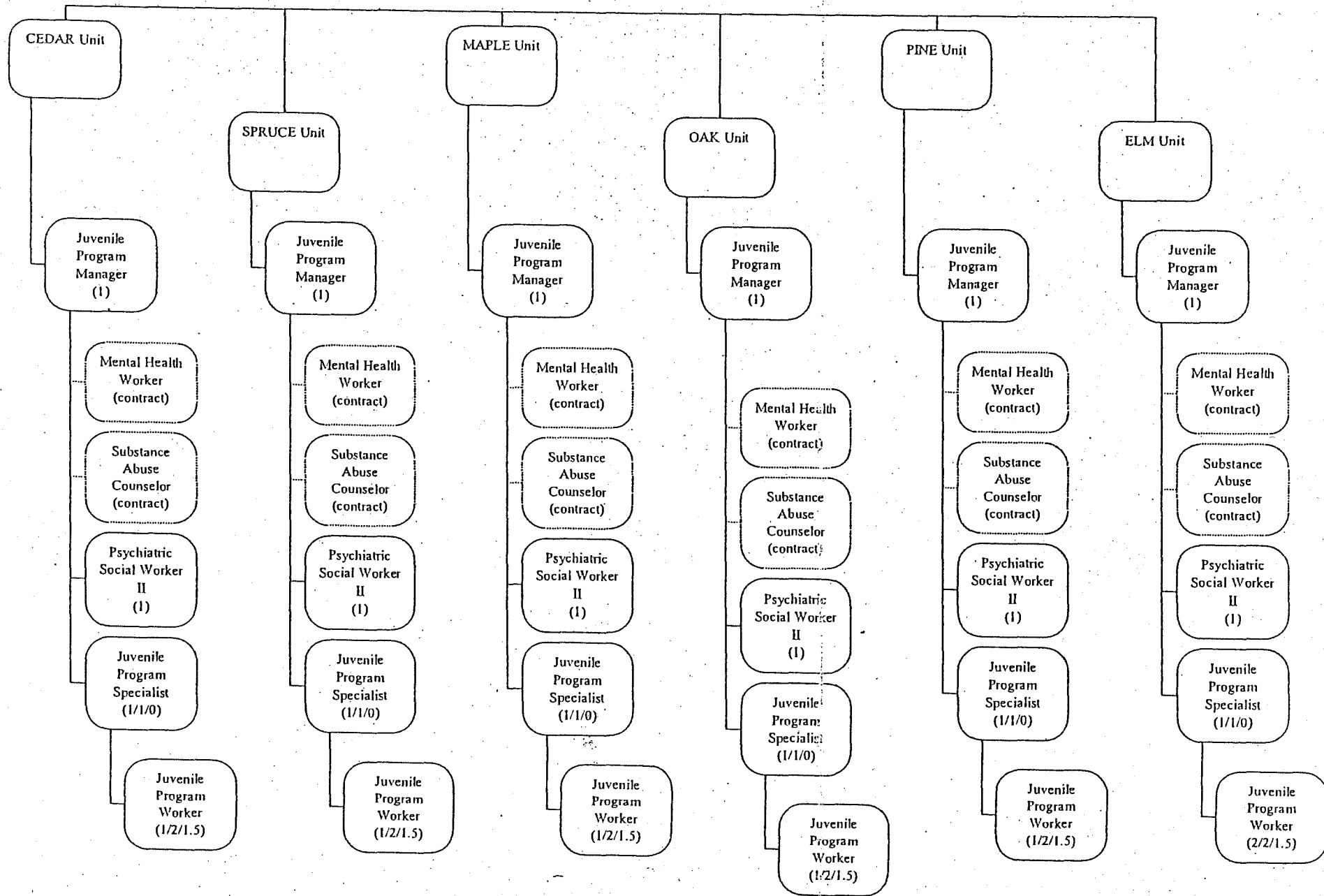
Facility Operations





LONG CREEK YOUTH DEVELOPMENT CENTER

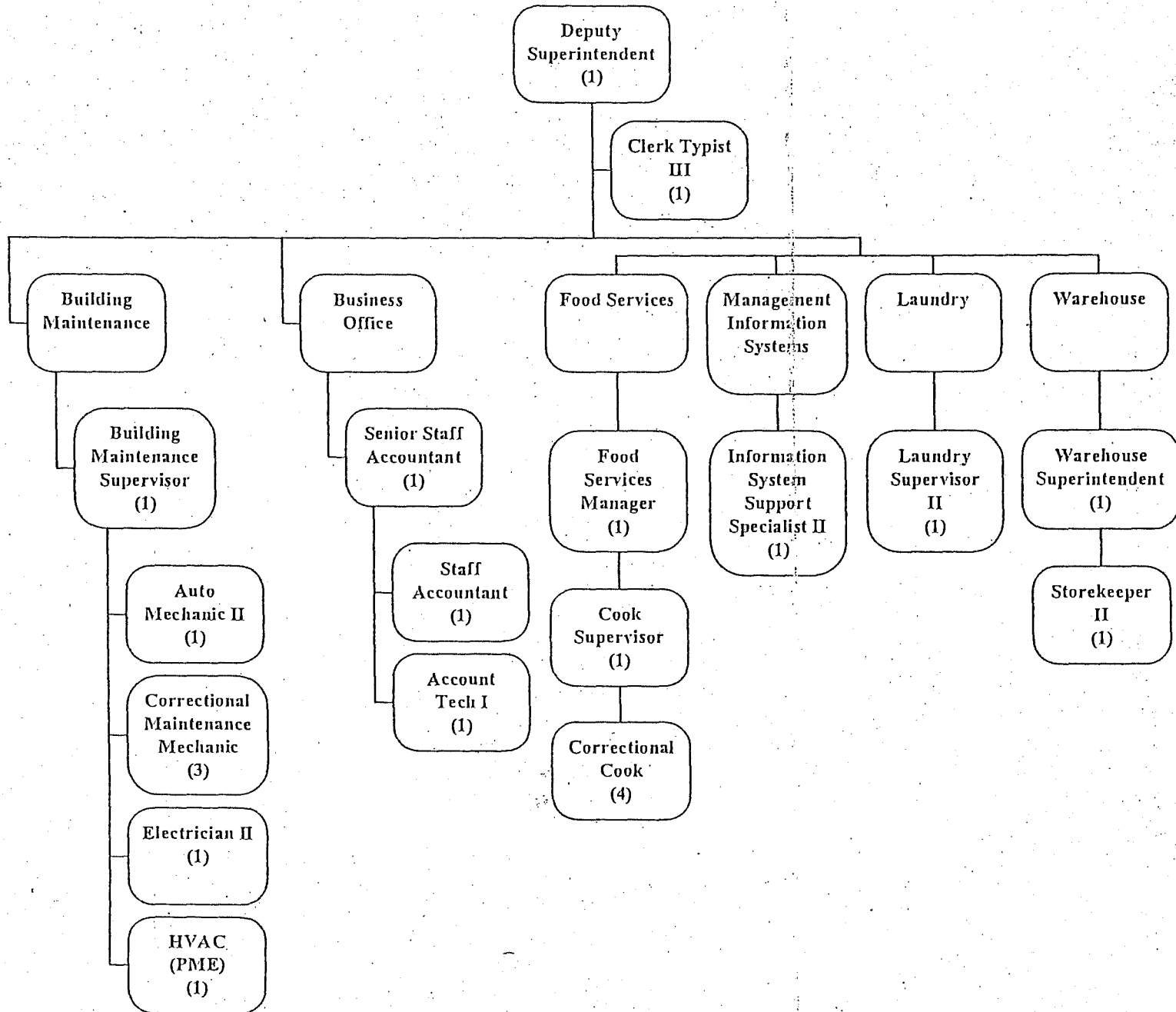
Residential Services



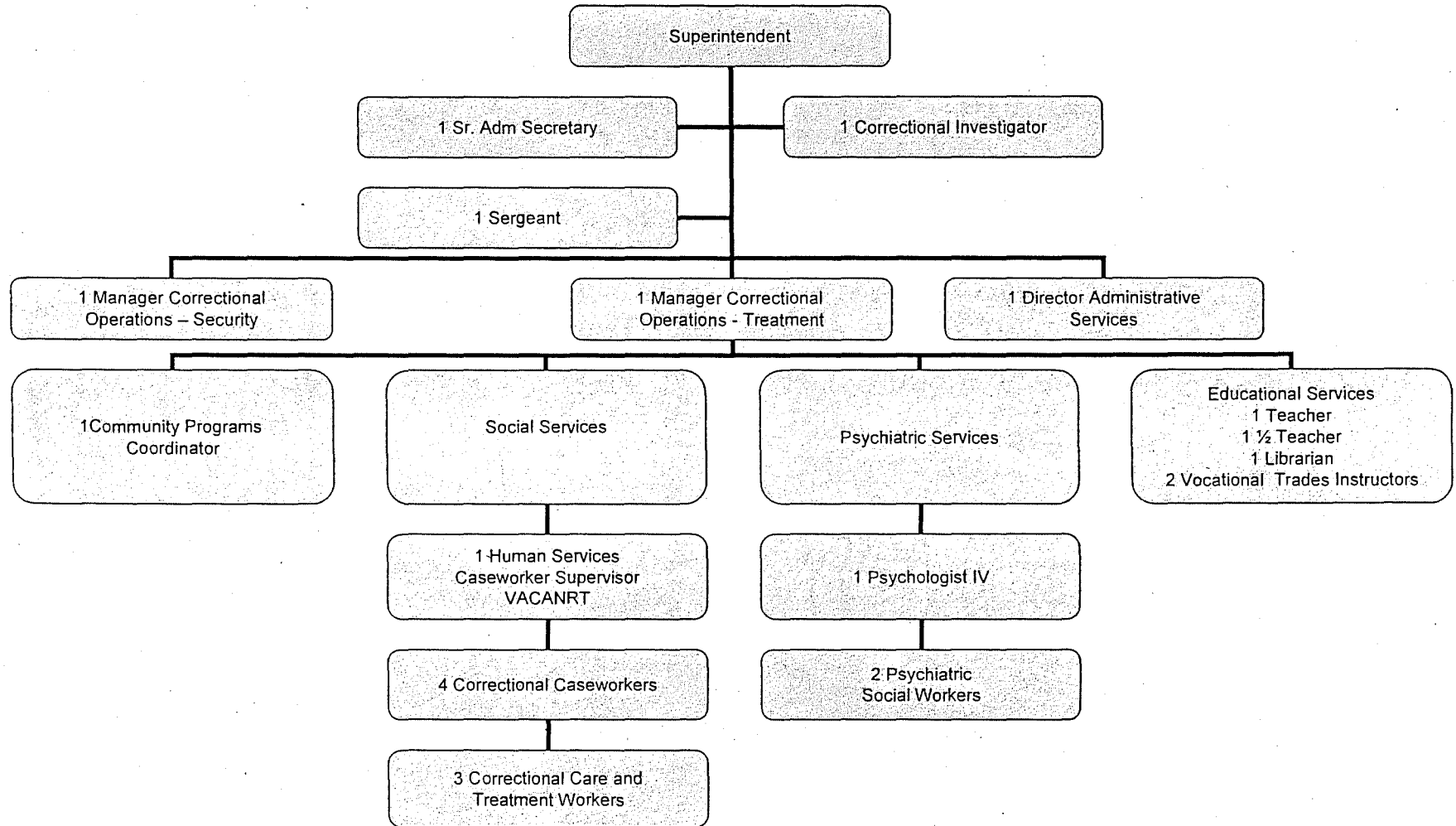


LONG CREEK YOUTH DEVELOPMENT CENTER

Support Services

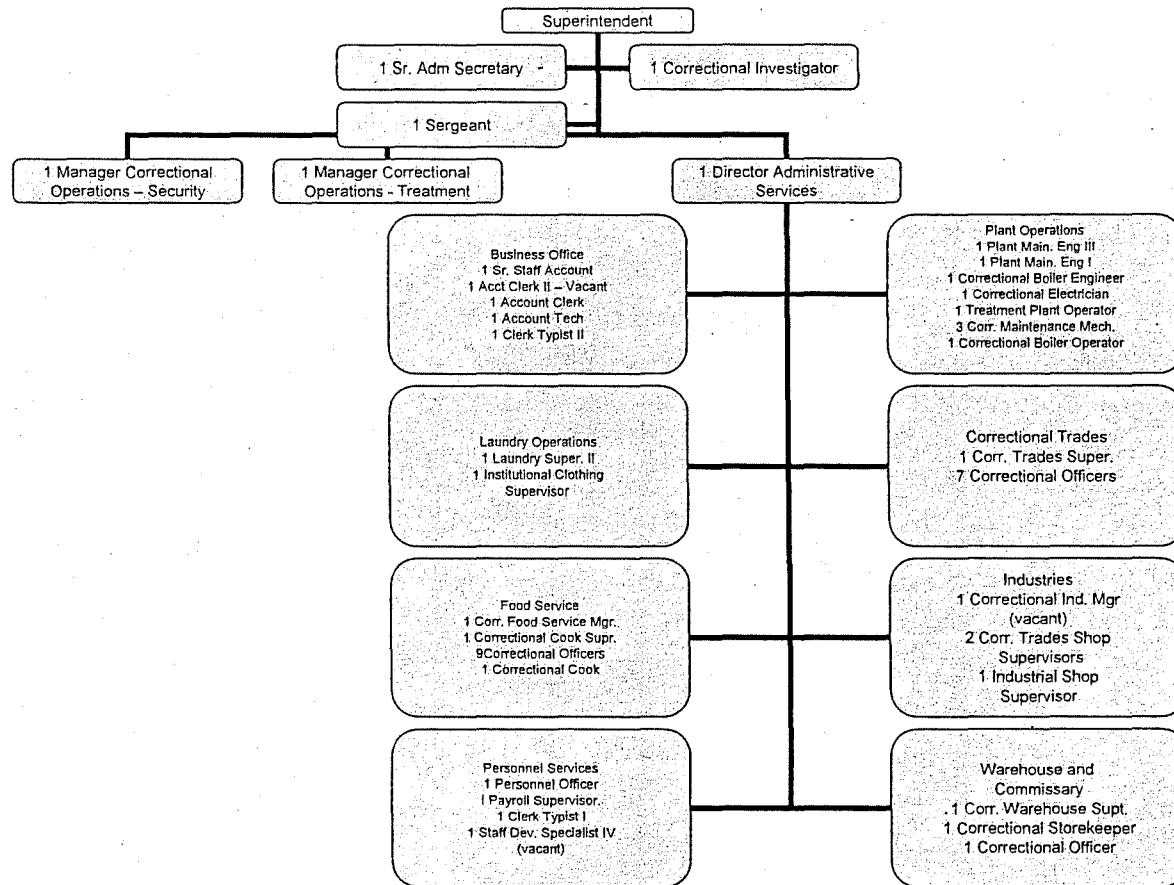


Maine Correctional Center



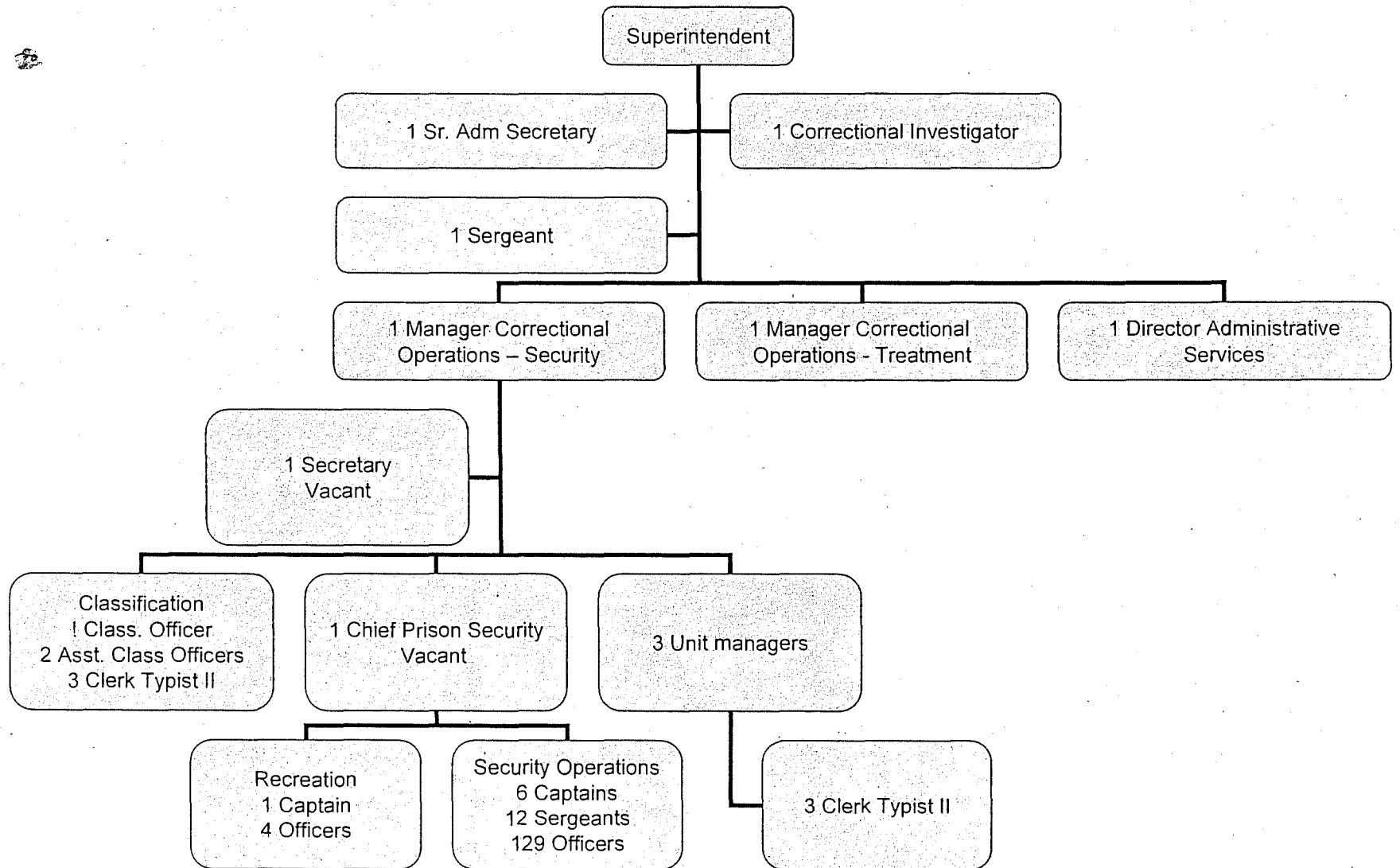


Maine Correctional Center



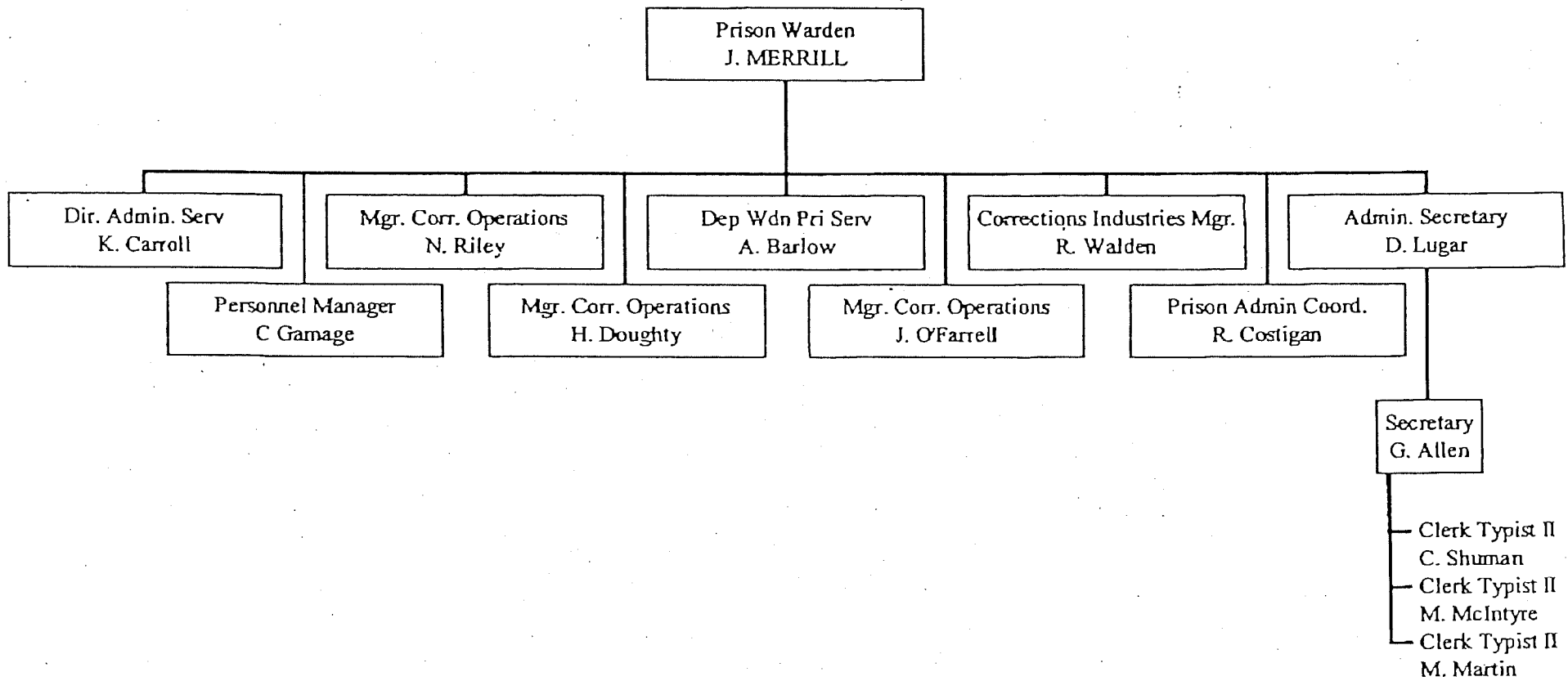


Maine Correctional Center



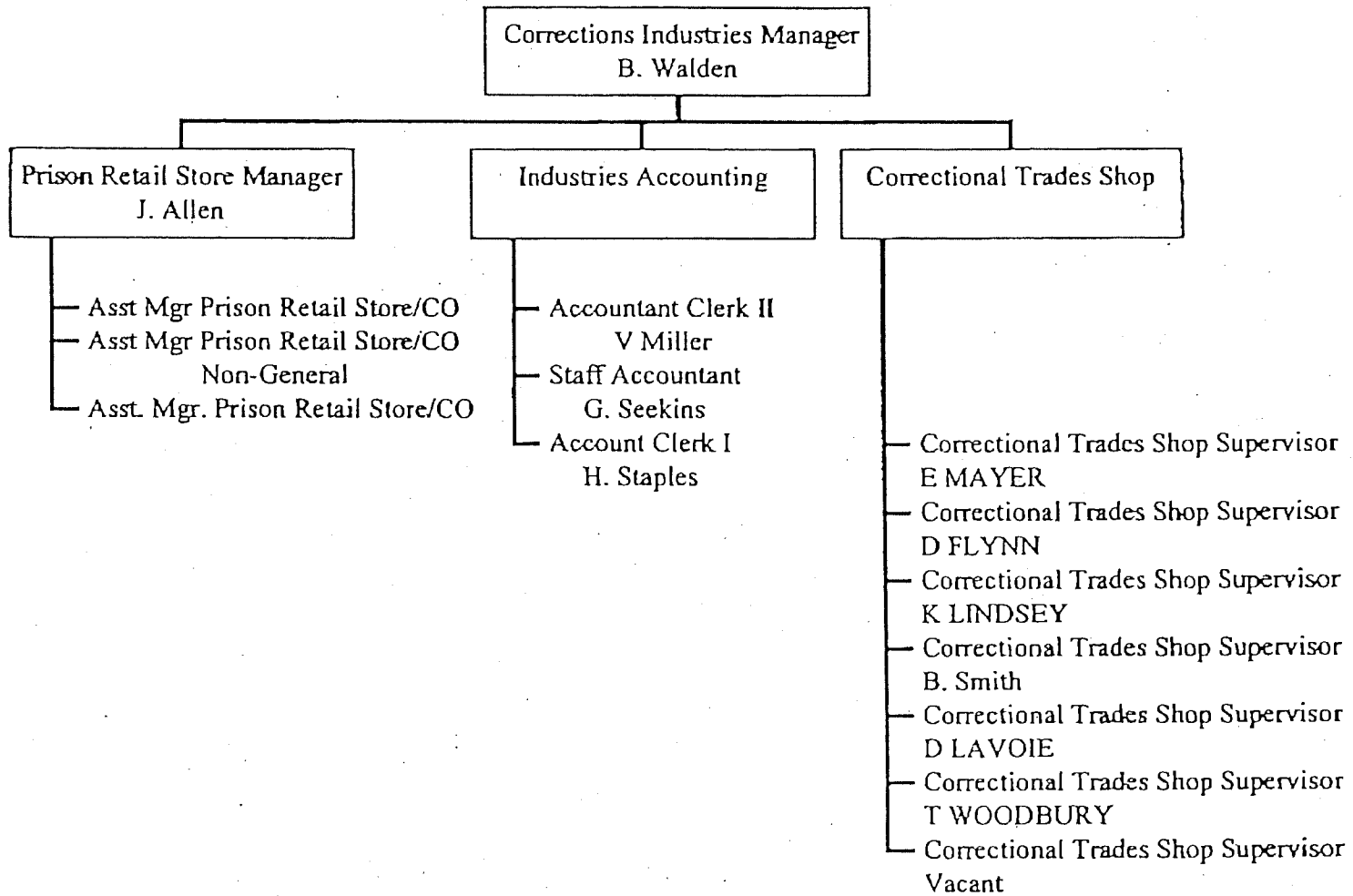


MAINE STATE PRISON



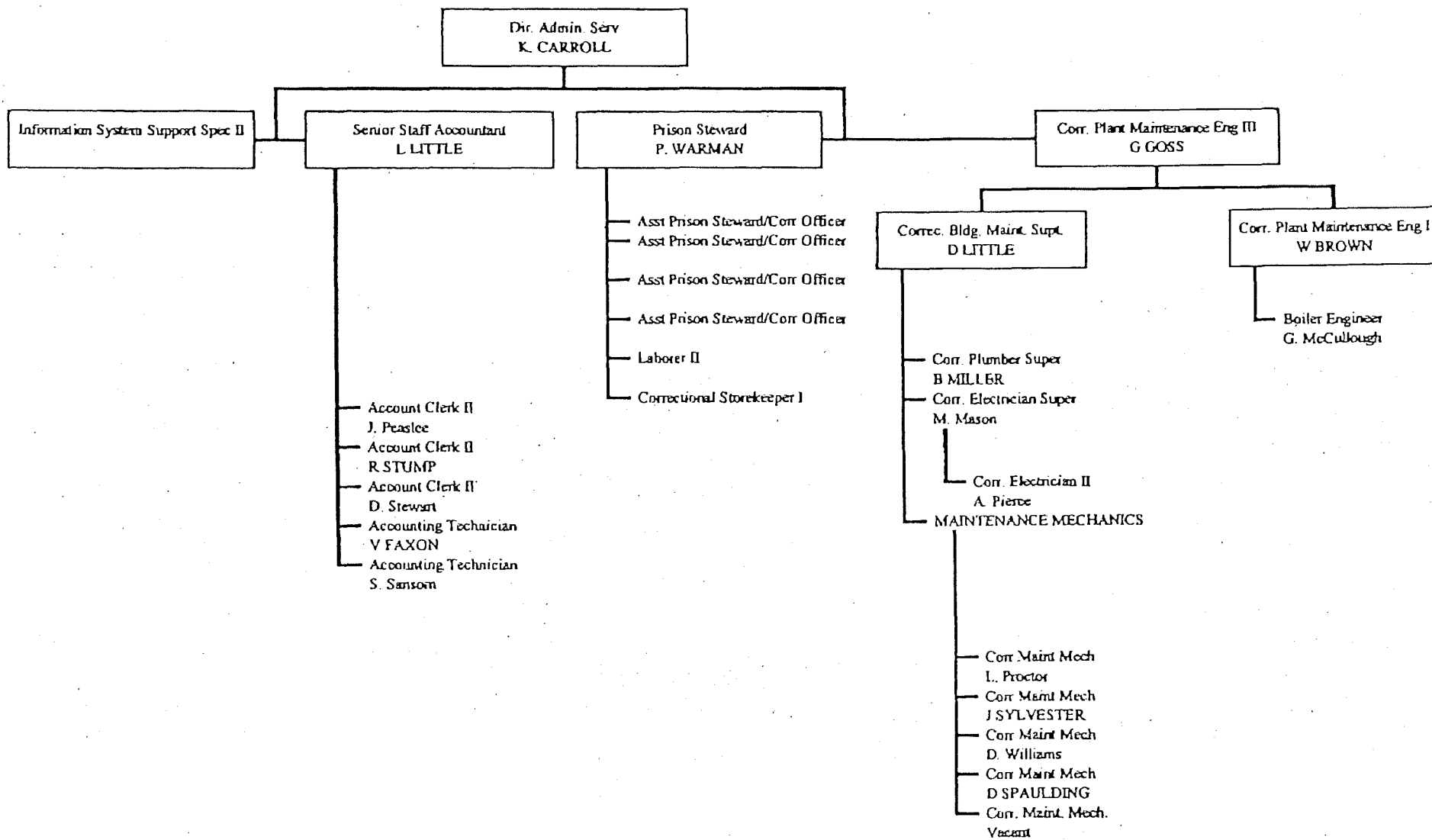


MAINE STATE PRISON



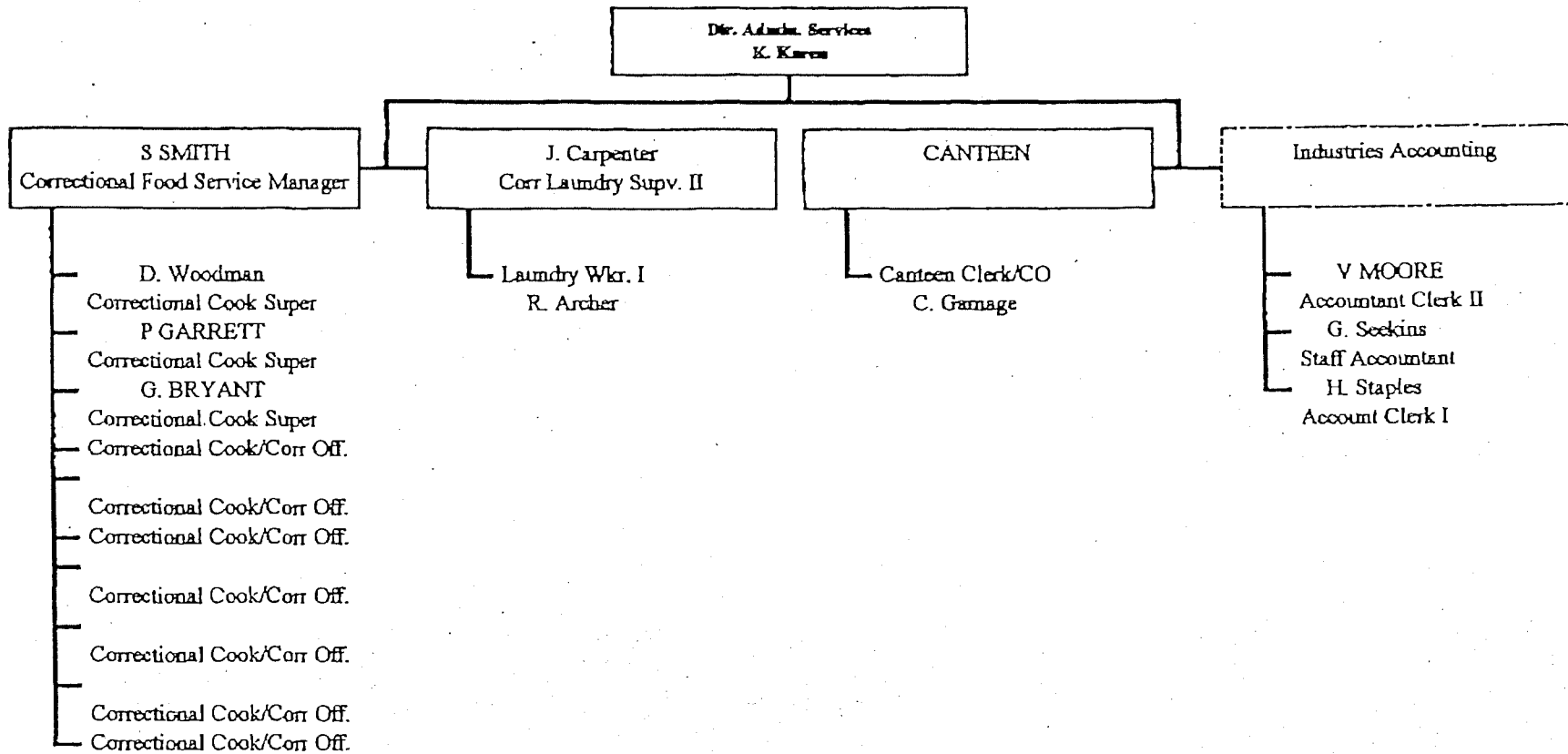


MAINE STATE PRISON



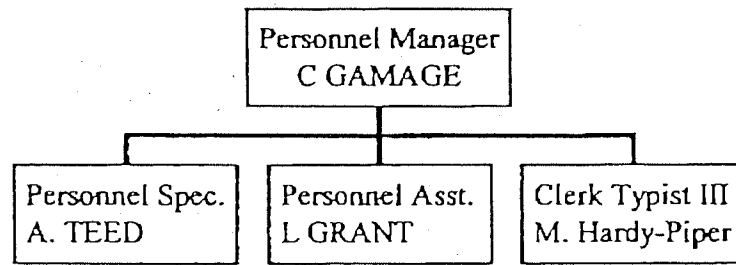


MAINE STATE PRISON

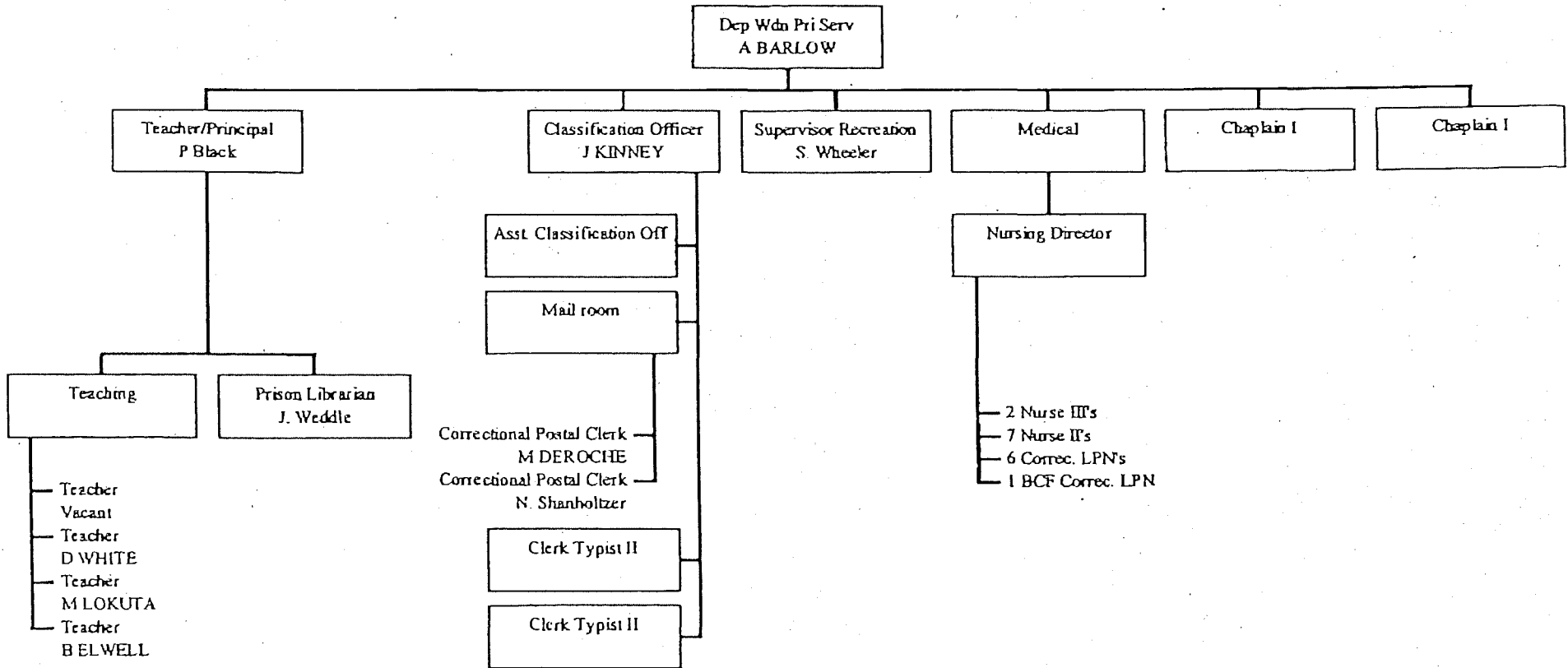




MAINE STATE PRISON

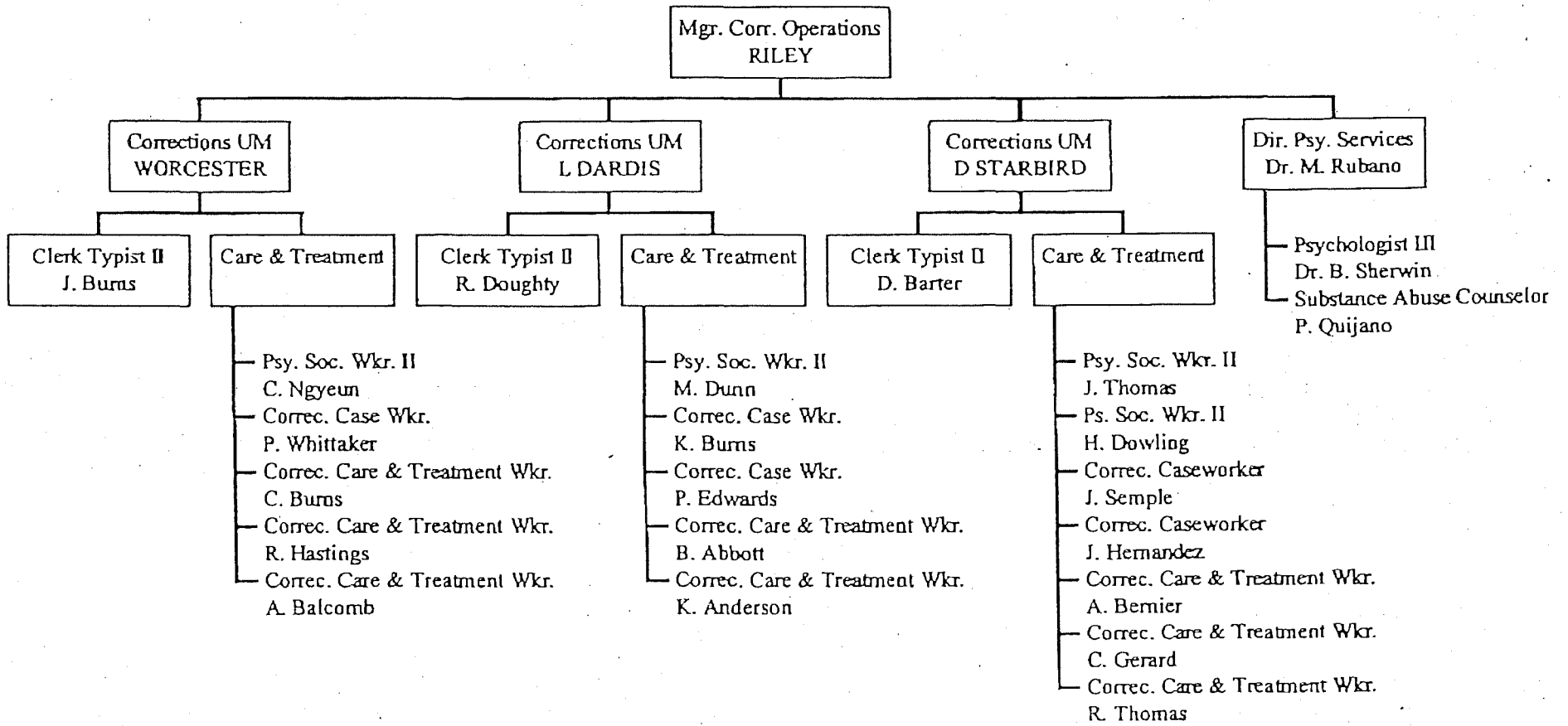


MAINE STATE PRISON

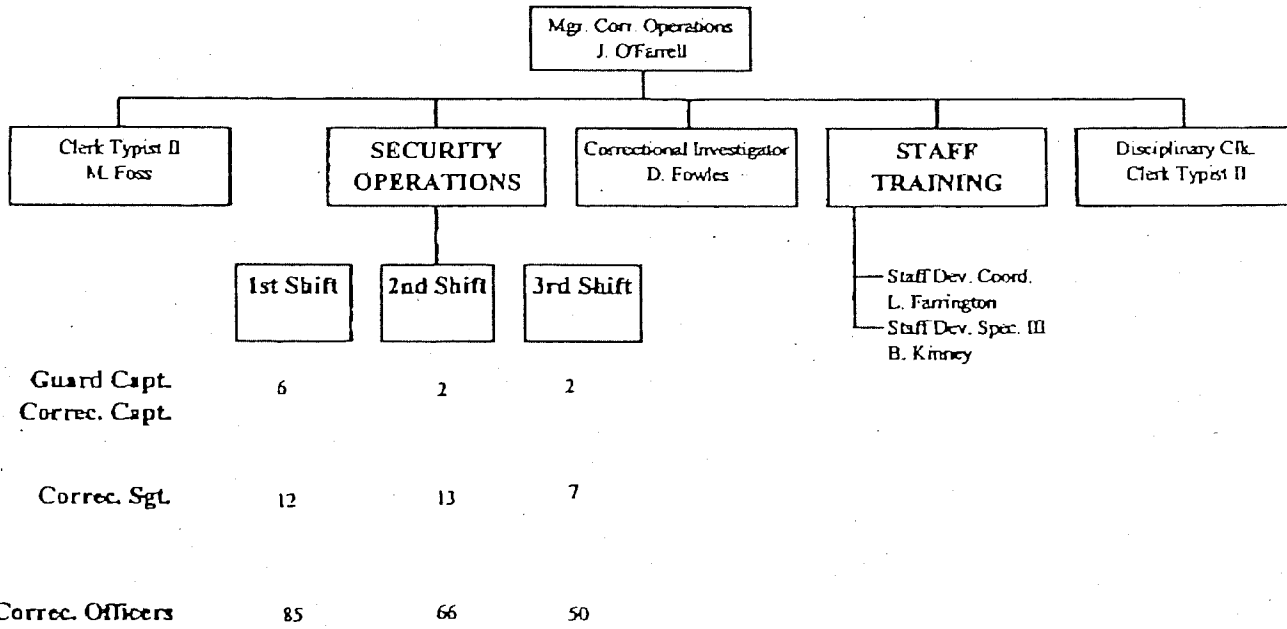




MAINE STATE PRISON



MAINE STATE PRISON





MAINE STATE PRISON

Mgr. Corr. Operations
H. DOUGHTY

Clark Typist II

Nurse

BCFUM
FELT

VOCATIONAL/EDUCATION

Recreation Supervisor

Correctional Supervisor

CASE & TREATMENT

Amt. Classification Officer

Clark Typist III

SECURITY OPERATIONS

Teacher

Psych Social Worker II
R. FERGUSON

Sub Abuse Counselor
R. HORTON

Correctional Care & Treatment Worker
D. Boynton

Correctional Case Worker
S. McCaffery

1st Shift

2nd Shift

3rd Shift

Correc. Capt.

1

Correc. Sgt.

1

1

2

Correc. Officer

9

11

6

Vocational Trades Inmate
Automotive

Vocational Trades Inmate
Auto body

Vocational Trades Inmate
Building Trades

Vocational Trades Inmate
Electrical Trades

Vocational Trades Inmate
Plumbing, Heating

Culinary Instructor

Correctional Cook/Supv.

Correctional Cook/Corr. Officer

Correctional Cook/Corr. Officer



MAINE STATE PRISON

Mgr. Corr. Operations
H. DOUGHTY

Correc. Trades Supv.

Community Programs Coordinator

MAINTENANCE

Plate Shop Mgr.

Correctional Trades Instructors/CO

Correctional Trades Instructor/CO

Building Maintenance Supervisor

Industrial Shop Supv.

Grounds Equipment Supervisor

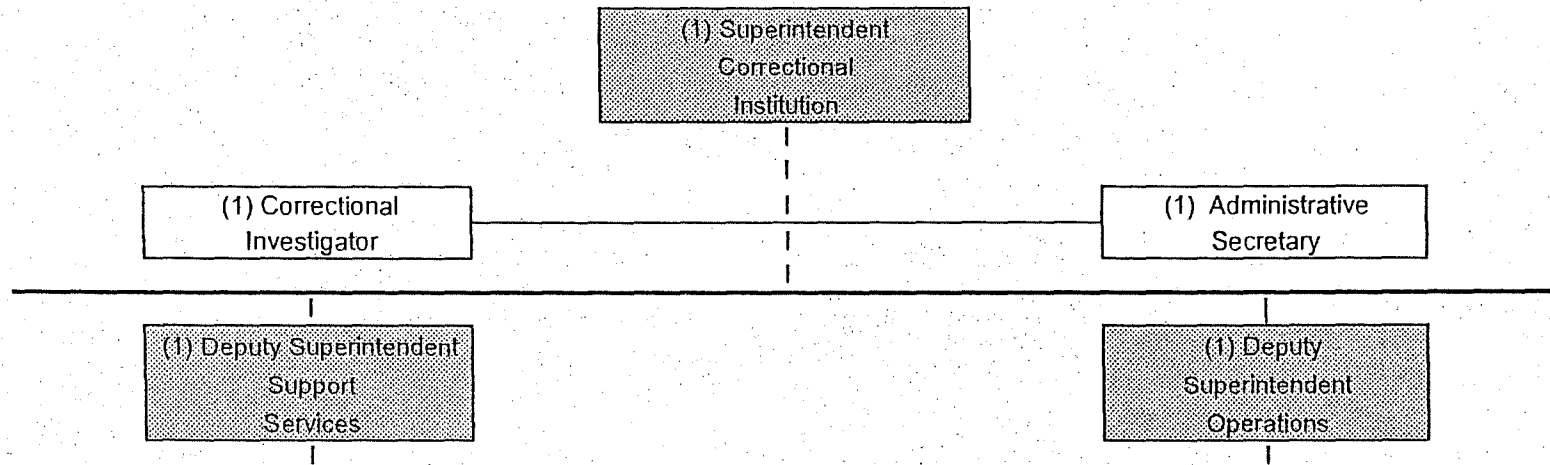
Transportation Officer
CTI/CO

Correc. Automotive Mech. Supv.

Small Equipment
CTI/CO



MOUNTAIN VIEW YOUTH DEVELOPMENT CENTER Organizational Chart



Admin Positions	5
Support Services	25
Operations Services	148
Total	178

5 Positions

Note: This does not include up to 30
Contract and Volunteer workers.

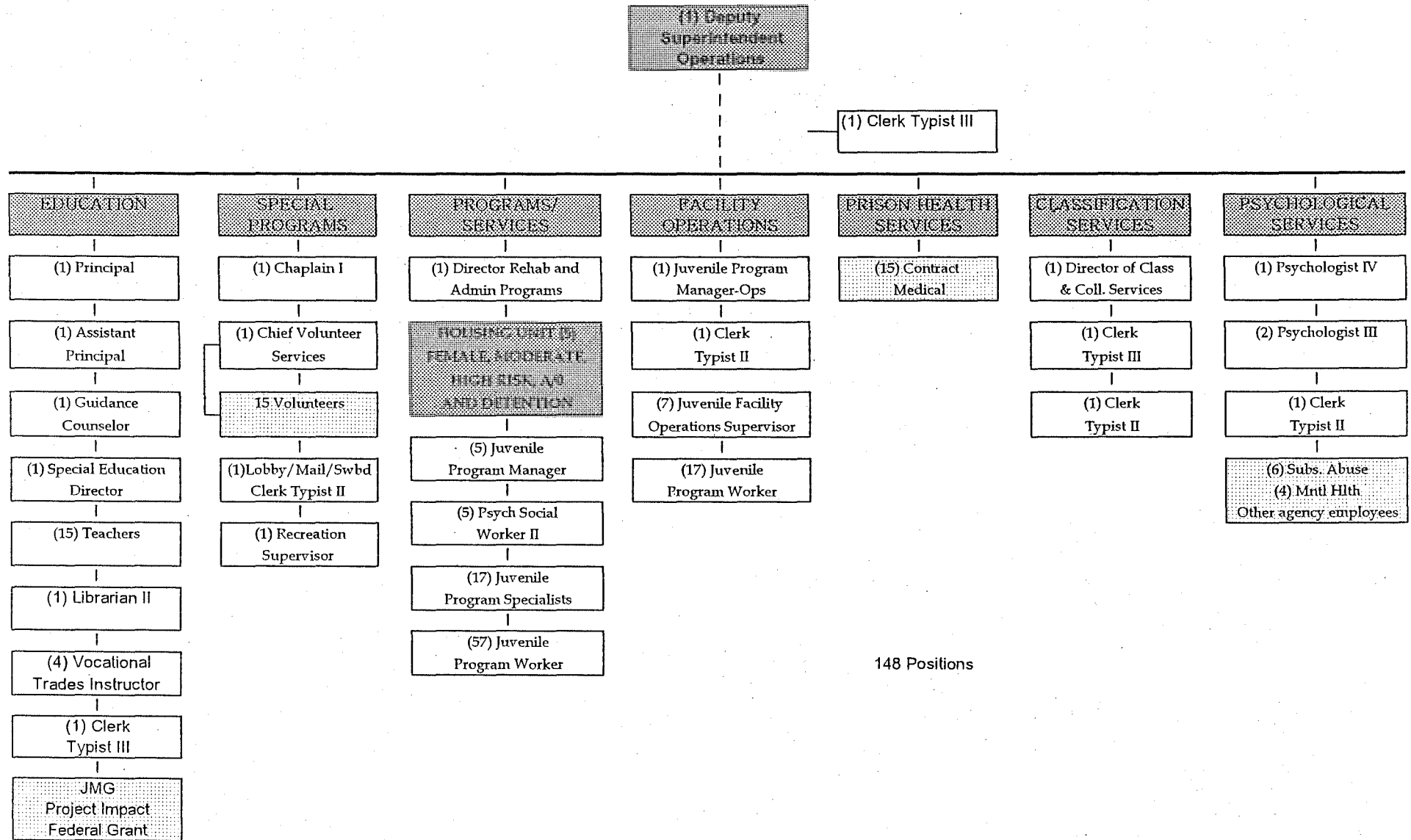
MOUNTAIN VIEW YOUTH DEVELOPMENT CENTER

Organizational Chart

Revised 02/2003

OPERATIONS

Revised 2/10/03

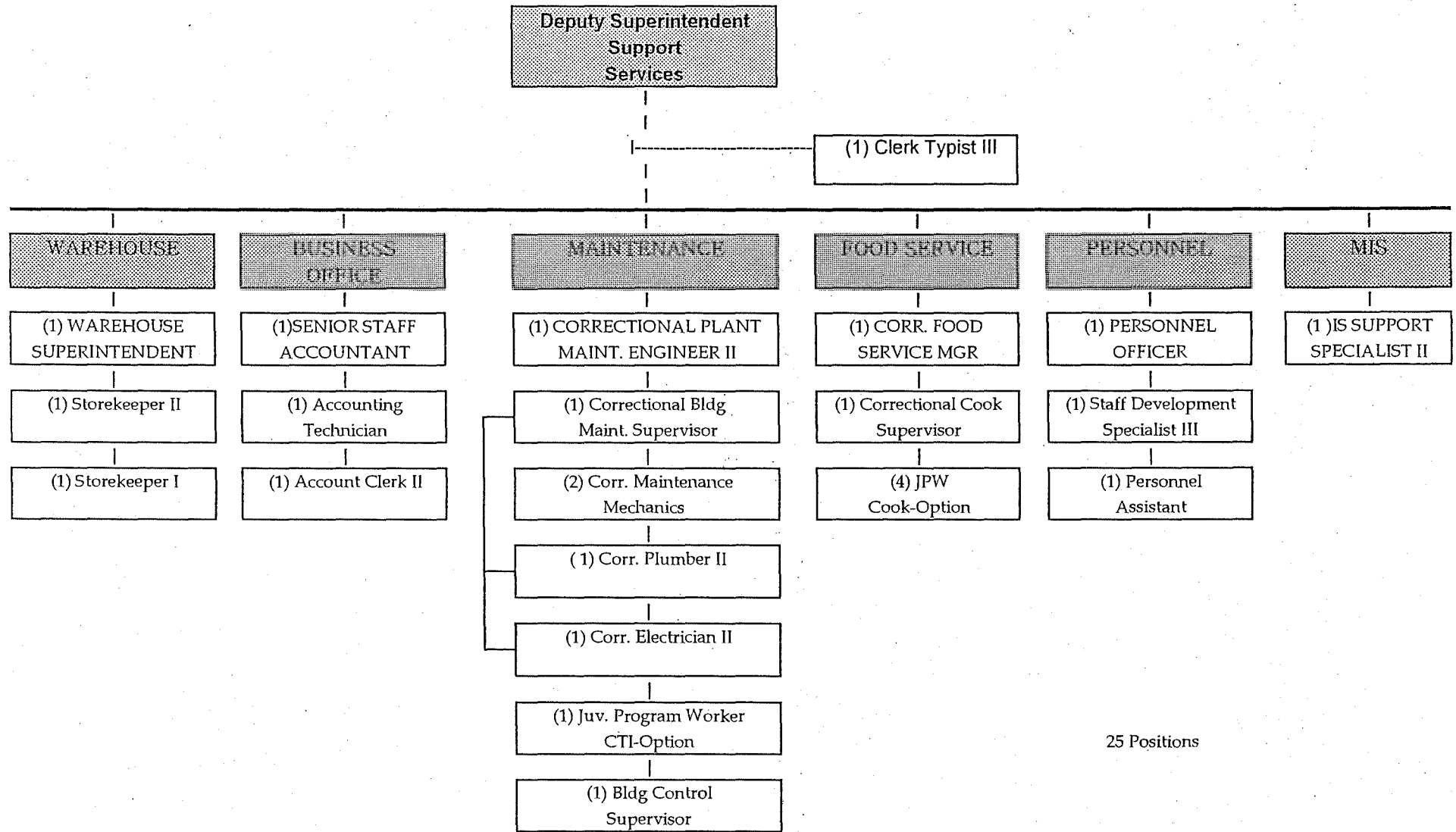


MOUNTAIN VIEW YOUTH DEVELOPMENT CENTER

Organizational Chart

Revised 02/10/03

SUPPORT SERVICES



25 Positions

II. ENABLING LEGISLATION

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Title 34-A: CORRECTIONS

Chapter 1: GENERAL PROVISIONS

Subchapter 1: DEFINITIONS

§1001. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings.

1. **Chief administrative officer.** "Chief administrative officer" means the head of a correctional facility or a detention facility.

1-A. **Client.** "Client" means any person in the custody or under the supervision of the department, including, but not limited to, a prisoner, juvenile client, contract client, probationer, parolee, juvenile detainee and an informally adjusted juvenile.

2. **Commissioner.** "Commissioner" means the Commissioner of Corrections or his designee, except that, when the term "commissioner and only the commissioner" is used, the term applies only to the person appointed Commissioner of Corrections and not to any designee.

3. **Committed offender.**

4. **Contract agency.** "Contract agency" means a facility or program outside the jurisdiction of the department, providing services under contract to the department.

5. **Contract client.** "Contract client" means a client residing in a facility or participating in a program outside the jurisdiction of the department under an agreement between the department and the contract agency.

6. **Correctional facility.** "Correctional facility" means any facility that falls under the jurisdiction of the department, but does not include any facility for which the department is required to establish standards pursuant to section 1208 or 1208-A.

7. **Correctional program.** "Correctional program" includes, but is not limited to, probation and parole, court intake and jail inspection.

8. **Department.** "Department" means the Department of Corrections.

8-A. **Detention facility.** "Detention facility" means the Long Creek Youth Development Center and the Mountain View Youth Development Center.

9. **Holding facility.** "Holding facility" means a facility, or part of a building, used for the temporary detention of pretrial detainees prior to arraignment, release or transfer to another facility or authority, but not for the serving of sentences. Holding facilities are classified as follows:

A. Those in which the maximum time of detention is 12 hours; and

B. Those in which the maximum time of detention is 48 hours.

10. **Informally adjusted juvenile.** "Informally adjusted juvenile" means a juvenile participating in a program of informal adjustment, as defined in Title 15, section 3003, subsection 10.

10-A. **Investigative officer.** "Investigative officer" means an employee of the department designated by the commissioner as having the authority to conduct investigations of offenses relating to the security or orderly management of a facility administered by the department.

11. **Juvenile client.** "Juvenile client" means a juvenile committed to a juvenile correctional facility who is either residing at the facility or is on community reintegration status.

11-A. **Juvenile detainee.** "Juvenile detainee" means a juvenile detained at a departmental juvenile facility pending a court proceeding or pursuant to Title 15, section 3314, subsection 1, paragraph H or Title 15, section 3312, subsection 3, paragraph D.

12. **Parking area.** "Parking area" means land maintained by the State at the correctional facilities which may be designated as parking areas by the chief administrative officers of the correctional facilities.

13. **Prison.** "Prison" means the Maine State Prison.

14. **Prisoner.** "Prisoner" means an adult person sentenced and committed to, transferred to or detained in the custody of the department, including, where the context indicates, a person under intensive supervision.

15. **Public way.** "Public way" means a road or driveway on land maintained by the State at the correctional facilities.

15-A. **Regional correctional administrator.** "Regional correctional administrator" means the supervisor of adult probation and parole and intensive supervision services or the supervisor of juvenile community corrections officer services for a region.

16. **Segregation.** "Segregation" means the separation of a prisoner from the general population of a correctional facility for administrative or punitive reasons.

17. **Short-term detention area.** "Short-term detention area" means a section of a building used for the detention of pretrial detainees for periods of up to 4 hours.

18. **Written political material.** "Written political material" means flyers, handbills or other non-periodical publications, which are subject to the restrictions of Title 21-A, chapter 13.

19. **Administration of criminal justice.** "Administration of criminal justice" has the same meaning as in Title 16, section 611, subsection 1.

20. **Criminal justice agency.** "Criminal justice agency" has the same meaning as in Title 16, section 611, subsection 4.

21. **Administration of juvenile criminal justice.** "Administration of juvenile criminal justice" has the same meaning as in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2).

Subchapter 2: DEPARTMENT

§1201. Legislative intent

Recognizing the need to firmly control all of the State's correctional and detention facilities, provide for the safety of staff and clients, undertake appropriate programming for the classification, education, rehabilitation and maintenance of clients and assure an effective system for the supervision of parolees and probationers, it is the intent of the Legislature to create a Department of Corrections to improve the administration of correctional facilities, programs and services for clients.

§1202. Establishment

There is established a Department of Corrections to be responsible for the direction and general administrative supervision, guidance and planning of adult and juvenile correctional facilities and programs within the State.

1. **Cabinet level.** The department is a cabinet-level department.
2. **Commissioner.** The department is under the control and supervision of the Commissioner of Corrections.

§1203. Office of Advocacy

1. **Establishment.** The Office of Advocacy is established within the department to investigate the claims and grievances of clients, to investigate, in conjunction with the Department of Human Services, as

appropriate, allegations of adult and child abuse or neglect in correctional facilities and detention facilities and to advocate for compliance by the department, any correctional facility, any detention facility or any contract agency with all laws, administrative rules and institutional and other policies relating to the rights and dignity of clients.

2. **Chief advocate.** A chief advocate shall direct and coordinate the program of the office

A. The chief advocate shall report only to the commissioner.

B. The chief advocate shall, with the approval of the commissioner, select other advocates needed to carry out the intent of this section and who shall report only to the chief advocate

C. The chief advocate and all other advocates are classified state employees, except that the chief advocate may assign volunteers and interns to duties within the office with the approval of the commissioner.

3. **Duties.** The Office of Advocacy, through the chief advocate and the other advocates, shall:

A. Receive or refer complaints made by clients

B. Intercede on behalf of these persons with officials of the department, any correctional facility, any detention facility or any contract agency or assist these persons in the initiation of grievance proceedings established by the commissioner under section 1402, subsection 5;

C. Act as an information source regarding the rights of these persons, keep informed about all laws, administrative rules and institutional and other policies relating to the rights and dignity of these persons and about relevant legal decisions and other developments related to the field of corrections, both in this State and in other parts of the country; and

D. Make and publish reports necessary to the performance of the duties described in this section, except that only the chief advocate may report any findings of the office to groups outside the department, such as legislative bodies, advisory committees to the Governor, boards of visitors, law enforcement agencies and the press. The chief advocate shall report annually to the joint committee of the Legislature having jurisdiction over corrections matters regarding the activities of the office. A copy of the report must be provided to the Office of the Executive Director of the Legislative Council

4. **Powers.** The Office of Advocacy, through the chief advocate and the other advocates, may:

A. Take action only on complaints which it deems not to be trivial or moot or for which there is clearly not another remedy available; and

B. Have access, limited only by the law, to the files, records and personnel of the department, any correctional facility, any detention facility or any contract agency.

5. **Confidentiality.** Requests for action by the office shall be treated confidentially as follows.

A. Any request by a client for action by the office and all written records or accounts related to the request are confidential as to the identity of the requesting person.

B. The records and accounts may be released only as provided in section 1216.

6. **Protection for advocates.** An advocate may not be disciplined or sanctioned for any actions taken on behalf of clients if the advocate acts within the law and within the rules of the department.

7. **Protection for employees.** Employees of the department may not be disciplined or sanctioned for reporting abuse or suspected abuse to an advocate.

8. **Budget.** When submitting any budget request to the Legislature, the department and the Governor shall provide that all funds for the Office of Advocacy be listed in a separate account.

§1204. Maine Correctional Advisory Commission (REPEALED)

§1204-A. Maine Correctional Advisory Commission (REPEALED)

§1205. Statewide correctional program improvement

1. Purpose.
2. Commissioner's powers.
3. Additional expenses.

§1205-A. Correctional Medical Services Fund

This section establishes the Correctional Medical Services Fund to provide the means for the development, expansion, improvement and support of correctional medical services.

1. **Commissioner's powers.** The commissioner may receive and use, for the purpose of this section, money appropriated by the State, grants from the United States and funds from other sources.

2. **Correctional Medical Services Fund.** All funds appropriated for the purpose of this section and all grants and other funds received by the department for the purpose of this section must be credited to a special account in the department to be known as the Correctional Medical Services Fund. State funds appropriated to this special account that are unexpended at the end of the fiscal year for which the funds are appropriated do not lapse, but must carry forward into subsequent fiscal years to be expended for the purpose of this section.

§1206. Agreements with community agencies

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

A. "Agreement" means a legally binding document between 2 parties, including documents commonly referred to as accepted application, proposal, prospectus, contract, grant, joint or cooperative agreement or purchase of service.

B. "Community agency" means a person, a public or private nonprofit organization or a firm, partnership or business corporation operated for profit, which:

- (1) Operates a human service program at the community level; and
- (2) Is not an administrative unit of the Federal Government or State Government.

C. "Funds" means any and all general funds, dedicated funds, fees, special revenue funds, 3rd party reimbursements, vendor payments or other funds available for expenditure by the department in support of the provision of a human service.

D. "Human service" means any alcoholism, children's community action, corrections, criminal justice, developmental disability, donated food, education, elderly, food stamp, income maintenance, health, juvenile, law enforcement, legal, medical care, mental health, mental retardation, poverty, public assistance, rehabilitation, social, substance abuse, transportation, welfare or youth service operated by a community agency under an agreement financially supporting the service, wholly or in part, by funds authorized for expenditure for the department.

E. "Nonprofit organization" means any agency, institution or organization which is, or is owned and operated by, one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and which has a territory of operations that may extend to a neighborhood, community, region or the State.

2. **Commissioner's powers.** The commissioner may disburse funds to a community agency for the purpose of financially supporting a human service, only if the disbursement is covered by a written agreement between the department and the agency, specifying at least the following:

- A. The human service to be provided by the community agency;
- B. The method of payment by the department to the community agency; and
- C. The criteria for monitoring and evaluating the performance of the community agency in the provision of the human service.

3. **Commissioner's duties.** The commissioner's duties are as follows.

A. The commissioner shall promulgate rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, consistent with and necessary for the effective administration of this section.

B. When making agreements with community agencies for the provision of a human service, the commissioner shall use uniform agreement forms and shall develop uniform procedures.

C. When disbursing funds pursuant to an agreement, the commissioner shall require uniform accounts payable forms or uniform supporting documentation and information.

D. When accounting for funds disbursed under an agreement, the commissioner shall use uniform accounting principles, policies and procedures.

4. **Payment for state agency clients.** The commissioner shall authorize payment of approved board, care and mental health treatment costs for all state agency clients in the care or custody of the department who are placed for other than educational purposes in residential placements, as defined in Title 20-A, section 1, subsection 24-A, to the extent of funds appropriated by the Legislature for this purpose. In no event may those payments be authorized in excess of funds appropriated for those costs.

§1207. Out-of-state prison-made goods

1. **Purpose.** The purpose of this section is to prohibit the sale within the State of any goods, wares or merchandise produced in penal institutions outside of the State and transported into the State.

2. **Prohibited acts; fines.** Prohibited acts and fines under this section are governed as follows.

A. A person is guilty of a civil violation of sale of out-of-state prison-made goods if that person sells within this State any goods, wares or merchandise manufactured, produced or mined, wholly or in part, by non-paroled convicts or prisoners, or in any penal or reformatory institution, in another state and transported into this State.

B. Upon conviction of a civil violation of sale of out-of-state prison-made goods, a person shall pay a fine. The fine may be any amount which does not exceed twice the monetary value of the transaction.

§1208. Standards for county and municipal detention facilities

The commissioner shall establish standards, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, for county and municipal jails, holding facilities and short-term detention areas, referred to in this section as county and municipal detention facilities, as follows and shall enforce them.

1. **Establishment.** The commissioner shall establish both mandatory and desirable standards for all county and municipal detention facilities, setting forth requirements for maintaining safe, healthful and secure facilities.

2. **Inspections.** Inspections of county and municipal detention facilities are governed as follows.

A. The commissioner shall conduct a comprehensive inspection of each county and municipal detention facility every 2 years, in order to provide the department with information, verified by on-site inspection, regarding compliance with all department standards.

B. The commissioner shall conduct no fewer than 3 additional inspections of each county and municipal detention facility during the period between each comprehensive inspection, in order to determine continued compliance with standards.

C. The commissioner may inspect a county or municipal detention facility at any time, without prior notice, to determine compliance with standards.

D. The commissioner shall prepare a written report of each inspection and shall send a copy of the report to appropriate county or municipal officials within 15 days after the inspection

(1) The report shall summarize inspection findings.

(2) The report shall list the standards with which the facility does not comply and set forth the reasons for noncompliance.

E. The commissioner shall order the non-complying county or municipality to respond to this report in accordance with subsection 3.

3. Standards compliance. Each county and municipal detention facility shall, unless granted a variance pursuant to subsection 5, comply with the mandatory standards established by the commissioner.

A. Within 60 days from the receipt of an inspection report for each mandatory standard listed in subsection 2, paragraph D, subparagraph (2), the county or municipality shall either:

- (1) Correct deficiencies listed in the report and submit to the department a written response listing the corrections made; or
- (2) Offer a plan to correct those deficiencies for consideration by the department.

B. If a county or municipality fails to correct deficiencies and offers no plan of correction, or if the plan of correction offered to the department is determined inadequate by the commissioner, the commissioner shall determine an appropriate action to restrict or modify the operations of the facility, consistent with the nature of the uncorrected deficiencies, which action may include ordering an entire facility closed until the deficiencies have been corrected.

(1) Before any such action is taken, the commissioner shall notify the county or municipality in writing of the planned action and shall offer the opportunity to meet and discuss the planned action.

(2) If a meeting is not requested by the county or municipality within 15 days after the county or municipality receives notice of the planned action, or if a meeting is held and fails to produce a plan of correction acceptable to the commissioner, the commissioner shall take the planned action.

4. Emergency powers. The commissioner may take immediate action in response to noncompliance with a mandatory standard, if the noncompliance is determined to endanger the safety of the staff, inmates or visitors of any county or municipal detention facility.

A. The commissioner's action under this subsection shall expire within 90 days or upon compliance with the mandatory standard.

B. After having taken action under this section, the commissioner shall send a written inspection report to the affected facility.

C. The commissioner shall decide what long-term action to take with respect to the affected facility on the basis of county or municipality response to the inspection report and subsequent meetings.

5. Variances. The commissioner shall establish written procedures to govern the submission and consideration of requests for variances from established departmental standards, including provisions for department consideration of appeals of decisions.

A. The commissioner may grant a variance only when he determines that the variance will not result in diminishing the safety, health or security of staff, inmates or visitors of a county or municipal detention facility.

B. The commissioner may grant variances to counties and municipalities for periods of up to 2 years.

C. County and municipal officials may request variances from mandatory department standards if:

- (1) Efforts are underway to achieve compliance and continued failure to comply is only temporary; or
- (2) The intent and spirit of the standards may be attained through other means.

D. The officials applying for a variance have the burden of showing clear justification for the variance.

6. Advisory review. The commissioner shall create and maintain a county and municipal detention facility advisory committee.

A. The committee shall consist of representatives of the Department of Corrections, Maine Sheriffs' Association, Maine County Commissioners' Association, Maine Chiefs of Police Association, Attorney General, Legislature and citizens.

B. The terms of members of this committee shall be one year.

C. Members of the county and municipal detention facility advisory committee are eligible for reappointment at the expiration of their term.

D. The commissioner shall consult the committee when promulgating standards and may consult the committee when variances are sought, when actions are contemplated by the commissioner in response to a failure to comply with standards and when the commissioner determines that the consultation is necessary for other reasons.

7. **Technical assistance.** The commissioner may provide technical assistance to county and municipal detention facilities to facilitate compliance with standards.

§1208-A. Standards for additional accommodations

The commissioner shall establish standards for facilities not covered by section 1208 that are used to house county prisoners, including secure detention facilities as defined in Title 15, section 3003, subsection 24-A and temporary holding resources as defined in Title 15, section 3003, subsection 26 and has the same power to enforce those standards as provided under section 1208.

§1209. Juvenile Justice Advisory Group

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

A. "Act" means the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415.

B. "Group" means the Juvenile Justice Advisory Group, as established by Executive Order 16 FY 1981-82.

2. **Duties.** The group shall:

A. Operate as the supervisory board for all planning, administrative and funding functions of the Act.

B. Make sub-grants for planning or for the improvement of juvenile justice consistent with the intent of applicable state and federal legislation.

C. Develop, approve and implement the state's juvenile justice plan.

D. Monitor state compliance with the requirements of the Act.

E. Review and approve or disapprove all juvenile justice and delinquency prevention sub-grant applications submitted to the group.

F. Develop more effective education, training, research, prevention, diversion, treatment and rehabilitation programs in the area of juvenile delinquency and improvement of the juvenile justice system.

G. Submit to the Governor and Legislature, at least annually, recommendations with respect to matters related to its functions, including recommendations on state compliance with the requirements of the Act;

H. Review the progress and accomplishments of juvenile justice and delinquency projects funded under the state plan; and

I. Regularly seek comments and opinions from juveniles currently under the jurisdiction of the juvenile justice system.

3. **Membership.** Membership of the group is governed as follows.

A. Regular membership of the group shall be in accordance with the requirements of the Act.

B. Members are appointed by the Governor for a term of 4 years, or until a successor is appointed, and are eligible for reappointment at the discretion of the Governor.

C. Members appointed to fill an unexpired term shall serve until the expiration date of that term or until a successor is appointed.

D. The Commissioner of Corrections, Commissioner of Education, Commissioner of Human Services, Commissioner of Behavioral and Developmental Services and Commissioner of Public Safety are ex officio, voting members of the group.

E. Members of the group appointed under Executive Order 4, Fiscal Year 1979-80 shall continue to serve until the expiration of their terms.

4. Departmental duties and powers. The duties and powers of the Department of Corrections are as follows

A. The department shall have the powers necessary to an agency designated by the Governor as the sole agency responsible for supervising the group in the preparation and administration of the state plan within the meaning of the Act.

B. The department shall serve as the fiscal agent of the group.

C. The department may employ a full-time juvenile justice specialist, subject to the approval of the group, and such additional staff as necessary.

(1) The professional staff shall be unclassified.

(2) Clerical staff shall be employed subject to the Civil Service Law.

D. The department, at the direction of the group, may make grants to state agencies, to units of general local government and to private not-for-profit organizations for the development of more effective education, training, research, prevention, diversion, treatment and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

E. When the group directs that a grant be made to a department or agency of State Government, the department shall send to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs:

(1) A copy of the approved grant application;

(2) Information on the expected length of programs to be funded by the grant; and

(3) Information on restrictions or limitations placed on the grant application.

F. The department may accept funds from the Federal Government, from any political subdivision of the State, or from any individual, foundation or corporation and may expend those funds for purposes consistent with this section.

5. Funds not to lapse. Funds appropriated to carry out the purpose of this section shall not lapse, but shall carry from year to year.

§1210. Community corrections (REPEALED)

§1210-A. Community corrections

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

A. "Community corrections" means the delivery of correctional services for juveniles or adults in the least restrictive manner that ensures the public safety by the county or for the county under contract with a public or private entity. "Community corrections" includes, but is not limited to, preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing or housing programs, electronic monitoring, 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 crimes or adjudicated delinquents.

2. Establishment of County Jail Prisoner Support and Community Corrections Fund. The County Jail Prisoner Support and Community Corrections Fund is established for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections as defined in subsection 1.

3. Distribution. Beginning July 1, 1998 and annually thereafter, the department shall distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former section 1210 in fiscal year 1996-97. The percent distribution per county is as follows:

- A. Androscoggin: 8.5%;
- B. Aroostook: 6.6%;
- C. Cumberland: 17.6%;
- D. Franklin: 2.4%;
- E. Hancock: 3.3%;
- F. Kennebec: 6.9%;
- G. Knox: 6." Headnote="4%;
- H. Lincoln: 3.7%;
- I. Oxford: 4.7%;
- J. Penobscot: 13.7%;
- K. Piscataquis: 1.3%;
- L. Sagadahoc: 2.7%;
- M. Somerset: 5.5%;
- N. Waldo: 3." Headnote="7%;
- O. Washington: 1.8%; and
- P. York: 11." Headnote="2%.

4. Change in state funding of county jails. If a county experiences at least a 10% increase in the total annual jail operating budget or if a county issues a bond for the construction of a new jail or renovation of an existing jail, the county may file with the department a request for an increase in the amount of state funds the county receives for the support of prisoners. A county must file a request for an increase in the amount of state funds the county receives for the support of prisoners by February 15th for an increase experienced in the prior fiscal year. The department shall review the request and, if the county demonstrates to the department a need for the increase, the department shall distribute the approved amount to the county from the surcharges collected under subsection 9. All funds distributed under this subsection must be used only for the purpose of funding counties' costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections. The department shall forward the request and supporting documents to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters of a county's requested increase and any distributions made to counties under this subsection.

5. Community Corrections Program Account. Each county treasurer shall place 20% of the funds received from the department pursuant to this section into a separate community corrections program account. Funds placed in this account may be used only for adult or juvenile community corrections as defined in subsection 1.

6. Report. Beginning January 15, 1999 and annually thereafter, each county shall submit a written report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters. Reports must include descriptions of each county's community corrections programs and an accounting of expenditures for its community corrections.

7. Technical assistance. The commissioner shall provide technical assistance to counties and county advisory groups to aid them in the planning and development of community corrections.

8. Review. By July 1, 2001, the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters shall review the County Jail Prisoner Support and Community Corrections Fund and its purpose and functions.

9. Surcharge imposed. In addition to the 14% surcharge collected pursuant to Title 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is considered a part of the fine, forfeiture or penalty. Except as provided in subsection 10, all funds collected pursuant to this subsection are non-lapsing and must be deposited monthly in the County Jail Prisoner Support and Community Corrections Fund that is administered by the department. Except as provided in subsection 10, all funds collected pursuant to this subsection must be distributed to counties that have experienced at least a 10% increase in their total annual jail operating budget or to counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that meet all other requirements under subsection 4. Funds distributed to counties pursuant to this subsection must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections.

10. Implementation. The first \$23,658 collected under subsection 9 after the effective date of this subsection must be transferred to the Judicial Department to cover the costs of implementing the collection of surcharges.

§1211. Jail Industries Authority (REPEALED)

§1212. Confidential information

The following information pertaining to department employees and independent contractors is confidential and that part of any record of the department containing this information is not a public record, as defined in Title 1, section 402, subsection 3:

1. Addresses and telephone numbers. Non-business addresses and telephone numbers;
2. Information regarding other persons. The existence, names, addresses and telephone numbers of family members, household members and persons to be notified in the event of an emergency; and
3. Work schedules. Information pertaining to work schedules.

§1213. Contract to provide medical care

Any individual medical provider contracting with the department when providing medical care within a correctional or detention facility pursuant to section 3031, subsection 2 under a contract with the department is deemed for purposes of civil liability to be an employee of a governmental entity under the Maine Tort Claims Act, Title 14, chapter 741.

§1214. Office of Victim Services

1. **Establishment.** The Office of Victim Services, referred to in this section as the "office," is established within the department to advocate for compliance by the department, any correctional facility, any detention facility, community corrections as defined in section 1210-A or any contract agency with all laws, administrative rules and institutional and other policies relating to the rights and dignity of victims.

A. The Victim Services Coordinator shall report only to the commissioner or an associate commissioner.

B. The Victim Services Coordinator shall, with the approval of the commissioner or an associate commissioner, select other victim advocates needed to carry out the intent of this section and who shall report only to the Victim Services Coordinator.

2. **Victim Services Coordinator.** The Victim Services Coordinator shall direct and coordinate the office.

A. The Victim Services Coordinator shall report only to the commissioner or an associate commissioner.

B. The Victim Services Coordinator shall, with the approval of the commissioner or an associate commissioner, select other victim advocates needed to carry out the intent of this section and who shall report only to the Victim Services Coordinator.

3. **Duties.** The office, through the Victim Services Coordinator and other victim advocates, shall:

A. Receive or refer complaints made by victims;

B. Intercede on behalf of victims with officials of the department, any correctional facility, any detention facility, community corrections as defined in section 1210-A or any contract agency or assist these persons in the resolution of victim-related issues;

C. Act as an information source regarding the rights of victims and keep informed about all laws, administrative rules and institutional and other policies relating to the rights and dignity of victims and about relevant legal decisions and other developments related to the field of corrections, both in this State and in other parts of the country;

D. Ensure that victims who request notice of release receive it;

E. Assist victims who are being harassed by persons in the custody or under the supervision of the department with obtaining protection from that harassment;

F. Assist victims with obtaining victim compensation, restitution and other benefits of restorative justice; and

G. Ensure the safety of clients who are also victims by advising the commissioner of information that may place a client at risk if disclosed pursuant to Title 1, section 402, subsection 3-A.

4. **Confidentiality.** Requests for action by the office must be treated confidentially and may be disclosed only to a state agency if necessary to carry out the statutory functions of that agency or to a criminal justice agency if necessary to carry out the administration of criminal justice or the administration of juvenile criminal justice. In no case may a victim's request for notice of release be disclosed outside the department and the office of the attorney for the State with which the request was filed.

5. **Report regarding batterers intervention programs.** Beginning January 2003 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the work of batterer's intervention programs. The report must include information regarding: meeting program benchmarks and goals, developing and implementing new programs, measuring effectiveness of existing programs and communicating and coordinating efforts with providers of substance abuse services, literacy support and other services with whom batterers may need to work in order to participate meaningfully in a batterers intervention program.

34-A §1214 Accreditation (REPEALED) (REALLOCATED TO TITLE 34-A, SECTION 1215)

§1215. Accreditation (REALLOCATED FROM TITLE 34-A, SECTION 1214)

The department shall seek accreditation of its correctional and detention facilities by a nationally recognized correctional accrediting body and shall maintain any accreditation obtained. The department shall report to the joint standing committees of the Legislature having jurisdiction over criminal justice matters and appropriations and financial affairs regarding its progress towards accreditation by January 1, 2005.

§1216. Confidentiality of information

1. **Limited disclosure.** All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the department must be kept confidential and may not be disclosed by any person, except that public records must be disclosed in accordance with Title 1, section 408; criminal history record information may be disseminated in accordance with Title 16, chapter 3, subchapter 8; and documents other than those documents pertaining to information obtained by the department for the purpose of evaluating a client's ability to participate in a community-based program or from informants in a correctional or detention facility for the purpose of determining whether facility rules have been violated or pertaining to a victim's request for notice of release may, and must upon request, be disclosed:

A. To any person if the person receiving services, that person's legal guardian, if any, and, if that person is a minor, that person's parent or legal guardian give informed written consent to the disclosure of the documents referred to in this subsection after being given the opportunity to review the documents sought to be disclosed;

B. To any state agency if necessary to carry out the statutory functions of that agency;

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503;

D. To any criminal justice agency if necessary to carry out the administration of criminal justice or the administration of juvenile criminal justice or for criminal justice agency employment;

E. To persons engaged in research if:

(1) The research plan is first submitted to and approved by the commissioner;

(2) The disclosure is approved by the commissioner; and

(3) Neither original records nor identifying data are removed from the facility or office that prepared the records.

The commissioner and the person doing the research shall preserve the anonymity of the person receiving services from the department and may not disseminate data that refer to that person by name or number or in any other way that might lead to the person's identification; or

F. To persons who directly supervise or report on the health, behavior or progress of a juvenile, to the superintendent of a juvenile's school and the superintendent's designees and to agencies that are or might become responsible for the health or welfare of a juvenile if the information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation, including reintegration into the school.

Notwithstanding any other provision of law, the department may release the names, dates of birth and social security numbers of juveniles receiving services from the department and, if applicable, eligibility numbers and the dates on which those juveniles received services to the Department of Human Services for the sole purpose of determining eligibility and billing for services under federally funded programs administered by the Department of Human Services and provided by or through the department. The department may also release to the Department of Human Services information required for and to be used solely for audit purposes, consistent with federal law, for those services provided by or through the department. Department of Human Services personnel must treat this information as confidential in accordance with federal and state law and must return the records when their purpose has been served.

2. Release of certain information to victims. Notwithstanding subsection 1, upon the request of a person who was the victim of a crime for which a client was incarcerated, as verified by the department or the prosecuting attorney, the department shall disclose the following information to the victim:

A. Whether the client has been charged with committing any crime while incarcerated and, if so, the crime with which the client has been charged; and

B. Whether the client has been disciplined while incarcerated and, if so, the offense for which the disciplinary action was taken and the type of disciplinary action taken

3. Civil violation. A person who discloses information in violation of this section commits a civil violation for which a fine not to exceed \$1,000 may be adjudged.

4. Disclosure of confidential information. The disclosure of confidential information as provided by this section is also governed by Title 5, section 9057, subsection 6.

5. Disclosure of information. Nothing in this section permits or requires the disclosure of information to the extent it is designated confidential by another provision of law.

6. Assessment tools. Documents in the possession of the department used to screen or assess clients, including, but not limited to, questionnaires and test materials, are not public records for purposes of Title 1, chapter 13, subchapter 1. The department shall release these documents on request to any other state agency if necessary to carry out the statutory functions of that agency and to any committee or study commission established by the Legislature with authority to examine issues related to mental health.

Subchapter 3: COMMISSIONER

§1401. Office

1. Appointment. The Governor shall appoint the Commissioner of Corrections, subject to review by the joint standing committee of the Legislature having jurisdiction over corrections matters and to confirmation by the Senate, to serve at the pleasure of the Governor.

2. Vacancy. Vacancies in the office of the commissioner shall be filled as follows.

A. Any vacancy in the office of commissioner shall be filled by appointment under subsection 1.

B. If the office of the commissioner is vacant or if the commissioner is absent or disabled, the associate commissioner shall perform the duties and have the powers provided by law for the commissioner.

3. Qualifications. To qualify for appointment as commissioner, a person must have training and experience in correctional administration or satisfactory experience in the direction of work of a comparable nature.

§1402. Duties

In addition to other duties set out in this Title, the commissioner has the following duties.

1. **General.** The commissioner has general supervision, management and control of the research and planning, grounds, buildings, property, officers, employees and clients of any correctional facility, detention facility or correctional program.

2. **Enforcement of laws.** The commissioner shall enforce all laws concerning correctional facilities, unless specific law enforcement duties are given by law to other persons.

3. **Rules.** Rules shall be established as follows.

A. The commissioner shall establish, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, such rules as he determines appropriate or necessary for the care and management of the property of all correctional facilities, for the production and distribution of industrial products of the correctional facilities and for the execution of the statutory purposes and functions of correctional facilities or correctional programs.

B. The central principle underlying all rules, regulations, procedures and practices relating to clients is that the clients retain all rights of an ordinary citizen, except those expressly or by necessary implication taken from them by law.

4. **Vocational education.** Establishment of vocational education shall be as follows:

A. The commissioner shall establish and maintain suitable courses for vocational education in the correctional facilities.

(1) The commissioner shall install equipment necessary to carry out this duty.

(2) The commissioner shall employ suitable and qualified instructors necessary to carry out this duty, subject to the approval of the Associate Commissioner of the Bureau of Vocational Education.

B. The expenses of carrying out this subsection shall be paid from the appropriations for the correctional facilities.

5. **Grievance procedures.** The commissioner shall establish procedures for hearing grievances of clients as described in section 1203. The commissioner shall establish a separate grievance process for addressing complaints by prisoners about their medical and mental health treatment.

6. **County jail, holding facility and short-term detention area standards.**

7. **Abuse allegations in correctional and detention facilities.** The commissioner is responsible for ensuring appropriate intervention and remediation in cases of substantiated abuse and neglect in correctional and detention facilities. The commissioner shall ensure, through inspection at least every 2 years, that all correctional and detention facilities meet applicable federal and state standards relating to the health and safety of clients of these facilities.

8. **Allegations of child abuse or neglect in correctional and detention facilities.** The commissioner is responsible for the investigation of all reports of suspected child abuse or neglect in correctional and detention facilities.

A. These investigations must be conducted with the Department of Human Services, as appropriate, and, in cases where there are allegations or indications of criminal conduct, with the Department of the Attorney General, as appropriate.

B. The commissioner shall negotiate joint working agreements with the Department of Human Services and the Department of the Attorney General concerning procedures and respective responsibilities for conducting investigations of allegations of child abuse or neglect in correctional and detention facilities.

9. **Statement of correctional system impact.** The commissioner shall prepare statements pertaining to the impact that proposed legislation has upon correctional system resources, including the cost that the correctional system would bear. For purposes of this subsection, the correctional system includes correctional facilities and services operated or funded by the State or by any county government. The

statements must be furnished to the appropriate committee of the Legislature for the information of its members and for inclusion in bills that receive an "ought to pass" report when reported by the committee. A statement is not required for any legislation that has no impact upon the correctional system.

10. Rehabilitation programs. Within the limits of available resources, the commissioner shall establish and maintain programs, inside and outside of correctional facilities, which provide rehabilitation services and opportunities for clients.

11. Report requirement. The commissioner shall report annually, no later than January 4th of each year, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding recidivism information including, but not limited to:

- A. The number of juvenile offenders in the correctional facilities and their re-offending rates;
- B. The number of incarcerated adults who were adjudicated as having committed a juvenile offense; and
- C. The recidivism rates of juvenile offenders as adults.

§1403. Powers

In addition to other powers granted in this Title, the commissioner has the following powers.

1. General powers. The commissioner may perform any legal act relating to the care, custody, treatment, relief and improvement of clients or may purchase residential services when the department's correctional and detention facilities do not provide the appropriate services for the client.

2. Appointments. The commissioner's appointment powers are as follows.

A. The commissioner may appoint, subject to the Civil Service Law and except as otherwise provided, any employees who may be necessary, including those intermittent employees as defined in Title 5, section 7053 needed to offset the overtime costs related to unscheduled, unanticipated overtime. These intermittent positions in the institutional services unit must be identified through a separate agreement with labor and may be used only at pre-identified posts and work sites. Use of intermittent employees for the purposes of overtime must be governed by an agreement between the parties.

B. The commissioner may appoint and set the salary for 3 associate commissioners to assist in carrying out the responsibilities of the department.

(1) An appointment is for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

(2) To be eligible for appointment as an associate commissioner, a person must have training and experience in general management.

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

- (1) Associate Commissioner for Adult Services;
- (1-A) Associate Commissioner for Juvenile Services; and
- (3) Associate Commissioner for Legislative and Program Services.

3. Delegation. The commissioner's delegation powers are as follows.

A. Unless a specific statute otherwise directs, the commissioner may delegate powers and duties given under this Title to the associate commissioners, chief administrative officers and regional correctional administrators.

B. The commissioner may empower the associate commissioners, chief administrative officers and regional correctional administrators to further delegate powers and duties delegated to them by the commissioner.

B-1. Unless a specific statute otherwise directs, the commissioner may empower chief administrative officers to delegate powers and duties given to them by chapter 3 and may empower regional correctional administrators to delegate powers and duties given to them by chapter 5.

C. An associate commissioner or associate commissioners 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 or associate commissioners may appoint staff to assist in carrying out this paragraph.

4. Funding sources. The commissioner may use the following funding sources.

A. The commissioner may accept for the State any federal funds appropriated under federal law relating to the juvenile offender and may do whatever is necessary to carry out the federal law.

B. The commissioner may accept, from any other agency of government, person, group or corporation, any funds which may be available in carrying out this Title.

C. The commissioner may apply for and receive federal funds under the United States Housing Act of 1954, Public Law 560, Title 7.

5. Lease of unused buildings. The commissioner may, with the approval of the Director of the Bureau of General Services, lease unused buildings at the correctional and detention facilities for the purposes of providing services to clients.

A. The leases must be for a period not to exceed 2 years and may be extended, with the approval of the Director of the Bureau of General Services, for 3 more 2-year periods.

B. The commissioner shall submit a plan of the proposed leases and their impact on the correctional and detention facilities and clients to the joint standing committee of the Legislature having jurisdiction over corrections no later than January 31st of each year.

5-A. Lease of Long Creek Youth Development Center building. Notwithstanding subsection 5 and Title 5, chapter 154, the commissioner may, with the approval of the Director of the Bureau of General Services, lease any building that the commissioner determines is no longer needed to be a part of the Long Creek Youth Development Center for the purpose of providing services to clients under such terms as the commissioner and director determine appropriate.

6. Acceptance or conveyance of donated personal property. The commissioner may accept donations of personal property to be used at a correctional or detention facility. If, at a later date, the donated property ceases to be useful to the correctional or detention facility, the commissioner may sell the property and use the proceeds for the benefit of the correctional or detention facility to which the property was originally donated.

7. Establishment of farm programs at correctional facilities. The commissioner may establish a farm program at each correctional facility for the purposes of producing agricultural and farm products and teaching prisoners and juvenile clients cultivation and gardening techniques.

A. Products from those farm programs shall be used by correctional facilities. If a surplus exists, it may be:

- (1) Sold or distributed to other state, county or local governmental entities;
- (2) Exchanged with other state, county or local governmental entities for services or other goods; or
- (3) Sold to or exchanged with private Maine businesses.

B. The revenue generated by the sale of those farm products shall be deposited in a special account. This account shall not lapse at the end of a fiscal year but may be carried forward from year to year. If the amount in the fund exceeds \$100,000, the excess in the account shall be transferred to the General Fund.

C. These funds in this special account may be expended to implement farm programs in correctional facilities. These expenditures include, but are not limited to, the purchase of necessary materials and equipment, construction, administrative costs and employee salaries.

8. Receipt of United States prisoners or adjudicated juveniles. The commissioner's power to accept United States prisoners or adjudicated juveniles is as follows.

A. The commissioner may receive in any correctional facility prisoners detained by the United States or convicted of an offense against the United States and committed for a term of imprisonment to the custody of the Attorney General of the United States if:

(1) The Attorney General of the United States designates a Maine correctional facility as the place of confinement for the prisoner; and

(2) The commissioner approves and agrees to accept and keep the prisoner in a Maine correctional facility.

B. The commissioner may receive in any juvenile facility juveniles detained by the United States or adjudicated of an offense against the United States and committed for a term of institutionalization to the custody of the Attorney General of the United States if:

(1) The Attorney General of the United States designates a Maine juvenile facility as the place of confinement for the juvenile; and

(2) The commissioner approves and agrees to accept and keep the juvenile in a Maine juvenile facility.

C. The commissioner may contract with the Attorney General of the United States or officer designated by the Congress for the care, custody, subsistence, education, treatment and training of any prisoner or juvenile accepted under this section. All sums paid pursuant to contracts authorized by this section shall accrue to the General Fund.

9. Industries programs. The commissioner may establish applied technology training, work and industries programs, including those permitted under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761.

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", except those goods produced under a program certified by the United States Department of Justice under the United States Code, Title 18, Section 1761.

D. All revenues from direct sales of goods and services produced by prisoners at correctional facilities and all amounts received from a private sector industry participating with the Department of Corrections in an industries program certified by the United States Department of Justice under the United States Code, Title 18, Section 1761, in consideration of lease of industry space, provision of utilities, trash removal and other services provided to the private industry which are related to the use of industry space 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, salaries and other costs of establishing and operating applied technology training, work and industrial programs. For industries programs certified by the United States Department of Justice under the United States Code, Title 18, Section 1761, mandatory contributions for crime victim services must be made from these industries accounts and transferred to the control of the Office of Victim Services, as established in section 1214.

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.

10. Client benefit welfare account. The commissioner shall provide an accounting of all client benefit welfare accounts each fiscal year to the joint select committee of the Legislature having jurisdiction over corrections matters. The annual accounting must include total income for the year, total expenditures for the year, anticipated capital and operating expenditures from these accounts in the next fiscal year and balances in the accounts. Nothing in this subsection may change the nature of these accounts as internal management tools.

11. Contracting agent. The chief administrative officer is the contracting agent for all sales of articles from a correctional facility and for all other contracts made on behalf of the correctional facility except those made by the State Purchasing Agent.

- A. All contracts must be made in the manner prescribed by the commissioner.
- B. A contract may not be accepted by the chief administrative officer, unless the contractor gives satisfactory security for its performance.
- C. An employee of the correctional facility may not be directly or indirectly interested in any contract.

Subchapter 4: NEGOTIATIONS WITH MUNICIPALITIES IN WHICH
CORRECTIONAL FACILITIES ARE LOCATED (Enacted by PL 1989, c. 591, @1)

§1601. Negotiations with municipalities

The Commissioner of Corrections, or the commissioner's designee, shall negotiate with officials of the municipality in which correctional facilities for both juveniles and adults constructed after the effective date of this section are located to provide state reimbursement to that municipality for the net increased costs that a new correctional facility imposes on that municipality. Negotiations shall commence only upon request of municipal officials and only within 6 months after the net increased costs arise. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- 1. **Correctional facility.** "Correctional facility" means those facilities outlined in section 1001, subsection 6.
- 2. **Net increased costs.** "Net increased costs" means the costs of those services rendered to the facility by the municipality and the costs of any adverse impact proximately caused by the operation of the facility, subtracted from the fair market value of those services rendered by the facility to the municipality.

Chapter 3: CORRECTIONAL FACILITIES

Subchapter 1: GENERAL PROVISIONS

Article 1: ADMINISTRATIVE PROVISIONS

§3001. Chief administrative officers

- 1. **Appointment.** The commissioner may appoint chief administrative officers as necessary for the proper performance of the functions of the department, subject to the Civil Service Law.
 - A. To be eligible for appointment as a chief administrative officer, a person must be experienced in the management of the particular type of facility to which that person is assigned.
 - B. Chief administrative officers shall report directly to the commissioner or to an associate commissioner if so directed by the commissioner.
- 2. **Acting chief administrative officer.** Notwithstanding any other provision of law, the commissioner may delegate any employee of the department to serve as the acting chief administrative officer of any facility, if the office of the chief administrative officer of the facility is vacant.
 - A. The acting chief administrative officer shall serve for a period not to exceed 180 days
 - B. Service as the acting chief administrative officer of a facility is considered a temporary additional duty for the person so delegated.

§3002. Boards of visitors

- 1. **Appointment.** The Governor shall appoint a board of 5 visitors for each correctional facility under the department, as authorized by Title 5, section 12004-I, subsection 5.
 - A. The terms of the members of the boards of visitors are for one year.
 - B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms.
 - C. No member of the Legislature may serve on any board of visitors.

D. Each member of the boards of visitors shall be compensated according to the provisions of Title 5, chapter 379.

2. **Powers.** Each board of visitors may inspect the correctional facility to which it is assigned and may make recommendations on the management of the facility to the commissioner.

3. **Duties.** Boards of visitors have the following duties.

A. Boards of visitors shall send copies of all recommendations to the members of the joint standing committee of the Legislature having jurisdiction over health and institutional services.

B. Each board of visitors shall appear before the joint standing committee of the Legislature having jurisdiction over health and institutional services upon request.

§3002-A. Policy review council

The commissioner and the Commissioner of Education shall appoint a 9-member policy review council, referred to in this section as the "council," as authorized by Title 5, chapter 379.

1. **Term.** Legislative members serve as voting, ex officio members. The term of office for non-legislative members is 3 years. The initial appointments are as follows:

A. Three members for 3 years;

B. Two members for 2 years; and

C. Two members for one year.

Replacements for council members who do not complete their terms of office are for the remainder of the unexpired terms.

2. **Council members.** The co-chairs of the joint standing committee of the Legislature having jurisdiction over education matters or their designees are members. The other council members must be representative of a broad range of professionals, parents and citizens interested in the education of students confined in the department's juvenile facilities and include the parents of a current or former student. In addition, council members may include:

A. Professionals not employed by the department who serve or have served students in a corrections setting;

B. Representatives of advocacy groups for children with special needs;

C. School administrative unit administrators or special education directors; and

D. Interested citizens.

3. **Access to educational programs.** The council must have access to the department's educational programs for confined juveniles, but may not participate in the administration of the day-to-day operations of the programs.

4. **Duties.** The duties of the council include, but are not limited to:

A. Making annual recommendations to the Commissioner of Education and the commissioner and sending copies of the recommendations to the members of the joint standing committee of the Legislature having jurisdiction over education matters;

B. Making policy recommendations to the Commissioner of Education and the commissioner;

C. Reviewing policy development;

D. Reviewing the implementation of the policy;

E. Reviewing staff recruitment, retention, promotion and evaluation policies and procedures;

F. Holding hearings for staff, parents, students, alumni, special education directors and the general public and otherwise soliciting the opinions of individuals in those groups concerning the operation and role of the department's educational programs for confined juveniles; and

G. Conducting exit interviews with staff members terminating employment with the department's educational programs for confined juveniles.

5. **Meetings; report.** The council shall meet at least 4 times a year and keep minutes and records of the meetings. The council shall submit a report each year to the joint standing committee of the Legislature having jurisdiction over education matters.

§3003. Confidentiality of information (REPEALED)

§3004. Legal actions

1. **Contract actions.** Actions founded on any contract made with the State Purchasing Agent, or with any official of the department under the authority granted by the State Purchasing Agent, on behalf of a correctional or detention facility may be brought by the official making the contract or the official's successor in office.

2. **Actions for injuries to property.** Actions for injuries to the real or personal property of the State, used by any correctional or detention facility and under the management of an officer of the facility, may be prosecuted in the name of the officer or the officer's successor in office.

§3005. Emergencies

When emergency situations are certified by the chief administrative officer to exist at a correctional or detention facility, the commissioner may, with the approval of the Governor, assign personnel as may be necessary from another facility or division of the department to assist in controlling the emergency situation.

1. **Temporary assignment.** The assignment of personnel shall be only for the period during which the emergency exists.

2. **Compensation.** Any personnel transferred are entitled to receive compensation as required by the Civil Service Law, rules and contract terms.

§3006. Improper conduct of correctional facility officers (REPEALED)

§3007. Posting of political material

The chief administrative officer of each correctional or detention facility shall provide in at least one accessible area in each facility an appropriate space for the posting of written political material sent for that purpose to the chief administrative officer by candidates for state office or federal office in this State.

1. **One item limit.** No more than one item of written political material may be posted in one place on behalf of any one candidate.

2. **Removal.** Written political material shall be removed after the elections for which it is intended for use.

3. **Voting place.** If there is a voting place within the facility, the posting place may not be located within 250 feet of the entrance to the voting place.

4. **Violation.** The posting of written political material under this section is not a violation of Title 21-A, section 32 or Title 21-A, section 674, subsection 1, paragraph C.

§3008. Reallocation of correctional facility appropriations (REPEALED)

§3009. Public ways and parking areas

1. **Rules.** The chief administrative officers of correctional or detention facilities may adopt and enforce rules, subject to the approval of the commissioner, governing the use of public ways and parking areas maintained by the State at the facilities.

A. The rules must be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

B. The Secretary of State shall forward a copy of the rules, attested under the Great Seal of the State of Maine, to the District Court in the area of jurisdiction.

2. **Special police officers.** The chief administrative officers of correctional or detention facilities may appoint and employ, subject to the Civil Service Law, special police officers for the purpose of enforcing rules promulgated under subsection 1.

A. The special police officers shall:

- (1) Patrol all the public ways and parking areas subject to this section;
- (2) Enforce rules promulgated under this section; and
- (3) Arrest and prosecute violators of the rules.

B. The State Police, sheriffs, deputy sheriffs, police officers and constables who have jurisdiction over the areas in which the correctional or detention facilities are located shall, insofar as possible, cooperate with the special police officers in the enforcement of the rules promulgated under subsection 1.

3. **Court procedure.** The District Court, in the areas in which the facilities are located, has jurisdiction in all proceedings brought under this section.

A. The District Court shall take judicial notice of all rules promulgated under subsection 1.

B. In any prosecution for a violation of the rules, the complaint may allege the offense as in prosecutions under a general statute and need not recite the rule.

4. **Prohibited acts; fines.** Prohibited acts and fines under this section are governed as follows.

A. A person is guilty of a public ways or parking violation if he violates any rule promulgated pursuant to this section.

B. Upon conviction of a public ways or parking violation, a person shall pay a fine as follows:

- (1) For the first offense in any calendar year, a fine of \$1;
- (2) For the 2nd offense in any calendar year, a fine of \$2; and
- (3) For each offense in excess of 2 in any calendar year, a fine of \$5.

C. Notwithstanding any other law, the fines and costs of court paid under this section shall inure to the municipality in which the proceedings take place.

D. Offenses not covered by the rules promulgated under subsection 1 shall be dealt with as otherwise provided by law.

§3010. Limit on prison population in Knox County (REPEALED)

§3011. Investigative officers

1. **Exercise of law enforcement powers.** Investigative officers who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers may exercise the powers of other law enforcement officers with respect to offenses relating to the security or orderly management of a facility administered by the department, if authorized to exercise these powers by the commissioner. Investigative officers may not exercise law enforcement powers against other employees of the department. These powers are in addition to any powers the officers may otherwise have as employees of the department. Internal investigations of employees of the department must be conducted pursuant to any applicable collective bargaining agreement.

2. **Working agreement.** The commissioner shall negotiate a working agreement with the Department of the Attorney General concerning procedures and respective responsibilities for the exercise of law enforcement powers by investigative officers pursuant to subsection 1.

Article 2: COMMITTED OFFENDERS GENERALLY

§3031. Rights

Any person residing in a correctional or detention facility has a right to:

1. **Food.** Nutritious food in adequate quantities;

2. **Medical care.** Adequate professional medical care and adequate professional mental health care, which do not include medical treatment or mental health treatment requested by the client that the facility's treating physician or treating psychiatrist or psychologist determines unnecessary. The commissioner may establish medical and dental fees not to exceed \$5 for the medical and dental services that are provided pursuant to this subsection and a fee not to exceed \$5 for prescriptions, medication or prosthetic devices. Except as provided in paragraph A, every client may be charged a medical or dental services fee for each medical or dental visit, prescription, medication or prosthetic device. The facility shall collect the fee. All money received by the department under this subsection is retained by the facility to offset the cost of medical and dental services, prescriptions, medication and prosthetic devices.

A. A client is exempt from payment of medical and dental services fees and fees for prescriptions, medication or prosthetic devices when the client:

(1) Receives treatment initiated by facility staff;

(2) Is a juvenile;

(3) Is pregnant;

(4) Is seriously mentally ill or developmentally disabled. For the purposes of this paragraph, "seriously mentally ill" or "developmentally disabled" means a client who, as a result of a mental disorder or developmental disability, exhibits emotional or behavioral functioning that is so impaired as to interfere substantially with the client's capacity to remain in the general prison population without supportive treatment or services of a long-term or indefinite duration, as determined by the facility's psychiatrist or psychologist;

(5) Is an inpatient at a state-funded mental health or mental retardation facility;

(6) Is undergoing follow-up treatment;

(7) Receives emergency treatment as determined by the facility's medical or dental staff; or

(8) Has less than \$15 in the client's facility account and did not receive additional money from any source for 6 months following the medical or dental service or provision of the prescription, medication or prosthetic device.

B. Notwithstanding paragraph A, the State may bring a civil action in a court of competent jurisdiction to recover the cost of medical, dental, psychiatric or psychological expenses incurred by the State on behalf of a client incarcerated in a facility. The following assets are not subject to judgment under this paragraph:

(1) Joint ownership, if any, that the client may have in real property;

(2) Joint ownership, if any, that the client may have in any assets, earnings or other sources of income; and

(3) The income, assets, earnings or other property, both real and personal, owned by the client's spouse or family.

C. A person who has not attained 18 years of age but who is residing in a correctional facility pursuant to a conviction as an adult may consent to necessary medical care as if the person had attained 18 years of age.

3. **Living conditions.** An acceptable level of sanitation, ventilation and light;

4. **Sleeping space.** A reasonable amount of space per person in any sleeping area;

5. **Exercise and recreation.** A reasonable opportunity for physical exercise;

6. **Protection from abuse.** Protection against any physical or psychological abuse;

7. **Area for personal effects.** A reasonably secure area for the maintenance of permitted personal effects; and

8. **Visitation.** A reasonable opportunity to visit with relatives and friends, in accordance with departmental policies and institutional procedures, provided that the department may restrict or prohibit visits when the restriction or prohibition is necessary for the security of the institution.

§3031-A. Transportation outside the State for medical care

1. **Transportation.** A person residing in a correctional or detention facility may be transported by the department for medical care outside the State if the facility's treating physician determines the care is necessary and unavailable within the State.

2. **Costs.** The person, if able, shall pay the cost of transportation and the per diem compensation of the accompanying officers.

§3032. Disciplinary action

The commissioner shall adopt rules describing disciplinary offenses and punishments in facilities under the general administrative supervision of the department and establishing a fair and orderly procedure for processing disciplinary complaints. The rules must conform to the following requirements.

1. **Fairness and equity.** The rules shall ensure the maintenance of a high standard of fairness and equity.

2. **Corporal punishment.** Corporal punishment may not be imposed.

3. **Segregation.** The imposition of segregation at all correctional facilities, except juvenile correctional facilities, is subject to the following conditions.

A. All punishments involving segregation shall be first approved by the chief administrative officer of the correctional facility.

B. The prisoner shall be provided with a sufficient quantity of wholesome and nutritious food.

C. Adequate sanitary and other conditions required for the health of the prisoner shall be maintained.

D. When segregation exceeds 24 hours, the chief administrative officer of the correctional facility shall cause the facility's physician or a member of the facility's medical staff to visit the person immediately and, at least once in each succeeding 24-hour period of confinement, to examine the person's state of health. When no physician or medical staff member is available within the facility to visit as required by this paragraph, a staff person who has received in-service training appropriate for the duties required by this section from a licensed health professional shall visit in lieu of the visit by the physician or medical staff member the person in confinement. The staff person making the visit shall immediately contact the physician or medical staff member on call if there is reasonable cause to believe the action is necessary.

(1) The chief administrative officer shall give full consideration to recommendations of the physician or medical staff member as to the person's dietary needs and the conditions of the person's confinement required to maintain that person's health.

(2) If the recommendations of the physician or medical staff member regarding a person's dietary or other health needs while in segregation are not carried out, the chief administrative officer shall immediately convey the reasons and circumstances for this decision to the commissioner for review and final disposition.

E. If a person is held in segregation or solitary confinement for more than 5 days, the chief administrative officer shall send a report of the confinement to the commissioner, giving the reasons for the confinement.

4. **Loss of good time.** All punishments involving loss of good time or withdrawal of deductions must be first approved by the chief administrative officer.

5. **Specific facilities.** Punishment at specific correctional facilities is governed as follows.

A. Punishment at all correctional facilities, except juvenile correctional facilities, may consist of warnings, loss of privileges, restitution, labor at any lawful work, confinement to a cell, segregation or a combination of these.

B. Punishment at juvenile correctional facilities and any detention facility may consist of warnings, restitution, labor at any lawful work and loss of privileges.

5-A. Restitution. The imposition of restitution at all facilities is subject to the following conditions.

A. Restitution may be imposed for the purpose of replacing or repairing property destroyed or damaged by the prisoner or juvenile while the prisoner or juvenile is at the institution. When restitution is imposed at a facility, a prisoner or a juvenile who is subject to that restitution and who is able to generate money from whatever source shall pay 25% of that money to the facility where the damage occurred. The facility shall collect that money and apply it to defray the cost of replacement or repair of the items destroyed or damaged.

A-1. Restitution may be imposed for the purpose of paying the cost of medical care incurred as a result of the conduct of a prisoner or juvenile while the prisoner or juvenile is at the institution. When restitution is imposed at a facility, a prisoner or a juvenile who is subject to that restitution and who is able to generate money from whatever source shall pay 25% of that money to the facility where the medical care was provided. The facility shall collect that money and apply it to defray the cost of medical care.

B. A prisoner or juvenile who is transferred to another facility remains liable for any restitution authorized under this chapter. The facility receiving the prisoner or juvenile shall collect the restitution and transfer it to the facility where the damage occurred or where the medical care was provided.

C. Restitution is not authorized if its imposition would create an excessive financial hardship, as determined by the department, on the dependents of the prisoner. Any payments made for the support of the dependents that are required by the Department of Human Services may not be used for restitution payments.

6. Impartial hearing. If the punishment may affect the term of commitment, sentence or parole eligibility or may involve restitution, labor at any lawful work or segregation, the chief administrative officer of the facility shall, before imposing punishment, provide an impartial hearing at which the client has the following rights.

A. The client is entitled to be informed in writing of the specific nature of the alleged misconduct.

B. The client is entitled to the right to be present at the hearing, except that the client may be prevented from attending or be removed if the client's behavior indicates that the client is in danger of self-injury or a danger to other persons or property.

C. The client is entitled to present evidence on the client's behalf.

D. The client is entitled to call one or more witnesses, which right may not be unreasonably withheld or restricted.

E. The client is entitled to question any witness who testifies at the hearing, which right may not be unreasonably withheld or restricted.

F. The client is entitled to be represented by counsel substitute as prescribed in the rules.

G. A record must be maintained of all disciplinary complaints, hearings, proceedings and dispositions.

H. The client is entitled to appeal the final disposition, before imposition of punishment, to the chief administrative officer of the facility.

I. If, at any stage of the proceedings, the client is cleared of the charges in a complaint, or the complaint is withdrawn, all documentation relating to the complaint must be expunged.

§3033. Work assignments

1. Public works. The commissioner may authorize the employment of able-bodied prisoners in the construction and improvement of highways or other public works within the State under such arrangements as may be made with the Department of Transportation or with another department or commission of the State, county or municipality in charge of these public works, and the commissioner may prescribe whatever rules and conditions the commissioner considers expedient to ensure the proper care and treatment of the prisoners while so employed and to ensure their safekeeping and return.

2. **Fire or disaster.** The commissioner may authorize the training and use of able-bodied prisoners by the Bureau of Forestry or the Maine Emergency Management Agency, to fight fires or provide assistance during or after a civil disaster.

3. **Charitable property improvement.** The commissioner may authorize the use of able-bodied prisoners to provide assistance in the improvement of property owned by charitable, 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 commissioner may request that charitable, nonprofit organizations pay for the transportation of the prisoners and pay the per diem compensation of guards, correctional officers or instructors who must accompany the prisoners or oversee the work to be performed.

4. **Prohibited act.** A person is guilty of escape under Title 17-A, section 755, if that person is a prisoner and escapes from any assignments described in this section or from any other assignment beyond the walls or other security restraints surrounding a correctional facility or otherwise off the grounds of an assigned location.

§3034. Prisoner labor (REPEALED)

§3035. Rehabilitative programs

The commissioner may adopt, implement and establish rules for rehabilitative programs, including work release, restitution and furlough, as authorized by Title 17-A, chapter 54, within the facilities under the commissioner's control.

1. **Work release and restitution.** The chief administrative officer may permit any client under sentence to the department and any juvenile client considered to be worthy of trust to participate in activities outside the facility under the following conditions.

A. Activities may include training and employment.

B. Activities are subject to rules promulgated by the commissioner.

C. Activities must, in the judgment of the chief administrative officer, contribute to the reformation of the client and assist in preparing the client for eventual release.

D. Transportation to work release job sites must be arranged by the commissioner.

(1) Clients participating in the work release program must be assessed an equitable share of the cost of the transportation.

(2) Funds received from clients for work release transportation must be placed in the General Fund.

E. Every client participating in the work release program is liable for the cost of board in the facility.

(1) The reasonable cost of board for a client in a facility is fixed by the commissioner. In fixing the reasonable cost of the board to be paid, the commissioner shall take into consideration other state laws or judicial determinations that affect the client's income.

(2) Funds received from clients for the board must be placed in the General Fund.

2. **Furlough.** Subject to subsection 5, the commissioner may grant to a client under sentence to the department and a juvenile client furlough from the facility in which the client is confined under the following conditions.

A. Furlough may only be granted subject to rules adopted by the commissioner.

B. Furlough may be granted for not more than 10 days at one time for a visit to a dying relative, for attendance at the funeral of a relative, for the contacting of prospective employers or for any other reason consistent with the rehabilitation of a client.

C. Furlough may be granted for the obtaining of medical services for a period longer than 10 days if medically required.

3. Copy of rules. Copies of rules must be provided to clients as follows.

A. The chief administrative office of a facility adopting a rehabilitative program under this section shall provide to any client permitted outside a facility under this section a copy of the rules of the commissioner applicable to the program in which the client is permitted to participate or to the client's furlough.

B. The client shall attest to the receipt of the copy of the rules.

4. Prohibited acts. Prohibited acts under this section are governed as follows.

A. A person who is 17 years of age or older is guilty of interference with a rehabilitative program or furlough if the person willfully obstructs, intimidates or otherwise abets any client participating in a program, or on furlough, under this section, and thereby contributes or causes the client to violate the terms of the client's program participation or furlough, after having been warned by the chief administrative officer of the facility to end the relationship or association with the client.

B. Interference with a rehabilitative program or furlough is a Class E crime, except that, notwithstanding Title 17-A, the court may sentence a person to imprisonment for not more than 11 months.

5. Time served before furlough. No furlough may be granted until the client has served 50% of the original sentence imposed, after consideration of any good time that the client has received and retained under Title 17-A, section 1253. This section does not apply to furloughs granted under subsection 2, paragraph B or C.

6. Notification of law enforcement agencies. A prisoner may not participate in a furlough under subsection 2 unless, in advance of the chief administrative officer's consideration of the request for that furlough, the department notifies:

A. The district attorney for the district in which the prisoner will reside;

B. The sheriff for the county in which the prisoner will reside;

C. The chief of police of any municipality in which the prisoner will reside;

D. The Department of Public Safety; and

E. The district attorney for the district where the prisoner's underlying commitment to the department originated.

If the department grants a prisoner furlough request, the department shall again notify those listed in paragraphs A to E.

A furlough may be granted in an emergency without any prior notification as long as notification is given as soon as practicable.

§3035-A. Solid waste recycling program (REPEALED)

§3036. Halfway house program (REPEALED)

§3036-A. Supervised community confinement program

1. Establishment. The commissioner may adopt rules establishing and governing a supervised community confinement program for certain prisoners committed to the department.

2. Participation. With the consent of the prisoner the commissioner may permit any prisoner committed to the department to be transferred from a correctional facility to supervised community confinement subject to the following restrictions.

A. A transfer to supervised community confinement may only be granted subject to rules adopted by the commissioner.

B. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 2/3 of the term of imprisonment imposed or, in the case of a split sentence, at least 2/3 of the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is more than 5 years. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 1/2 of the term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended portion after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is 5 years or less.

C. A prisoner may not be transferred to supervised community confinement unless the prisoner has no more than one year remaining on the term of imprisonment or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253.

D. A prisoner may not be transferred to supervised community confinement if the prisoner has a security classification level higher than minimum.

3. Mandatory conditions for supervised community confinement. Prisoners transferred to supervised community confinement are subject to the following mandatory conditions.

A. The prisoner must be involved in a program of work or education that is approved by the commissioner together with any treatment program that the commissioner might require.

B. The prisoner must live in a residence that is approved by the commissioner.

C. The prisoner must be subject to a curfew set by the commissioner during which time the prisoner must be at the approved residence.

D. The prisoner must be subject to travel or movement restrictions set by the commissioner limiting the prisoner's travel to times and places directly related to approved employment, education, treatment or such other specific purposes as are approved in advance by the commissioner.

E. The prisoner must be subject to searches of the prisoner's person, residence, papers and effects without a warrant and without probable cause, for items prohibited by law or by the conditions of supervised community confinement or otherwise subject to seizure, upon the request of the commissioner. The commissioner may prohibit the prisoner from residing with anyone who does not consent to a search of the residence to the extent necessary to search the prisoner's person, residence, papers and effects.

F. The prisoner may not possess or use illegal drugs or other illegal substances, may not possess or use alcohol and may not abuse any other legal substance.

G. The prisoner must submit to urinalysis, breath testing or other chemical tests without probable cause at the request of the commissioner.

H. The prisoner must notify any law enforcement officer, if stopped, of the prisoner's status as a prisoner on supervised community confinement and notify the commissioner within 8 hours of any such contact with any law enforcement officer.

I. The prisoner may not violate state or federal criminal law.

J. When required by the commissioner and to the extent that the commissioner determines that the prisoner has the financial resources, the prisoner must pay part or all of the costs of the prisoner's participation in the supervised community confinement program.

4. Additional conditions. In addition to the mandatory conditions, the conditions of supervised community confinement that may be imposed on a prisoner at any time include:

A. Any condition that may be imposed as a condition of probation pursuant to Title 17-A, section 1204; and

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

5. **Copy of rules.** Copies of rules must be provided to prisoners as follows.

A. The commissioner shall provide to any prisoner permitted to participate in the supervised community confinement program under this section a copy of the rules applicable to the program.

B. The prisoner shall attest to the receipt of the copy of the rules.

6. **Prohibited acts.** Prohibited acts under this section are governed as follows

A. A person 18 years of age or older is guilty of interference with supervised community confinement if that person intentionally or knowingly obstructs, intimidates or otherwise abets any prisoner participating in the supervised community confinement program under this section and intentionally contributes or causes the prisoner to violate any term of supervised community confinement program participation, after having been warned by the commissioner to end the offending activity.

B. Interference with supervised community confinement is a Class D crime.

7. **Investigation of compliance.** The commissioner, at any time and in any manner the commissioner determines appropriate, may investigate compliance with the conditions imposed. The means of investigation may include, but are not limited to, the following:

A. Personal contact with the prisoner at the prisoner's residence, place of employment or any other place;

B. Direct inquiry of the prisoner's employer, school or any other person or entity;

C. Criminal, court and police agency investigations; and

D. Credit and other financial inquiries.

8. **Funding.** Funds generated pursuant to this section must be deposited into the Supervised Community Confinement Account established by the department, except that where authorized by the department, a person participating in the supervised community confinement program may be required to pay fees directly to a provider of electronic monitoring, drug testing or other services. Funds from this account, which may not lapse, must be used to pay for the costs of the supervised community confinement program.

9. **Probation violation; revocation.** If a prisoner on supervised community confinement violates a condition of supervised community confinement imposed on the prisoner and if the violation conduct is also a violation of a condition of probation imposed as part of the sentence the prisoner is serving while on supervised community confinement, a probation officer may file with any court a motion for revocation of probation and the court may revoke probation as specified in Title 17-A, section 1206.

10. **Terminally ill prisoner.** With the consent of the prisoner, the commissioner may permit a prisoner committed to the department to be transferred from a correctional facility to supervised community confinement without meeting the requirements of subsection 2, paragraphs B and C if the facility's treating physician has determined that the prisoner is terminally ill and that care outside the correctional facility for the remainder of the prisoner's illness is medically appropriate. The prisoner shall live in a hospital or other appropriate care facility, such as a nursing facility or residential care facility, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable.

§3037. Physical and mental examination

1. **Requirement.** The commissioner may require a physical and mental examination of any client.

2. **Examiners.** The commissioner shall designate competent examiners.

§3038. Administration of medication

The administration of medication in facilities operated by the department must be in accordance with rules established by the State Board of Nursing.

1. **Maine Administrative Procedure Act.** The State Board of Nursing shall establish rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

2. **Considerations.** In establishing rules for each type of facility, the State Board of Nursing shall consider, among other factors:

- A. The general health of the persons likely to receive medication;
- B. The number of persons served by the facility; and
- C. The number of persons employed at the facility.

§3038-A. Care of children of committed offenders

1. **Commitment of child.** If a client, at the time of commitment to the custody of the Department of Corrections, is the parent of and is providing exclusive care for any child who might otherwise be left without proper care or guardianship, the judge committing that client shall cause the child to be committed to:

- A. A children's home provided by law for the child's care or guardianship;
- B. The care and custody of some relative or proper person willing to assume the care; or
- C. The custody of the Department of Human Services.

2. **Controlling statute.** Any commitment of a child under this section is subject to Title 22, sections 4006, 4037, 4038, 4061 and 4063.

§3039. Clients' money

When any client confined in a correctional or detention facility receives money from any source, including compensation for work authorized under other sections of Maine law or by a policy of the department, the money must be deposited in that facility's clients' account.

1. **Accounts.** The chief administrative officer shall promulgate rules for use of the clients' account. These rules must include a provision allowing a client to remove that client's money from the clients' account and place it in any type of investment outside the facility chosen by the client. The chief administrative officer shall keep a record of all money in the clients' account and is responsible for safekeeping of the money while the client is in the custody of the department and for the delivery of that money to the client upon the client's discharge.

2. **Interest.** Any interest accruing as a result of the deposit of that money in the clients' account may, after first being used to defray expenses of the account, be expended by the chief administrative officer of the facility for the general welfare of all clients at that facility.

3. **Use.** During the client's confinement, any client may use that client's money in the clients' account by authorizing the chief administrative officer to disburse the money in accordance with the rules governing the clients' account.

§3039-A. Family support

A prisoner may not participate in an industry program under section 1403, a work program under section 3035 or any other program administered by the department by which a prisoner is able to generate money unless the prisoner consents to pay at least 25% of that money for the support of any dependent child if the parent, legal guardian or legal custodian of the child requests that payment. Upon the written request of a parent, legal guardian or legal custodian, the chief administrative officer of the correctional facility where the prisoner is incarcerated shall collect and disburse to the parent, legal guardian or legal custodian that portion of the prisoner's money to be paid for the support of the dependent child. This section does not apply to any prisoner making payments for the support of a dependent child pursuant to a support order issued by a court or by the Department of Human Services.

§3040. Clients' property presumed abandoned

Any property abandoned or unclaimed by a client in a correctional or detention facility must be disposed of according to Title 33, chapter 41.

§3040-A. Property of deceased clients

Property remaining in a correctional or detention facility as a result of a client's death is governed as follows.

1. **Payment.** Except as provided in subsection 4, if any client under the control of the department dies, leaving on deposit in the client's account at a correctional or detention facility an amount not exceeding \$1,000, and no personal representative of the client's estate is appointed, the chief administrative officer may pay the balance of the client's account to the surviving spouse or next of kin in accordance with the Probate Code, Title 18-A, sections 2-101 to 2-114, to the funeral director having any bill outstanding for the burial of the decedent or to any other preferred creditor or creditors who may appear to be entitled thereto, and shall deliver personal property in the chief administrative officer's custody to the surviving spouse or next of kin in accordance with the Probate Code, Title 18-A, sections 2-101 to 2-114.

2. **Time of payment.** Payments or delivery pursuant to subsection 1 may not be made until 60 days have elapsed following the date of death of the client.

3. **Liability of payment.** For any payment or delivery made pursuant to subsections 1 and 2, the chief administrative officer or the chief administrative officer's designee acting under this section may not be held liable to the decedent's personal representative thereafter appointed, or to the decedent's heirs, successors or assigns.

4. **Alternative payment.** Notwithstanding subsection 1, upon presentation of an affidavit under Title 18-A, section 3-1201, the chief administrative officer shall pay the balance of any deposit in the client's account at a correctional or detention facility and deliver the decedent's personal property to the client's successor under Title 18-A, sections 3-1201 and 3-1202. The payments under this subsection take precedence over payments under subsection 1 to the extent of the balance of the deposits in the clients' account and the personal property remaining in the custody of the chief administrative officer at the time the affidavit is presented.

§3041. Reduction of sentence (REPEALED)

§3042. Disposition of detainees

1. **Notice to prisoner.** The commissioner, chief administrative officer or other official having custody of a prisoner serving a term of imprisonment in a correctional facility in this State shall promptly inform the prisoner in writing of:

A. The source and contents of any untried indictment, information or complaint pending in this State against the prisoner of which the commissioner, warden or other official has knowledge; and

B. The prisoner's right to request a final disposition of the untried indictment, information or complaint.

2. **Right to trial.** A prisoner serving a term of imprisonment in a correctional facility in this State is entitled to be brought to trial on any untried indictment, information or complaint pending in this State against him within 180 days after giving proper notice in accordance with subsections 3 and 4.

3. **Proper notice.** To constitute proper notice under subsection 2, the prisoner must send to the prosecuting official of the county in which the indictment, information or complaint is pending, and to the appropriate court, the following:

A. Written notice of the place of imprisonment;

B. Written notice of the request for final disposition to be made of the untried indictment, information or complaint; and

C. A certificate of the commissioner, warden or other official having custody of the prisoner stating:

- (1) The term of commitment under which the prisoner is held;
- (2) The time already served on the sentence;
- (3) The time remaining to be served;
- (4) The amount of good time earned;
- (5) The time of parole eligibility of the prisoner; and
- (6) Any decisions of the State Parole Board relating to the prisoner.

4. Manner of giving proper notice. The manner of giving proper notice under subsection 2 is as follows.

A. The prisoner shall give or send the written notice of place of imprisonment and the written notice of request for final disposition to the commissioner, warden or other official having custody of him.

B. The commissioner, warden or other official having custody of the prisoner shall promptly forward the written notices, together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

5. Continuance. For good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

6. Time limitation. If the prisoner is not brought to trial on the untried indictment, information or complaint within 180 days after the prisoner gave or sent proper notice under subsection 2:

- A. The untried indictment, information or complaint is no longer of any force or effect;
- B. No court has jurisdiction over it; and
- C. The appropriate court shall enter an order dismissing it with prejudice.

7. Effect of escape. If a prisoner escapes from custody after his execution of the request for final disposition, his request is voided.

8. Exception. This section does not apply to any person adjudged to be mentally ill.

§3043. Aliens

1. Notification of immigration officer. When a person is admitted or committed to a correctional facility, a county jail or any other state, county, city or private institution which is supported wholly or in part by public funds, the chief administrative officer of the facility, jail or institution shall inquire at once into the nationality of the person and, if it appears that the person is an alien, the chief administrative officer shall notify immediately the United States immigration officer in charge of the district in which the facility, jail or institution is located, of:

- A. The date of and the reason for the alien's admission or commitment;
- B. The length of time for which the alien is admitted or committed;
- C. The country of which the alien is a citizen; and
- D. The date on which and the port at which the alien last entered the United States.

2. Copy of record to immigration officer. Upon the official request of the United States immigration officer in charge of the territory or district in which is located any court committing an alien to a correctional facility, a county jail or any other state, county, city or private institution which is supported wholly or in part by public funds, the clerk of the court shall furnish without charge a certified copy of:

- A. The complaint, information or indictment;
- B. The judgment and sentence; and
- C. Any other record pertaining to the alien's case.

§3044. Escapees; fugitives; apprehension

1. Escapees. The commissioner shall take all proper measures for, and may, with the approval of the Governor, offer a reward for the apprehension and return of any client in any correctional or detention

facility who has escaped from the control of the department.

A. The reward may not exceed \$1,000.

B. Upon satisfactory proof that the terms of the reward offer have been complied with, the Governor may draw a warrant upon the Treasurer of State for the payment of the reward.

2. **Fugitives.** When there is reasonable cause to believe that a person charged with a crime and unapprehended for it cannot be arrested and secured in the ordinary course of proceedings, the Governor may, upon application in writing of the Attorney General or district attorney for the county in which the crime was committed, and upon terms which he deems expedient and proper, offer a suitable reward for the arrest, return and delivery into custody of the fugitive from justice.

A. The reward may not exceed \$1,000.

B. Upon satisfactory proof that the terms of the reward offer have been complied with, the Governor may draw his warrant upon the Treasurer of State for the payment of the reward.

§3045. Unnatural death of client

When the death of any client in any correctional or detention facility is not clearly the result of natural causes, an examination and inquest must be held as in other cases, and the commissioner or the chief administrative officer of the facility shall cause a medical examiner to be immediately notified for that purpose.

§3046. Funeral and deathbed visits

At the discretion of and under conditions prescribed by the commissioner, a client confined in a correctional or detention facility may attend the funeral of the client's spouse, natural, foster or adoptive mother, father, son, daughter, grandfather or grandmother, grandchild, brother or sister, or the client's stepmother, stepfather, stepson, stepdaughter, stepgrandfather or stepgrandmother, stepgrandchild or stepbrother or stepsister and may be permitted deathbed visits to any of those persons, if the funeral or visit is held within the State.

1. **Certification of terminal illness.** Before a deathbed visit is permitted, terminal illness must be certified to the commissioner by the attending physician.

2. **Costs.** The client, if able, shall pay the cost of transportation and the per diem compensation of the accompanying officers if the officers are required by the commissioner.

§3047. Discharge or parole

When any prisoner sentenced to the department is paroled or discharged, the commissioner:

1. **Clothing.** Shall ensure that the prisoner is provided with decent clothing;

2. **Money.** May give the prisoner an amount equal to the net salary of a single wage earner with no dependents for 40 hours of work at the state minimum wage less all applicable state and federal deductions provided that any amount in excess of \$50 may not be provided by the General Fund, except that the commissioner may not give money to a prisoner who:

A. Has, within the 6 months prior to the date of parole or discharge, transferred from the clients' account to any person more than \$500, excluding any money transferred for the support of dependents; or

B. Has, on the date of parole or discharge, more than \$500 in personal assets;

3. **Transportation.** Shall furnish transportation to the place where the prisoner was convicted, except that:

A. If the prisoner's home is within the State, transportation must be furnished to the prisoner's home;

B. If the prisoner has secured employment within the State, transportation must be furnished to the place of employment.

C. If the prisoner's home is outside the State, or if the prisoner has secured employment outside the State, transportation must be furnished to the place on the Maine border nearest the place of employment;

or

D. If the prisoner requests a reasonable place nearer the place of incarceration than any of the foregoing, transportation must be furnished to that place; or

4. **Extreme circumstances.** May, in extreme circumstances, if the prisoner's home is outside the State, or if the prisoner has secured employment outside the State, furnish transportation to the prisoner's home or place of employment.

Article 3: TRANSFER AND REMOVAL OF COMMITTED OFFENDERS

§3061. Transfer to correctional facilities

1. **Transfer.** The commissioner may transfer any client from one correctional or detention facility or program, including prerelease centers, work release centers, halfway houses, supervised community confinement or specialized treatment facilities, to another, except that no juvenile may be transferred to another facility or program for adult offenders.

2. **Applicable rules.** Any person transferred under this section shall be subject to the general rules of the facility or program to which he is transferred, except that.

A. The term of his original sentence or commitment remains the same unless altered by the court; and

B. The person becomes eligible for release and discharge as provided in Title 17-A, section 1254.

§3062. Transfer from the prison to a federal correctional institution

1. **Requirements.** The commissioner may transfer any prisoner sentenced to the department to a federal penal or correctional institution if the United States Bureau of Prisons accepts the commissioner's application for transfer of the prisoner.

2. **Contract.** The commissioner may contract with the Attorney General of the United States, or such officer as the Congress may designate under the United States Code, Title 18, Section 5003 and acts supplementing and amending it, in each individual case for the care, custody, subsistence, education, treatment and training of any person transferred under this section.

A. The contract must provide for the reimbursement of the United States in full for all costs or other expenses involved, the costs and expenses to be paid from the appropriation for the operation of the correctional facility.

B. The chief administrative officer shall affix to the contract a copy of the mittimus or mittimuses under which the prisoner is held.

C. The contract and mittimus or mittimuses are sufficient authority for the United States to hold the prisoner on behalf of the State.

3. **Effect on prisoner.** The rights of transferred prisoners are governed as follows.

A. A prisoner transferred under this section is subject to the terms of his original sentence or sentences as if he were serving the sentence or sentences within the confines of the prison.

B. Nothing in this section deprives a prisoner transferred under this section of his rights to parole or his rights to legal process in the courts of this State.

§3063. Transfer to jails

1. **Transfer of prisoner.** The commissioner may transfer a prisoner serving a sentence in a correctional facility to a county jail, upon the request of the chief administrative officer and the approval of the sheriff of the jail

2. **Cost of transfer.** The department shall pay the cost of the transfer or the return of the prisoner.

3. **Reimbursement.** Upon the request of the sheriff of the jail receiving a prisoner pursuant to this section, the department shall pay directly to the jail an amount computed at a per diem per capita rate established by the jail. The department shall reimburse the jail for costs incurred in the provision of

extraordinary medical or surgical treatment to the person transferred. The payment amount provided for in this section may be adjusted or dispensed with on terms mutually agreeable to the department and the sheriff, if the department houses any prisoners for the jail.

4. Transferee subject to rules. A person transferred under this section is subject to the general rules of the facility to which the person is transferred, except that:

A. The term of the original sentence remains the same unless altered by the court;

B. The person becomes eligible for meritorious good time as provided in Title 17-A, section 1253 for a person committed to the department;

C. The person becomes eligible for release and discharge as provided in Title 17-A, section 1254 for a person committed to the department;

D. The person is entitled to have the time served in the jail under this section deducted from the sentence; and

E. A person transferred under this section becomes eligible for furloughs, work or other release programs, and supervised community confinement as authorized by sections 3035 and 3036-A and may apply pursuant to the rules governing the correctional facility from which the prisoner was transferred.

5. Return of prisoner. A prisoner transferred pursuant to this section must be returned to the department upon the request of the commissioner or the sheriff.

§3063-A. Transfer from jails

The commissioner may accept custody of persons transferred to the department from county jails under Title 30-A, section 1557-A.

§3064. Transfer from the prison to the minimum security unit (REPEALED)

§3065. Transfer from the prison to jails (REPEALED)

§3066. Transfer from the Maine Correctional Center (REPEALED)

§3067. Transfer from the Charleston Correctional Facility (REPEALED)

§3068. Transfer from jails (REPEALED)

§3069. Hospitalization for mental illness

1. Involuntary. When an inmate of a correctional or detention facility has been determined by a competent medical authority to require inpatient treatment for mental illness, the chief administrative officer of that facility shall make application in accordance with Title 34-B, section 3863.

A. Any person with respect to whom an application and certification under Title 34-B, section 3863 are made may be admitted to either state mental health institute.

B. Except as otherwise specifically provided in this section, Title 34-B, chapter 3, subchapter IV, Article III, is applicable to the person as if the admission of the person were applied for under Title 34-B, section 3863.

C. A copy of the document by which the person is held in the facility must accompany the application for admission.

D. If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the time the person is ready for discharge from hospitalization, the person must be returned by the appropriate officers of the correctional or detention facility.

E. Admission to a hospital under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law.

2. **Voluntary.** The chief administrative officer of a correctional or detention facility may permit a person confined in the facility to apply for informal admission to a state mental health institute under Title 34-B, section 3831.

A. Except as otherwise provided in this section, the provisions of law applicable to persons admitted to a state mental health institute under Title 34-B, chapter 3, subchapter IV, Article II, apply to any person confined in a correctional or detention facility who is admitted to a state mental health institute under that section.

B. A copy of the document by which the person is held in the facility must accompany the application for admission.

C. If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the time the person is ready for discharge from hospitalization, the person must be returned by the appropriate officers of the correctional or detention facility.

D. Admission to a mental health institute under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law.

3. **Reincarceration planning.** For each person hospitalized pursuant to this section, the Department of Behavioral and Developmental Services, in consultation with the chief administrative officer of the correctional facility and before the person is transferred back to the correctional facility, shall develop a written treatment plan describing the recommended treatment to be provided to the person.

4. **Review use of seclusion and restraint with prisoners with major mental illness; report.** Beginning October 1, 2003, the Department of Behavioral and Developmental Services, utilizing its medical directors and forensic psychiatrists, shall review the use of seclusion and restraint with prisoners with major mental illness in all adult correctional facilities. The department and the Department of Behavioral and Developmental Services shall agree to the design and scope of this review. This review must include, but not be limited to, a case review of the rates of and duration of such practices with prisoners with major mental illness, whether the use of seclusion and restraint is appropriate and whether there is a pattern of restraint and seclusion with any particular prisoners with major mental illness. Beginning December 30, 2004 and annually thereafter, the Department of Behavioral and Developmental Services shall issue a written report that includes its findings and recommendations for improvements determined to be necessary. That report must be forwarded to the commissioner and to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

§3070. Hospitalization for mental retardation (REPEALED)

§3071. Removal for disease

1. **Dangerous diseases.**

2. **Contagious diseases.** If a client in any correctional or detention facility requires medical care outside the facility, the commissioner may:

A. Cause the client to be removed to some suitable place of security where the client will receive all necessary care and medical attention; and

B. Cause the client to be returned as soon as possible to the facility to be confined according to the sentence, if unexpired.

3. **Tuberculosis.**

4. **Civil action to recover certain costs.** The State may bring a civil action in any court of competent jurisdiction to recover the cost of any medical, dental, psychiatric or psychological expenses incurred by the State on behalf of a client under this section. The following assets are not subject to judgment under this subsection:

A. Joint ownership, if any, that the client may have in real property;

B. Joint ownership, if any, that the client may have in any assets, earnings or other sources of income; and

C. The income, assets, earnings or other property, both real and personal, owned by the client's spouse or family.

§3072. Treaty; transfer of non-citizens 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.

§3073. Transportation to and from courts

Notwithstanding any other provision of law, transportation of a prisoner between a correctional facility and a court in connection with the prosecution of the prisoner for a crime committed within a correctional facility is the responsibility of the department, unless the department and the sheriff agree that the sheriff will undertake the responsibility of the transportation at an agreed-upon rate of reimbursement to the county by the department.

Subchapter 2: MAINE STATE PRISON

Article 1: GENERAL PROVISIONS

§3201. Maintenance (REPEALED)

§3201-A. Establishment

The Maine State Prison in Knox County is established for the confinement and rehabilitation of persons lawfully in the custody of the department, as provided by law.

Article 2: PRISON OFFICIALS AND PERSONNEL

§3231. Warden

1. **Chief administrative officer.** The chief administrative officer of the Maine State Prison is called the warden.

2. **Duties.** In addition to other duties set out in this Title, the warden shall supervise and control the prisoners, pretrial detainees, employees, grounds, buildings and equipment at the prison.

3. **Powers.** In addition to other powers granted in this Title, the warden has the following powers.

A. The warden may appoint deputy wardens, subject to the Civil Service Law. A deputy warden designated by the warden has the powers, duties, obligations and liabilities of the warden when the warden is absent from the prison location or is unable to perform the duties of the office.

B. The warden may, with the written approval of the commissioner, contract with the Director of the Federal Bureau of Prisons acting pursuant to the United States Code, Title 18, Section 4002, for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States, and may receive and detain such persons pursuant to the contracts.

§3232. Deputy warden (REPEALED)

§3233. Prison employees

1. **Duties.** Prison employees have the following duties.

A. Prison officers shall perform the services in the managing, superintending and guarding of the prison as prescribed by the rules or as directed by the warden.

B. If a prisoner at the prison resists the authority of any uniformed or ununiformed officer or refuses to obey his lawful commands, the officer shall immediately enforce obedience.

2. **Powers.** Prison employees have the following powers.

A. Employees of the prison have the same power as sheriffs in their respective counties to search for and apprehend escapees from the prison, when authorized to do so by the warden.

B. Employees of the prison, when authorized by the warden, may carry weapons inside and outside the prison in connection with their assigned duties or training.

3. **Uniforms.** Prison employee uniforms are governed as follows.

A. Employees of the prison may be provided, at the expense of the State, with distinctive uniforms for use when required for the performance of their official duties and which shall remain the property of the State.

B. Employees of the prison may be provided with an equivalent clothing allowance when the private purchase of special clothing is similarly required for the performance of their official duties.

§3234. Overseers

1. **Employment.** When practicable, the warden shall employ persons having suitable knowledge and skill in the fields of labor and manufacture carried on in the prison to supervise activities in those fields assigned to them by the warden.

2. **Services.** Persons employed under subsection 1 shall perform the services in the managing, supervising and guarding of the prison as prescribed by the prison rules or as directed by the warden.

§3235. Physician (REPEALED)

§3236. Chaplain

1. **Appointment.** The warden shall appoint suitable persons as chaplains. Notwithstanding Title 5, section 902, subsection 3, any part-time chaplain position at the Maine State Prison may be a job-sharing position.

2. **Duties.** The prison chaplains shall, in accordance with the rules of the prison

A. Conduct religious services;

B. Visit the sick;

C. Labor diligently and faithfully for the mental, moral and religious improvement of the prisoners; and

D. Aid the prisoners, when practicable, in obtaining employment after their discharge.

3. **Powers.** The chaplains may, with the assent of the warden, establish a religious educational program and may admit persons of proper character from outside the prison to assist in it.

Article 3: PRISONERS

§3261. Delivery to the prison

When a person is convicted and sentenced to the department and is to be transported to the prison from any county:

1. **Duties of commissioner.** The commissioner shall immediately notify the warden and the sheriff of the county in which the sentencing court is located;

2. **Duties of the sheriff.** The sheriff of the county in which the sentencing court is located shall:

A. Transport the person to the prison, using a sufficient number of the sheriff's appointed deputies when necessary; and

B. Deliver the person to the officer in charge of the prison between the hours of 8 a.m. and 4 p.m. Monday to Friday, except for holidays, unless prior arrangements for an alternative time have been made with the warden, accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707;

3. Duties of the jail keeper. When, during the conveyance of a person to the prison in pursuance of that person's sentence, it is necessary or convenient to lodge the person for safekeeping in a jail until the remainder of the conveyance can be conveniently performed, the keeper of the jail shall:

A. Receive and safely keep and provide for the person, reasonable charges and expenses for this service to be paid from the State Treasury; and

B. Deliver the person to the custody of the deputy employed to convey the person, when that deputy calls for the person; and

4. Duties of the warden. The warden shall:

A. File the warrant and record, as provided by Title 15, section 1707, with the warden's return on the warrant in the warden's office; and

B. Cause a copy of the warrant of commitment to be filed in the office of the clerk of court from which it was issued.

§3262. Receipt of United States prisoners (REPEALED)

§3263. Sentence duration (REPEALED)

§3264. Conditions of imprisonment

Prisoners in the prison shall work at tasks normal to the maintenance, service, industrial, agricultural and other activities of the prison.

§3265. Disciplinary action (REPEALED)

§3266. Prisoner employment and training

1. Minimum security unit. The warden may establish a vocational training program at the minimum security unit to provide prisoners skills designed to assist in the acquisition and retention of employment following parole or discharge. The warden may employ prisoners at the minimum security unit in work involving public restitution.

2. Leased facilities.

3. Effect on sentences.

4. Rules.

5. Escape. Prisoners who escape from the Maine State Prison minimum security unit are guilty of escape as if the escape were from the confines of the prison and are punishable in accordance with Title 17-A, section 755.

§3267. Funerals and deathbed visits (REPEALED)

§3268. Discharge or parole (REPEALED)

Subchapter 3: MAINE CORRECTIONAL CENTER

§3401. Establishment

The Maine Correctional Center in South Windham is established for the confinement and rehabilitation of persons, male and female, lawfully in the custody of the department, as provided by law.

1. Men.

2. Women.

3. Adult pretrial detainees.

4. Juvenile pretrial detainees.

§3402. Superintendent

1. **Chief administrative officer.** The chief administrative officer of the Maine Correctional Center is called the superintendent.

2. **Duties.** In addition to other duties set out in this Title, the superintendent shall supervise and control the prisoners, pretrial detainees, employees, grounds, buildings and equipment at the center.

3. **Powers.** In addition to other powers granted in this Title, the superintendent has the following powers.

A. The superintendent may appoint 2 assistant superintendents, subject to the Civil Service Law. An assistant superintendent designated by the superintendent has the powers, duties, obligations and liabilities of the superintendent when the superintendent is absent from the center location or is unable to perform the duties of the office.

B. The superintendent may, with the written approval of the commissioner, contract with the Director of the Federal Bureau of Prisons acting pursuant to the United States Code, Title 18, Section 4002, for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States, and may receive and detain such persons pursuant to the contracts.

§3403. Prisoners generally

1. **Conditions of confinement.** Conditions of confinement of prisoners are governed as follows.

A. The superintendent shall detain and confine all persons committed to the department in accordance with the sentences of the courts and with the rules of the department.

B. The superintendent shall provide for the safekeeping or employment of persons committed to the department in order to teach them a useful trade or profession and to improve their mental and moral condition, which may include work involving public restitution.

2. **Housing.** The superintendent shall maintain separate housing facilities for men and women.

3. **Convicted boundover juveniles.**

4. **Industries program.**

§3404. Pregnant women

If any woman is, at the time of her commitment to the center, pregnant with a child who will be born after her commitment, the custody of the child, at the instance of the commissioner, shall be determined in accordance with Title 22, chapter 1071.

§3405. Maine Correctional Center employees

1. **Powers.** Employees of the center:

A. Have the same power as sheriffs in their respective counties to search for and apprehend escapees from the center when authorized to do so by the superintendent; and

B. May carry weapons and other security equipment when authorized by the superintendent inside and outside the center in connection with their assigned duties or training.

2. **Uniforms.** Maine Correctional Center employee uniforms are governed as follows.

A. Employees of the center may be provided, at the expense of the State, with distinctive uniforms for use when required for the performance of their official duties and which shall remain the property of the State.

B. Employees of the center may be provided with an equivalent clothing allowance when the private purchase of special clothing is similarly required for the performance of their official duties.

§3406. Land grants to the Department of Conservation

The following lands of the former Women's Correctional Center at Skowhegan are granted to the bureaus of the Department of Conservation as follows.

1. **Land grant to Bureau of Parks and Lands.** All of the open land and timberland north of Norridgewock Avenue, excluding the land immediately adjacent to the institutional buildings, is transferred to the Bureau of Parks and Lands, which shall actively manage the timberlands as a working forest.
2. **Land grant to Bureau of Parks and Lands.** All the land lying between Norridgewock Avenue and the Kennebec River, with the exception of the sewerage treatment plant and access thereto, is transferred to the Bureau of Parks and Lands to be managed by the bureau.

§3407. Delivery to the center

When a person is convicted and sentenced to the department and is to be transported to the center from any county:

1. **Duties of commissioner.** The commissioner shall immediately notify the superintendent and the sheriff of the county in which the sentencing court is located;
2. **Duties of the sheriff.** The sheriff of the county in which the sentencing court is located shall:
 - A. Transport the person to the center, using a sufficient number of the sheriff's appointed deputies when necessary; and
 - B. Deliver the person to the officer in charge of the center between the hours of 8 a.m. and 4 p.m. Monday to Friday, except for holidays, unless prior arrangements are made and approved by the superintendent, accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707;
3. **Duties of the jail keeper.** When, during the conveyance of a person to the center pursuant to the person's sentence, it is necessary or convenient to lodge the person for safekeeping in a jail until the remainder of the conveyance can be conveniently performed, the keeper of the jail shall:
 - A. Receive and safely keep and provide for the person reasonable charges and expenses for this service to be paid from the State Treasury; and
 - B. Deliver the person to the custody of the deputy employed to convey the person, when that deputy calls for the person; and
4. **Duties of the superintendent.** The superintendent shall:
 - A. File the warrant and record, as provided by Title 15, section 1707, with the superintendent's return on the warrant in the superintendent's office; and
 - B. Cause a copy of the warrant of commitment to be filed in the office of the clerk of court from which it was issued.

Subchapter 4: CHARLESTON CORRECTIONAL FACILITY

§3601. Establishment

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

§3602. Purposes

The purposes of the Charleston Correctional Facility include vocational and academic education, rehabilitative programs including work release and work involving public restitution.

§3603. Director

1. **Chief administrative officer.** The chief administrative officer of the Charleston 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 Charleston Correctional Facility.

B. The director shall supervise and control the prisoners at the Charleston 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 Civil Service 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.

§3604. Prisoners generally

1. **Evaluation.** Before assignment to the Charleston Correctional Facility, prisoners must be evaluated for security status, program needs and emotional stability by the classification process approved by the Commissioner of Corrections.

2. **Transferred prisoners.** All prisoners transferred to the Charleston Correctional Facility shall be detained and confined in accordance with the sentences of the court and the rules of the department.

3. **Education.** The director shall maintain suitable courses for academic and vocational education of the prisoners

A. The director shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the facility's programs.

B. Before employing instructors in vocational education, the director shall obtain the approval of the Department of Education.

4. **Employment.** The commissioner may authorize the employment of prisoners of the Charleston 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 prisoners employed under this subsection may not be compensated monetarily for the work performed.

D. 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.

5. **Escape.** Any prisoner who escapes from the facility, or from any assignment beyond the grounds of the facility, is guilty of escape under Title 17-A, section 755.

§3605. Charleston Correctional Facility employees

Employees of the Charleston 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.

Subchapter 5: SOUTHERN MAINE JUVENILE FACILITY (HEADING: PL 1999, c. 583, @28 (rpr))

§3801. Establishment

The State shall maintain the Long Creek Youth Development Center, referred to in this subchapter as the "facility," located at South Portland.

1. **Coeducational.** The facility must be coeducational.

2. **Separate housing.** The facility must fully separate the housing facilities for boys and girls.

§3802. Purposes

1. **Statement.** The purposes of the Long Creek Youth Development Center are:

- A. To detain juveniles pending a court proceeding;
- B. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A, and court-ordered examinations pursuant to Title 15, section 3318;
- C. To rehabilitate juveniles committed to a juvenile correctional facility pursuant to Title 15, section 3314, subsection 1, paragraph F;
- D. To protect the public from dangerous juveniles;
- E. To confine juveniles ordered detained pursuant to Title 15, section 3314, subsection 1, paragraph H; and
- F. To confine juveniles ordered detained pursuant to Title 15, section 3312, subsection 3, paragraph D.

2. **Accomplishment.** To accomplish the purposes set out in subsection 1, the disciplines of education, casework, group work, psychology, psychiatry, medicine, nursing, vocational training and religion as they are related to human relations and personality development must be employed. Security measures, whether in the form of physically restrictive construction or intensive staff supervision, when appropriate, may be taken to accomplish these purposes.

§3803. Superintendent

The chief administrative officer of the Long Creek Youth Development Center is called the superintendent.

§3804. Superintendent's powers (REPEALED)

§3804-A. Superintendent's appointment powers

The superintendent may appoint 2 assistant superintendents, subject to the Civil Service Law.

1. **Assistant superintendent.** An assistant superintendent designated by the superintendent has the powers, duties, obligations and liabilities of the superintendent when the superintendent is absent from the center or unable to perform the duties of the office.
2. **Designee.** If there are no assistant superintendents, another employee designated by the superintendent has the powers, duties, obligations and liabilities of the superintendent in the circumstances described in subsection 1.

§3805. Commitment

1. **Eligibility.** Only a juvenile, as defined in Title 15, section 3003, subsection 14, who is 11 years of age or older at the time of commitment may be committed to the facility pursuant to this subchapter and Title 15, Part 6.
2. **Limitations.** A person may not be detained at or committed to the facility who is blind or who is a proper subject for any residential services provided by or through the Department of Behavioral and Developmental Services.
3. **Certification.** When a person is detained at or committed to the facility, the court making the detention or commitment shall certify on the mittimus the person's birthplace, parentage and legal residence.

§3806. Federal juvenile offenders

The commissioner may contract with the Attorney General of the United States for the confinement and support in the Long Creek Youth Development Center of juvenile offenders against the laws of the United States in accordance with the United States Code, Title 18, Sections 706 and 707.

§3807. Human services' custody

1. **Suspension.** When the custody of a child at the time of commitment is in the Department of Human Services, that custody shall be temporarily suspended while the child is in the Long Creek Youth Development Center.

2. **Reversion.** Upon discharge or placement on community reintegration status from the Long Creek Youth Development Center, the custody of the child reverts to the Department of Human Services, if the child is still under 18 years of age.

§3808. Overcrowding (REPEALED)

§3809. Observation

1. **Generally.** When the behavior of a juvenile residing at the Long Creek Youth Development Center presents a high likelihood of imminent harm to that juvenile or to others, presents a substantial and imminent threat of destruction of property or demonstrates a proclivity to be absent from the facility without leave as evidenced by a stated intention to escape from the facility or by a recent attempted or actual escape from any detention or correctional facility, the juvenile may be placed under observation if the juvenile demonstrates that anything less restrictive would be ineffectual for the control of the juvenile's behavior.

2. **Conditions.** Placing a juvenile under observation is subject to the following conditions.

A. Placement under observation must first be approved by the superintendent.

B. The conditions under which a juvenile is placed under observation must conform with all applicable federal and state standards relating to the health and safety of clients in correctional facilities.

C. Placement under observation may not exceed the period of time necessary to alleviate and prevent the reoccurrence of the behavior described in subsection 1 and it may not be used as punishment.

D. When placement under observation exceeds 12 hours, the superintendent shall direct the facility physician or a member of the facility medical staff to visit the juvenile immediately and at least once in each succeeding 24-hour period the juvenile remains under observation to examine the juvenile's state of health.

(1) The superintendent shall give full consideration to recommendations of the physician or medical staff member concerning the juvenile's dietary needs and the conditions of the juvenile's confinement required to maintain the juvenile's health. If the recommendations of the physician or medical staff member are not carried out, the superintendent shall immediately convey the reasons and circumstances for this decision to the commissioner for review and final disposition.

(2) Placement under observation must be discontinued if the superintendent on the advice of the physician determines that placement under observation is harmful to the mental or physical health of the juvenile, except that placement under observation may be continued if the behavior of the juvenile presents a high likelihood of imminent physical harm to that juvenile or others and there is no less restrictive setting in which that juvenile's safety or that of others can be ensured. If placement under observation is continued, the physician or a member of the medical staff shall visit the juvenile at least once every 12 hours.

E. When placement under observation exceeds 24 hours, the superintendent shall direct appropriate facility staff to develop a plan for the further care of the juvenile. The plan must be revised as needed to meet the changing needs of the juvenile.

F. Placement under observation may not exceed 72 hours without the commissioner's approval, which must:

(1) Be in writing;

(2) State the reasons for that approval; and

(3) Be kept on file.

G. If the recommendations of the physician or medical staff member regarding the juvenile's dietary or other health needs while under observation are not carried out, the superintendent shall send a written justification to the commissioner.

H. A juvenile held under observation must be under sight and sound supervision by facility staff, which must be constant if necessary to prevent imminent harm to the juvenile.

§3809-A. Commissioner's guardianship powers

1. **Juvenile client.** The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to person, allowable property that the juvenile client has at the Long Creek Youth Development Center, earnings that the juvenile client receives during the juvenile client's stay at the Long Creek Youth Development Center and the rehabilitation of every juvenile client. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner, staff and rules of the facility until the expiration of the period of commitment or until discharge from the facility.

2. **Juvenile detainee.** The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner, staff and rules of the facility until release from the facility.

3. **Psychiatric hospitalization.** The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to necessary psychiatric hospitalization, including hospitalization in a non-state mental health institution or hospital for the mentally ill. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner and staff and rules of the facility until the expiration of the period of commitment or until discharge from the facility. Nothing in this subsection may be construed to override the requirement to make application for psychiatric hospitalization in accordance with Title 34-B, section 3863, unless hospitalization is made with the juvenile client's consent in accordance with Title 34-B, section 3831. The commissioner may make application for necessary psychiatric hospitalization of a juvenile detainee, including hospitalization in a non-state mental health institution or hospital for the mentally ill, in accordance with Title 34-B, section 3863.

§3810. Community reintegration status

1. **Commissioner's powers.** During a juvenile client's commitment to the facility, the commissioner may, at the commissioner's discretion:

- A. Keep the juvenile client at the facility; or
- B. Place the juvenile client on community reintegration status for a period not exceeding the term of the juvenile's commitment.

2. **Reports.** As often as the commissioner requires, the person or agency caring for the juvenile client while on community reintegration status shall report to the commissioner:

- A. The progress and behavior of the juvenile client, whether or not the juvenile client remains under the care of the person or agency; and
- B. If the juvenile client is not under the care of the person or agency, where the client is.

3. **Center services.** The commissioner shall provide community reintegration services to juvenile clients.

4. **Cancellation.** If the commissioner is satisfied at any time that the welfare of the juvenile client will be promoted by return to the facility, the commissioner may cancel the community reintegration status and resume charge of the client with the same powers as before the placement on community reintegration status was made.

§3811. Return to facility

When a juvenile client who has been placed on community reintegration status, who has been granted a furlough or work or education release or who has been absent from the facility without leave is taken into

custody for the purpose of return to the facility by an officer or employee of the facility, at the direction of the commissioner, or by a law enforcement officer, at the request of the commissioner, and because of the juvenile client's distance from the facility at the time of being taken into custody, it becomes necessary to detain the client overnight:

1. **Temporary detention.** The juvenile client may be temporarily detained in a county jail; and
2. **Return.** The juvenile client must be returned to the facility on the day after being taken into custody, except that, if traveling conditions are unsafe, the client must be returned to the facility at the earliest possible time.

§3812. Discharge

1. **Duty.** The superintendent shall cause a juvenile client to be discharged from the facility:
 - A. When the client becomes 21 years of age or otherwise reaches the end of the period of the Juvenile Court's commitment.
2. **Power.** The superintendent may cause a juvenile client to be discharged from the facility when the superintendent determines that discharge is in the best interest of the client or that the client has benefited optimally from the services and facilities of the facility.

§3813. Power of facility employees

The Long Creek Youth Development Center employees 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 superintendent.

§3814. Transportation

All court-ordered and court-related transportation of juvenile detainees to and from the Long Creek Youth Development Center is the responsibility of the sheriff of the county in which the court is located.

§3815. Arthur R. Gould School

1. **Purpose.** The Arthur R. Gould School, located at the Long Creek Youth Development Center, is devoted to the education and instruction of persons residing at the facility.
2. **Responsibility for maintaining school.** The State, through the Department of Corrections, has the responsibility and expense of maintaining the school in compliance with all elementary and secondary state education requirements for public schools and private schools approved for tuition purposes established in Title 20-A.
3. **School privileges.** A person residing at the Long Creek Youth Development Center is eligible to attend the Arthur R. Gould School and receive education, vocational education, special education and alternative education services in accordance with all state and federal requirements.
4. **Policy review council.**

Subchapter 6: DOWNEAST CORRECTIONAL FACILITY

§3901. Establishment

There is established the Downeast Correctional Facility located in Washington County 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 Civil Service 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.

§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.

Subchapter 8: NORTHERN MAINE REGIONAL JUVENILE DETENTION FACILITY (HEADING: PL 1991, c. 400 (new))

§4101. Establishment

There is established the Mountain View Youth Development Center located in Penobscot County.

§4102. Purposes

The purposes of the Mountain View Youth Development Center are:

1. **Detention.** To detain juveniles pending a court proceeding;

2. **Diagnostic evaluation.** To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A and court-ordered examinations pursuant to Title 15, section 3318;

3. **Confinement.** To confine juveniles ordered detained pursuant to Title 15, section 3314, subsection 1, paragraph H;

4. **Rehabilitation.** To rehabilitate juveniles committed to a juvenile correctional facility pursuant to Title 15, section 3314, subsection 1, paragraph F;

5. **Protection.** To protect the public from dangerous juveniles; and

6. **Confinement pursuant to detention for violation of participation in certain treatments.** To confine juveniles ordered detained pursuant to Title 15, section 3312, subsection 3, paragraph D.

To accomplish the purposes set out in this section, the disciplines of education, casework, group work, psychology, psychiatry, medicine, nursing, applied technology training and religion as they are related to human relations and personality development must be employed. Security measures, whether in the form of physically restrictive construction or intensive staff supervision, when appropriate, may be taken to accomplish these purposes.

§4103. Director

1. **Chief administrative officer.** The chief administrative officer of the Mountain View Youth Development Center 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 supervision over the employees, grounds, buildings and equipment at the Mountain View Youth Development Center.

B. The director shall supervise and control the juvenile detainees at the Mountain View Youth Development Center in accordance with department rules.

3. **Powers.** In addition to the powers granted in this Title, the director may appoint one assistant director, subject to the Civil Service Law. The assistant director has the powers, duties, obligations and liabilities of the director when the director is absent or unable to perform the director's duties.

§4104. Detention

1. **Eligibility.**

A. Only a juvenile, as defined in Title 15, section 3003, subsection 14, who is 11 years of age or older at the time of commitment may be committed to the Mountain View Youth Development Center pursuant to this subchapter and Title 15, Part 6.

2. **Limitations.** A person may not be detained at or committed to the Mountain View Youth Development Center who is blind or who is a proper subject for any residential services provided by or through the Department of Behavioral and Developmental Services.

3. **Certification.** When a person is detained at or committed to the Mountain View Youth Development Center, the court ordering the detention or commitment shall certify on the mittimus the person's birthplace, parentage and legal residence.

§4105. Juvenile detainees generally

All juvenile detainees at the Mountain View Youth Development Center must be detained in accordance with the orders of the court and the rules of the department.

§4106. Powers of employees

Employees of the Mountain View Youth Development Center 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.

§4107. Transportation

All court-ordered and court-related transportation of juvenile detainees to and from the Mountain View Youth Development Center is the responsibility of the sheriff of the county in which the court is located.

§4108. Observation

1. **Generally.** When the behavior of a juvenile residing at the Mountain View Youth Development Center presents a high likelihood of imminent harm to that juvenile or to others, presents a substantial and imminent threat of destruction of property or demonstrates a proclivity to be absent from the facility without leave as evidenced by a stated intention to escape from the facility or by a recent attempted or actual escape from any detention or correctional facility, the juvenile may be placed under observation if the juvenile demonstrates that anything less restrictive would be ineffectual for the control of the juvenile's behavior.

2. **Conditions.** Placing a juvenile under observation is subject to the following conditions.

A. Placement under observation must first be approved by the director.

B. The conditions under which a juvenile is placed under observation must conform with all applicable federal and state standards relating to the health and safety of clients in detention facilities.

C. Placement under observation may not exceed the period of time necessary to alleviate and prevent the reoccurrence of the behavior described in subsection 1 and it may not be used as punishment.

D. When placement under observation exceeds 12 hours, the director shall direct the facility physician or a member of the facility medical staff to visit the juvenile immediately and at least once in each succeeding 24-hour period the juvenile remains under observation to examine the juvenile's state of health.

(1) The director shall give full consideration to recommendations of the physician or medical staff member concerning the juvenile's dietary needs and the conditions of the juvenile's confinement required to maintain the juvenile's health. If the recommendations of the physician or medical staff member are not carried out, the director shall immediately convey the reasons and circumstances for this decision to the commissioner for review and final disposition.

(2) Placement under observation must be discontinued if the director, on the advice of the physician, determines that placement under observation is harmful to the mental or physical health of the juvenile, except that placement under observation may be continued if the behavior of the juvenile presents a high likelihood of imminent physical harm to that juvenile or others and there is no less restrictive setting in which that juvenile's safety or that of others can be ensured. If placement under observation is continued, the physician or a member of the medical staff shall visit the juvenile at least once every 12 hours.

E. When placement under observation exceeds 24 hours, the director shall direct appropriate facility staff to develop a plan for the further care of the juvenile. The plan must be revised as needed to meet the changing needs of the juvenile.

F. Placement under observation may not exceed 72 hours without the commissioner's approval, which must:

(1) Be in writing;

(2) State the reasons for that approval; and

(3) Be kept on file.

G. If the recommendations of the physician or medical staff member regarding the juvenile's dietary or other health needs while under observation are not carried out, the director shall send a written justification to the commissioner.

H. A juvenile held under observation must be under constant sight and sound supervision by facility staff.

§4109. Limit on number of juveniles (REPEALED)

§4110. State responsible for detention (REPEALED)

§4111. Powers of commissioner

1. **Juvenile client.** The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to person, allowable property that the juvenile client

has at the Mountain View Youth Development Center, earnings that the juvenile client receives during the juvenile client's stay at the Mountain View Youth Development Center and the rehabilitation of every juvenile client. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner, staff and rules of the Mountain View Youth Development Center until the expiration of the period of commitment or until discharge from the Mountain View Youth Development Center.

2. **Juvenile detainee.** The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner, staff and rules of the Mountain View Youth Development Center until release from the Mountain View Youth Development Center.

3. **Psychiatric hospitalization.** The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to necessary psychiatric hospitalization, including hospitalization in a non-state mental health institution or hospital for the mentally ill. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner and staff and rules of the facility until the expiration of the period of commitment or until discharge from the facility. Nothing in this subsection may be construed to override the requirement to make application for psychiatric hospitalization in accordance with Title 34-B, section 3863, unless hospitalization is made with the juvenile client's consent in accordance with Title 34-B, section 3831. The commissioner may make application for necessary psychiatric hospitalization of a juvenile detainee, including hospitalization in a non-state mental health institution or hospital for the mentally ill, in accordance with Title 34-B, section 3863.

§4112. Community reintegration status

1. **Commissioner's powers.** During a juvenile client's commitment to the Mountain View Youth Development Center, the commissioner may, at the commissioner's discretion:

A. Keep the juvenile client at the Mountain View Youth Development Center; or

B. Place the juvenile client on community reintegration status for a period not exceeding the term of the juvenile's commitment.

2. **Reports.** As often as the commissioner requires, the person or agency caring for the juvenile client while on community reintegration status shall report to the commissioner:

A. The progress and behavior of the juvenile client, whether or not the juvenile client remains under the care of the person or agency; and

B. If the juvenile client is not under the care of the person or agency, where the client is.

3. **Facility services.** The commissioner shall provide community reintegration services to a juvenile client.

4. **Cancellation.** If the commissioner is satisfied at any time that the welfare of the juvenile client will be promoted by return to the Mountain View Youth Development Center, the commissioner may cancel the community reintegration status and resume charge of the client with the same powers as before the placement on community reintegration status was made.

§4113. Return to the facility

When a juvenile client who has been placed on community reintegration status, who has been granted a furlough or work or education release or who has been absent from the Mountain View Youth Development Center without leave is taken into custody for the purpose of return to the Mountain View Youth Development Center by an officer or employee of the Mountain View Youth Development Center, at the direction of the commissioner, or by a law enforcement officer, at the request of the commissioner, and, because of the juvenile client's distance from the Mountain View Youth Development Center at the time of being taken into custody, it becomes necessary to detain the client overnight:

1. **Temporary detention.** The juvenile client may be temporarily detained in a county jail; and

2. **Return.** The juvenile client must be returned to the Mountain View Youth Development Center on the day after being taken into custody, except that, if traveling conditions are unsafe, the client must be returned to the Mountain View Youth Development Center at the earliest possible time.

§4114. Discharge

1. **Duty.** The director shall cause a juvenile client to be discharged from the Mountain View Youth Development Center when the client becomes 21 years of age or otherwise reaches the end of the period of the Juvenile Court's commitment.

2. **Power.** The director may cause a juvenile client to be discharged from the Mountain View Youth Development Center when the director determines that discharge is in the best interest of the client or that the client has benefited optimally from the services and facilities of the Mountain View Youth Development Center.

§4115. Federal juvenile offenders

The commissioner may contract with the Attorney General of the United States for the confinement and support in the Mountain View Youth Development Center of juvenile offenders against the laws of the United States in accordance with 18 United States Code, Sections 706 and 707.

§4116. Department of Human Services' custody

1. **Suspension.** When the custody of a juvenile at the time of commitment is in the Department of Human Services, that custody must be temporarily suspended while the juvenile is in the Mountain View Youth Development Center.

2. **Reversion.** Upon discharge or placement on community reintegration status from the Mountain View Youth Development Center, the custody of the juvenile reverts to the Department of Human Services, if the juvenile is still under 18 years of age.

Chapter 5: PROBATION AND PAROLE

Subchapter 1: GENERAL PROVISIONS

§5001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Board.** "Board" means the State Parole Board.

2. **Director.**

3. **Division.**

4. **Fine.** "Fine" includes court costs whenever applicable.

5. **Juvenile.** "Juvenile" means a person under the age of 18 years or a person who is alleged to have committed, while under the age of 18 years, any acts or offenses covered by Title 15, Part 6, regardless of whether, at the time of the proceeding, the person is of the age of 18 years or over.

6. **Parole.** "Parole" is a release procedure by which a person may be released from a correctional facility by the State Parole Board prior to the expiration of his maximum term, parole status being in effect under Title 17-A, section 1254, subsection 3, with all provisions of prior laws governing parole continuing in effect.

7. **Probation.** "Probation" means a procedure under which a person found guilty of an offense is released by the court, without being committed to a correctional facility, or with or without commitment to jail or fine, subject to conditions imposed by the court.

§5002. Pardons by the Governor

This chapter does not deprive the Governor of the power to grant a pardon or commutation to any person sentenced to a correctional facility.

§5003. Prohibited acts

1. **Interference with probation.** A person 18 years of age or older is guilty of interference with probation if that person willfully obstructs, intimidates or otherwise abets a probationer under the supervision and control of the department and thereby causes or contributes to causing the probationer to violate the conditions of that person's probation, after having been warned in writing by the commissioner to end that person's relationship or association with the probationer.

A. Interference with probation is a Class E crime, except that, notwithstanding Title 17-A, it is punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

B. This subsection applies to interferences with the probation of probationers who are under the supervision and control of the department at the request of other states under terms of the Uniform Act for Out-of-State Parolee Supervision.

2. **Interference with parole.** A person 18 years of age or older is guilty of interference with parole if that person willfully obstructs, intimidates or otherwise abets a parolee under the supervision and control of the department and thereby causes or contributes to causing the parolee to violate the conditions of parole, after having been warned in writing by the commissioner to end that person's relationship or association with the parolee.

A. Notwithstanding Title 17-A, section 4-A, interference with parole is punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both

B. This subsection applies to interferences with the parole of parolees who are under the supervision and control of the department at the request of other states under terms of the Uniform Act for Out-of-State Parolee Supervision.

Subchapter 2: PAROLE BOARD

§5201. Establishment

There is established, by Title 5, section 12004-G, subsection 7, within the Department of Corrections, a State Parole Board consisting of 5 members.

§5202. Appointment

The Governor shall appoint as the 5 members of the board persons who:

1. **Citizens and residents.** Are citizens and residents of the State; and
2. **Training or experience.** Have special training or experience in law, sociology, psychology or related branches of social science.

§5203. Terms

The terms of the members of the board are:

1. **Four years.** Four years plus the time period until their successors have been appointed and qualified; or
2. **Pleasure of Governor.** During the pleasure of the Governor.

§5204. Vacancy

A vacancy on the board shall be filled for the unexpired term in the same manner in which an appointment is made.

§5205. Expenses

The members of the board shall be compensated according to the provisions of Title 5, chapter 379.

§5206. Meetings

1. **Chairman.** The members of the board shall elect a chairman who shall preside at all meetings of the board when he is present.

2. **Frequency.** The board shall meet at least once every 2 months and may meet as often as necessary, at such times and places as the chairman may designate.

3. **Quorum.** Any 3 members constitute a quorum for the exercise of all powers of the board.

§5207. Cooperation

The Department of Human Services, Department of Corrections and officers and staffs of correctional facilities and law enforcement agencies in the State shall cooperate with the board in exercising its powers and duties.

§5208. Annual report

1. **Preparation of report.** After June 30th of each year, the commissioner shall prepare a detailed report of the work of the board and of probation and parole activities for the preceding fiscal year.

2. **Commissioner's duty.** The commissioner shall send the annual report to the Governor for submission to the Legislature.

§5209. Administrative assistant

1. **Appointment.** The board shall appoint a full-time administrative assistant to serve at the pleasure of the board.

2. **Compensation.** The administrative assistant is entitled to compensation in an amount to be determined by the Governor.

3. **Duties.** The administrative assistant shall perform those duties assigned to him by the board.

4. **Powers.** The administrative assistant may, subject to the rules of the board, conduct a preliminary hearing with a committed offender at any correctional facility and make written recommendations to the board concerning disposition.

§5210. Duties

The board shall:

1. **Time of parole.** Determine the time of parole for each committed offender;

2. **Parole revocation.** Revoke parole when warranted due to a parole violation;

3. **Discharge from parole.** Determine the time of discharge of parolees from parole supervision; and

4. **Advice to Governor.** When requested by the Governor, advise him concerning applications for pardon, reprieve or commutation.

A. The board shall hold hearings, cause an investigation to be made and collect records to determine the facts and circumstances of a committed offender's crime, his past criminal record, his social history and his physical and mental condition as may bear on the application.

B. The board shall make recommendations regarding action by the Governor on the application.

C. All information obtained under this subsection, and any report furnished to the Governor under this subsection, is confidential.

§5211. Powers

1. **Rules.** The board may promulgate rules, in accordance with the Administrative Procedure Act, Title 5, chapter 375, pertaining to its functions set out in this chapter.

2. **Restitution.** The board may authorize and impose as a condition of parole that the person make restitution to his victim or other authorized claimant in accordance with Title 17-A, chapter 54.

3. **Quasi-judicial powers.** The board, or any member of the board, may, in the performance of official duties:

- A. Issue subpoenas;
- B. Compel the attendance of witnesses;
- C. Compel the production of books, papers and other documents pertinent to the subject of its inquiry; and
- D. Administer oaths and take the testimony of persons under oath.

4. **Grant or denial of parole.** The board may grant or deny parole in accordance with the following procedures.

A. If the recommendation of the administrative assistant under section 5209, subsection 4, is to grant parole, the board may make a final decision granting parole without a hearing.

B. If the recommendation of the administrative assistant is to deny parole, the board shall afford the committed offender a hearing before the board and the board may not deny parole without affording the committed offender a hearing.

Subchapter 3: DIVISION OF PROBATION AND PAROLE

§5401. Administration of probation and parole services

The Department of Corrections is charged with the administration of probation and parole services and the Intensive Supervision Program within the State.

1. **Director.**
2. **Employees.**

§5402. Duties and powers of the commissioner with respect to probation and parole services

1. **Appointment.**

2. **Duties.** The commissioner shall:

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

B. Appoint, subject to the Civil Service Law, regional correctional administrators, field probation and parole officers, juvenile caseworkers, Intensive Supervision Program officers and such other employees as may be required to carry out adequate supervision of all probationers, parolees from the correctional facilities, persons on intensive supervision and other persons placed under the supervision of an employee listed in this paragraph;

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;
 - L. Be executive officer and secretary of the board; and
 - M. Aggregate the statistics contained in any reports the department receives on individual probationers and make the aggregated statistics available to other state agencies provided the data is aggregated in such a way that statistics pertaining to any individual probationer can not be disaggregated.
- 3. Powers.** The commissioner may:
- A. Provide necessary specialized services and procedures for the constructive rehabilitation of juveniles;
 - B. Obtain psychiatric, psychological and other necessary services; and
 - C. Sign documents, including warrants and extradition papers, for the board when so instructed by the board.

§5403. Assistant director (REPEALED)

§5404. Probation and parole officers and intensive supervision program officers

In addition to duties prescribed by the commissioner and by the court having jurisdiction, a probation and parole or intensive supervision program officer shall:

- 1. Investigation.** Investigate any criminal case or matter concerning probation, parole or intensive supervision referred to the officer for investigation and report the result of the investigation;
- 2. Arrest.** Arrest, after completing the entry level and orientation training course prescribed by the commissioner, in the following circumstances:
 - A. Arrest and return probation and parole violators upon request of the commissioner;
 - B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035 or transferred from the facility under section 3036-A; and
 - C. If the officer has probable cause to believe that a person under the supervision of the department has violated a condition of that person's probation or parole or intensive supervision, the officer may arrest that person.
- 3. Supervision.** Supervise persons as follows:
 - A. Supervise the probation, parole or intensive supervision of each person placed under the officer's supervision;
 - B. Supervise persons released from a correctional facility under section 3035 and supervise persons transferred to supervised community confinement under section 3036-A if the commissioner directs;
 - C. Keep informed of the conduct and condition of each person placed under the officer's supervision and use suitable methods to encourage the person to improve that person's conduct and condition; and
 - D. Supervise the transition from institutional confinement for persons residing in a prerelease center if the commissioner directs.
- 4. Records and reports.** Keep records of each case and make reports as required; and
- 5. Money.** Collect and disburse money according to the order of the court having jurisdiction.
 - A. The officer shall make a detailed account under oath of all fines received.
 - B. The officer shall pay the fines collected to the appropriate clerk of courts by the 15th day of the month following collection.

§5405. Indigency screening units for court-appointed counsel; pilot program (REPEALED)

Subchapter 4: JUVENILE PROBATION SERVICES

§5601. Interagency agreements

The department may enter into agreements with state agencies, other public agencies and private nonprofit agencies to provide supervision or other services to juveniles placed on probation by the Juvenile Court.

1. **Terms.** The terms of the agreements, including any payments to be made by the department for the services provided, shall be set forth in writing.

2. **Termination.** Any agreement made under this section may be terminated upon 90 days' written notice by either party to the agreement.

§5602. Juvenile community corrections officer

1. **Departmental employees.** A juvenile community corrections officer is an employee of the Department of Corrections.

2. **Juvenile community corrections officer's functions.** A juvenile community corrections officer's functions are:

A. To serve as a juvenile probation officer;

B. To carry out all functions of a juvenile community corrections officer delineated in the Maine Juvenile Code, Title 15, Part 6; and

C. To provide appropriate services to juveniles committed to a juvenile correctional facility who are in the community on community reintegration status.

3. **Juvenile community corrections officer's duties.** A juvenile community corrections officer shall:

A. When directed, provide information to a juvenile correctional facility on juveniles committed to the juvenile correctional facility;

B. Make such investigations as the Juvenile Court may direct and shall keep written records of the investigations as the Juvenile Court may direct;

C. Use all suitable means, including counseling, to aid each juvenile under the juvenile community corrections officer's supervision and shall perform such duties in connection with the care and custody of juveniles as the court may direct;

D. Keep informed as to the condition and conduct of each juvenile placed under the juvenile community corrections officer's supervision and shall report on the condition and conduct to the court and to the department as the court or department may direct;

E. When a juvenile is placed under the juvenile community corrections officer's supervision, give the juvenile a written statement of the conditions of the supervision and shall fully explain the conditions to the juvenile; and

F. Keep complete records of all work done

4. **Juvenile community corrections officer's powers.** Juvenile community corrections officers have the same arrest powers as other law enforcement officers with respect to juveniles placed under their supervision.

5. **Investigations.**

6. **Care and custody of juveniles.**

7. **Arrest.**

8. **Written statement of probation conditions.**

9. Keeping informed.
10. Records.
11. Change of residence.

Subchapter 5: PAROLE LAWS FOR PRE-CRIMINAL CODE PRISONERS

§5801. Applicability

This subchapter applies only to those persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect prior to May 1, 1976.

§5802. Parole by board

The board may grant a parole from a penal or correctional institution after the expiration of the period of confinement, less deductions for good behavior, or after compliance with conditions provided for in sections 5803 to 5805 applicable to the sentence being served by the prisoner or inmate. It may revoke a parole when a condition of the parole is violated.

1. **Duration and conditions of parole.** When the board grants a parole, upon release, the parolee shall serve the unexpired portion of his sentence, less deductions for good behavior, unless otherwise discharged therefrom by the board.

2. **Custody and control.** While on parole, the parolee is under the custody of the warden or superintendent of the institution from which he was released, but under the immediate supervision of and subject to the rules of the division or any special conditions of parole imposed by the board.

§5803. Eligibility for hearing; State Prison

A prisoner at the Maine State Prison or Maine Correctional Center becomes eligible for a hearing by the board as follows:

1. **Expiration of minimum term in minimum-maximum sentence.** Prior to the expiration of the prisoner's minimum term of imprisonment, less the deduction for good behavior, when the law provides for a minimum-maximum sentence;

2. **Expiration of 1/2 of term in certain cases.** Prior to the expiration of 1/2 of the term of imprisonment imposed by the court, less the deduction for good behavior, when the prisoner has been convicted of an offense under Title 17, section 1951, 3151, 3152 or 3153. This subsection applies to a prisoner who has been convicted previously of an offense under Title 17, section 1951, 3151, 3152 or 3153;

3. **Expiration of 15-year term in life imprisonment cases.** Prior to the expiration of a 15-year term of imprisonment, less deduction for good behavior, when the prisoner has been convicted of an offense punishable only by life imprisonment; and

4. **Expiration of 15-year term in other cases.** Prior to the expiration of a 15-year term of imprisonment, less deduction for good behavior, when, following conviction, the prisoner has been sentenced to a minimum term of 15 years or more.

§5804. Maine Correctional Center

An inmate at the Maine Correctional Center becomes eligible for a hearing by the board as follows:

1. **Inmate reformed.** When it appears to the superintendent that the inmate has reformed; and

2. **Suitable employment secured.** When some suitable employment or situation has been secured for him in advance.

If the superintendent does not recommend an inmate for a parole hearing during the first year after commitment, the reasons for not so doing shall be reported to the Director of Corrections at the end of the year and for each 6 months thereafter until the inmate is recommended for a hearing by the board.

§5805. Women's reformatory

An inmate at the Women's Correctional Center becomes eligible for a hearing by the board as follows:

1. **Inmate reformed.** When it appears to the superintendent that the inmate has reformed;
2. **Suitable employment secured.** When some suitable employment or situation has been secured for her in advance.

If the superintendent does not recommend an inmate for a parole hearing during the first year after commitment, the reasons for not so doing shall be reported to the Director of Corrections at the end of the year and for each 6 months thereafter until the inmate is recommended for a hearing by the board.

§5806. Violations of parole

A probation-parole officer may arrest and charge a parolee with violation of parole and take him into his custody in any place he may be found, detain the parolee in any jail, pending the issuance of a parole violation warrant, which detention shall not extend beyond the next business day of the office of the director. In the event a warrant is not issued in that time, the parolee shall be released from arrest and detention forthwith. A parolee so arrested and detained shall have no right of action against the probation-parole officer or any other persons because of that arrest and detention.

When a parolee violates a condition of his parole or violates the law, the director may issue a warrant for his arrest. A probation-parole officer, or any other law enforcement officer within the State authorized to make arrests, may arrest the parolee on the warrant and return him to the institution from which he was paroled. At its next meeting at that institution, the board shall hold a hearing. The parolee is entitled to appear and be heard. If the board, after hearing, finds that the parolee has violated his parole or the law, it shall revoke his parole, set the length of time he shall serve of the unexpired portion of his sentence before he can again be eligible for hearing by the board, and remand him to the institution from which he was released; except that, when a parolee from the Maine Correctional Center violates the law and is sentenced by the court to the Maine State Prison, any length of time set by the board to be served of the unexpired portion of his correctional center sentence may be served at the Maine State Prison.

1. **Forfeits deductions.** Upon revocation of parole by the board, the prisoner forfeits any deductions for good behavior earned while on parole.

2. **May earn deductions.** While serving the unexpired portion of his sentence after parole has been revoked, the prisoner may earn deductions for good conduct.

Whenever a warrant is issued under this section for the arrest of a parolee, the running of the parolee's sentence shall be interrupted and shall remain interrupted until the parolee is returned to the institution from which he was paroled. Interruption of the running of his sentence shall include any time served prior to such return, after conviction for a crime committed while on parole.

In the event of the withdrawal of the warrant by authority of the director, or in the event that the board at the hearing on the alleged violation finds that the parolee did not violate the conditions of his parole, or the law, he shall be credited with the time lost by the interruption of the running of his sentence.

§5807. Sentence for crime committed by parolee

Any parolee who commits an offense while on parole where the offense is punishable by imprisonment for one year or more and who is sentenced to the Department of Corrections shall serve the 2nd sentence beginning on the date of termination of the first sentence, unless the first sentence is otherwise terminated by the board.

§5808. Discharge from parole

Any parolee who faithfully performs all the conditions of parole and completes his sentence is entitled to a certificate of discharge to be issued by the warden or superintendent of the institution to which he was committed.

§5809. Certificate of discharge

Whenever it appears to the board that a person on parole is no longer in need of supervision, it may order the superintendent or warden of the institution from which he was released to issue him a certificate of discharge, except that in the case of persons serving a life sentence who may not be discharged from parole in less than 10 years after release on parole.

§5810. Records forwarded to State Police

When a person who has been convicted under Title 17, section 1951, 3151, 3152 or 3153 is paroled, the warden or superintendent of the institution shall forward to the State Police a copy of his record and a statement of facts necessary for full comprehension of the case. Whenever any prisoner, who has been convicted of an offense under Title 17, section 1951, 3151, 3152 or 3153 is discharged in full execution of his sentence, the Warden of the Maine State Prison shall make and forward to the State Police a copy of the prison record of that prisoner together with a statement of any fact or facts which he may deem necessary for a full comprehension of the case.

§5811. Community reparations boards (REPEALED)

Chapter 6: BUREAU OF JUVENILE CORRECTIONS (Enacted by PL 1989, c. 591, @3)

§6001. Definitions (REPEALED)

§6002. Policy (REPEALED)

§6003. Establishment of bureau (REPEALED)

Chapter 7: JUVENILE DELINQUENCY PREVENTION AND REHABILITATION

§7001. Responsibility of the department

The department is responsible for:

1. **Services.** Within the limits of available funding, ensuring the provision of all services necessary to:
 - A. Prevent juveniles from coming into contact with the Juvenile Court; and
 - B. Support and rehabilitate those juveniles who do come into contact with the Juvenile Court;
2. **Information.** Gathering standardized information on the characteristics of and the present and past services needs of juveniles who have come into contact with the Juvenile Court and gathering standardized information on the extent to which those needs are being met;
3. **Proposals.** Making proposals for meeting the prevention and rehabilitation services needs which are not being addressed; and
4. **Coordination.** Coordinating its efforts in discharging the responsibility given under this section with those of other state or local agencies in order to effectively use existing resources to the maximum extent possible to achieve the purposes of this chapter and Title 15, Part 6.

§7002. Powers and duties of the department

The department has the following powers and duties with respect to the responsibility defined in section 7001.

1. **Services.** The department shall provide, directly or through purchase or contract, services to children and their families, including, but not limited to:
 - A. Administering, supervising and ensuring the provision of correctional programs for juveniles adjudicated as having committed juvenile crimes;

B. Providing technical assistance and additional financial resources to assist communities to establish and provide necessary preventive and rehabilitative services for juveniles;

C. Coordinating its efforts with those of other state and local agencies in order to effectively use all existing resources to the maximum extent possible;

D. Working with other public and voluntary agencies as resources for the purchase of care and services; and

E. Stimulating the creation of voluntary services.

2. Planning. The department shall carry out planning for identifying, evaluating and meeting the service needs for prevention of juvenile crime and rehabilitation of juveniles adjudicated as having committed juvenile crimes. To ensure that the department's efforts to plan for and deliver prevention programs avoid duplication of the efforts of other state departments which serve juveniles and promote access to services, the commissioner shall:

A. Constitute an interdepartmental coordinating committee on primary prevention, which shall be chaired by the commissioner or the commissioner's designee and shall include representation from the Department of Education, Department of Human Services, Department of Labor, Department of Behavioral and Developmental Services, Department of Public Safety, the Juvenile Justice Advisory Group and such other public or private agencies as the commissioner may wish to nominate, which have responsibilities associated with preventing not only delinquency, but also child abuse, substance abuse, running away from home, truancy and failing to complete school and other destructive behavior which affects juveniles. This coordinating committee shall:

(1) Develop a state primary prevention plan which provides for the use of state resources in ways that will strengthen the commitment of local communities to altering conditions which contribute to delinquency and other destructive behaviors which affect juveniles, so that the burden of state-funded treatment and crisis-responsive service programs will be reduced. The plan shall provide for the coordination and consolidation of the primary prevention planning efforts of each of the state agencies specified in this section. The plan shall set forth quantifiable and time-limited goals, objectives and strategies and shall include proposals to integrate and build upon successful primary prevention programs;

(2) Provide for the evaluation of policies and programs developed and implemented pursuant to the plan; and

(3) Prepare, annually by November 1st, an appraisal of the State's primary prevention activities during the previous year and its recommendations for programs and activities relating to primary prevention.

3. Evaluation. The department shall evaluate prevention and rehabilitation services with regard to, among other things:

A. Compliance with all regulations for the use of funds for those services; and

B. Quality and cost of effectiveness of those services.

4. Appeals. The department shall provide structure for appeals, fair hearings and a review of grievances by children and their parents, guardian or legal custodian regarding provision of services for which the department has been given responsibility under this chapter, including, but not limited to, protecting the rights of individuals to appeal from denials of or exclusion from the services to which they are entitled, actions that preclude the individual's right of choice to specific programs, or actions that force involuntary participation in a service program.

5. Training. The department shall train personnel to perform the functions necessary to implement this chapter, including, but not limited to:

A. Meeting the need for professional personnel for juvenile services, through in-service training, institutes, conferences and educational leave grants;

B. Upgrading education and competence of professional and other personnel and volunteers; and

C. Making staff and training facilities available for training of staff and volunteers in contracting agencies or facilities to assure effective provision of purchased services.

6. **Research and demonstration.** The department may conduct research and demonstration projects, including, but not limited to, entering into contracts with other agencies and making grants for research, including basic research into the causes of juvenile crime, evaluation of methods of service delivery in use, and development of new approaches.

7. **Wards.** With respect to individual juveniles for whom the department has accepted responsibility, it may take necessary action for the appointment of a guardian of a juvenile who does not have a parent to exercise effective guardianship, and it shall:

A. Assure that appropriate services are made available to them, either directly or by purchase of those services;

B. Assume responsibility, to the extent that parents are unable to do so, for payment for services; and

C. Assume legal custody of children or legal guardianship when vested by the court.

§7003. Transfer

1. **Approval.** The department may transfer any juvenile committed to its care from one facility or program to another, except that, before any juvenile is transferred, he shall be examined and evaluated and the evaluation shall be reviewed and approved by the commissioner.

2. **Emergency exception.** When the commissioner finds that the welfare and protection of a juvenile or others requires the juvenile's immediate transfer to another facility, he shall make the transfer prior to the examination and evaluation of the juvenile.

3. **Restrictive placements.** Restrictive placements are governed as follows.

A. Notwithstanding subsections 1 and 2, the transfer of any juvenile from a less restrictive placement to a more restrictive placement shall be reviewed by the Juvenile Court that originally ordered the juvenile's placement within 48 hours of the transfer, excluding Saturdays, Sundays and legal holidays.

B. In order to continue the more restrictive placement, a court must find:

(1) That it is necessary to protect the juvenile or protect the community; and

(2) That no other available less restrictive placement will protect the juvenile or the community.

C. Notwithstanding paragraph A, the commissioner may not place any juvenile committed to the department in an adult correctional facility.

§7004. Agreements and contracts with public and private agencies

1. **Commissioner's power.** The commissioner may enter into agreements or contracts with any governmental unit or agency or private facility or program cooperating or willing to cooperate in a program to carry out the purposes of this chapter and Title 15, Part 6.

2. **Nature of agreements or contracts.** Agreements or contracts entered into under subsection 1 may provide, among other things, for the type of work to be performed, for the rate of payment for that work and for other matters relating to the care and treatment of juveniles.

3. **Custody.** Placement of juveniles by the department in any public or private facility or program not under the jurisdiction of the department does not terminate the legal custody of the department.

4. **Inspection.** The department may inspect all facilities used by it and may examine and consult with persons in its legal custody who have been placed in any such facility.

§7005. Administrators of facilities and programs

A chief administrative officer of a facility or program with which the department contracts for services shall:

1. **Report.** Report to the commissioner at such times and on such matters as the commissioner may require;

2. **Receipt of juveniles.** Receive, subject to limitations on physical capacity and programs, all juveniles committed to the custody of the department and placed in his care under the provisions of Title 15, Part 6, and keep them for rehabilitation, education and training until discharged by law or under the rules of the department or released on probation; and

3. **Evaluations.** Secure a careful and thorough evaluation of every juvenile placed under his care at intervals no greater than 6 months, that evaluation to ascertain whether the juvenile should be released, whether his program should be modified or whether his transfer to another facility should be recommended.

§7006. Rules

The commissioner shall develop and promulgate according to the Maine Administrative Procedure Act, Title 5, chapter 375, by January, 1979, such rules as may be necessary to enable the department to carry out its responsibilities as prescribed in this chapter. When portions of the rules relate to staff or services administered by another state agency, those portions shall be developed and approved jointly with that other agency.

§7007. Expenses for transporting children long distances

The department shall pay any expenses incurred by local agencies for transporting a juvenile more than 100 miles, pursuant to the provisions of Title 15, Part 6, or of this chapter to an intake worker, to a placement directed by the intake worker or to a Juvenile Court.

§7008. Community conference committee

In any district in which an intake worker is established, the commissioner may appoint a community conference committee composed of citizen volunteers.

1. **Membership.** The committee shall consist of at least 10 members, but not more than 15 members, of whom 5 shall constitute a quorum.

2. **Compensation.** Members may not be compensated for their services.

3. **Alternative diversionary resource.** The committee shall serve as an alternative diversionary resource for juvenile offenders.

4. **Guidelines.** The commissioner shall promulgate guidelines for the functioning of community conference committees.

5. **Additional committees.** This section does not prohibit the appointment of more than one community conference committee within an intake district by the intake worker, with the approval of the commissioner.

Chapter 9: INTERSTATE COMPACTS

Subchapter 1: UNIFORM INTERSTATE COMPACT ON JUVENILES

§9001. Findings and purposes--Article I

The contracting states solemnly agree:

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to:

1. **Cooperative supervision.** Cooperative supervision of delinquent juveniles on probation or parole;

2. **Return of delinquent juveniles.** The return, from one state to another, of delinquent juveniles who have escaped or absconded;

3. **Return of non-delinquent juveniles.** The return, from one state to another, of non-delinquent juveniles who have run away from home; and

4. **Additional measures undertaken cooperatively.** Additional measures for the protection of juveniles and of the public, which any 2 or more of the party states may find desirable to undertake cooperatively. In carrying out this compact, the party states shall be guided by the non-criminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to this compact. This compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

§9002. Existing rights and remedies--Article II

All remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

§9003. Definitions--Article III

For the purposes of this compact:

1. **Court.** "Court" means any court having jurisdiction over delinquent, neglected or dependent children;
2. **Delinquent juvenile.** "Delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court;
3. **Probation or parole.** "Probation or parole" means any kind of conditional release of juveniles authorized under the laws of the state party hereto;
4. **Residence.** "Residence" or any variant thereof means a place at which a home or regular place of abode is maintained;
5. **State.** "State" means any state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico;
6. **Minor.** "Minor" means any person who has not attained the age of 18 years. A person charged with or convicted of a crime as an adult in a demanding state, whose extradition from this State is sought by the demanding state shall be subject to the provisions of Title 15, sections 201 to 229, although the person is a minor under the laws of this State; and
7. **Adult.** "Adult" means a person who has attained the age of 18 years.

§9004. Return of runaways--Article IV

1. **Requisition for return of juvenile.** The parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent, but who has run away without the consent of such parent, guardian, person or agency, may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by 2 certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the

appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding. Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

2. Transportation costs. The state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

3. Juvenile defined. "Juvenile," as used in this Article, means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

§9005. Return of escapees and absconders--Article V

1. Requisition for return of delinquent juvenile. The appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by 2 certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole

or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. In such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

2. Transportation costs. The state to which a delinquent juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

§9006. Voluntary return procedure--Article VI

Any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under Article IV, subsection 1, or Article V, subsection 1, may consent to his immediate return to the state from which he absconded, escaped or run away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in

such event, a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

§9006-A. Rendition amendment--Article VI-A

All provisions and procedures of Articles V and VI of the Uniform Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

This provision shall apply regardless of whether the requesting state has also adopted it.

§9007. Cooperative supervision of probationers and parolees--Article VII

1. **Permission for delinquent juvenile to reside in receiving state.** The duly constituted judicial and administrative authorities of a state party to this compact, herein called "sending state," may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact, herein called "receiving state," while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

2. **Duties of receiving state.** Each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

3. **Returning delinquent juvenile.** After consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

4. **Transportation costs.** The sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

§9008. Responsibility for costs--Article VIII

1. **Internal relationships not affected.** Article IV, subsection 2, Article V, subsection 2, and Article VII, subsection 4 of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefore.

2. **Asserting rights for costs.** Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Article IV, subsection 2, Article V, subsection 2, or Article VII, subsection 4 of this compact.

§9009. Detention practices--Article IX

To every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

§9010. Supplementary agreements--Article X

The duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall:

1. **Rates.** Provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished;

2. **Court hearing.** Provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody;

3. **Receiving state agent of sending state.** Provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile;

4. **Sending state to retain jurisdiction.** Provide that the sending state shall at all times retain jurisdiction over a delinquent juvenile sent to an institution in another state;

5. **Inspection.** Provide for reasonable inspection of such institutions by the sending state;

6. **Consent of parent, guardian or custodian.** Provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and

7. **Other matters and details.** Make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

§9011. Acceptance of federal and other aid--Article XI

Any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same, subject to the terms, conditions and regulations governing such donations, gifts and grants.

§9012. Compact administrators--Article XII

The governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

§9013. Execution of compact--Article XIII

This compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed, it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

§9014. Renunciation--Article XIV

This compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending 6 months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the 6 months' renunciation notice of the present Article.

§9015. Severability--Article XV

The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§9016. Action by Governor

The Governor of this State is authorized and directed to execute a compact on behalf of the State with any of the states of the United States legally joining therein in the form substantially as provided in this chapter.

Subchapter 2: NEW ENGLAND INTERSTATE CORRECTIONS COMPACT

§9201. Purpose and policy--Article I

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

§9202. Definitions--Article II

As used in this compact, unless the context otherwise indicates, the following terms have the following meanings.

1. **Inmate.** "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution.

2. **Institution.** "Institution" means any penal or correctional facility, including, but not limited to, a facility for the mentally ill or mentally defective, in which inmates, as defined in subsection 1, may lawfully be confined.

3. **Receiving state.** "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.

4. **Sending state.** "Sending state" means a state party to this compact in which conviction or court commitment was had.

5. **State.** "State" means a state of the United States, located in New England, to wit, Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

§9203. Contracts--Article III

Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

1. **Duration.** Its duration;

2. **Payments.** Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance;

3. **Employment.** Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom;

4. **Inmate delivery.** Delivery and retaking of inmates; and

5. **Other matters.** Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

Subject to legislative approval by the states concerned and prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific per centum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that moneys are legally available therefore, pay to the receiving state a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

§9204. Procedures and rights--Article IV

Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution

Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact, including a conduct record of each inmate, and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of the inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

All inmates who may be confined in an institution pursuant to this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which the inmate would have had if confined in an appropriate institution of the sending state.

Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to this paragraph, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

Any inmate confined pursuant to this compact shall be released within the territory of the sending state, unless the inmate and the sending and receiving states shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

The parent, guardian, trustee or other person or persons entitled under the laws of the sending state to act for, advise or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

§9205. Acts not reviewable in receiving state; extradition--Article V

Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to remove an inmate from an institution in the receiving state, there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

Any inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

§9206. Federal aid--Article VI

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any

inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision, provided that, if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefore.

§9207. Entry into force--Article VII

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any 2 states from among the states of New England. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

§9208. Withdrawal and termination--Article VIII

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to this compact.

§9209. Other arrangements unaffected--Article IX

Nothing contained in this compact shall be construed to abrogate nor impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

§9210. Construction and severability--Article X

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§9221. Ratification

The New England Interstate Corrections Compact is enacted into law and entered into by this State with any other of the states mentioned in Article II legally joining therein in the form substantially as provided in this subchapter.

§9222. Title

This subchapter may be cited as the "New England Interstate Corrections Compact."

§9223. Powers

The Commissioner of Corrections is authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular.

Subchapter 3: INTERSTATE CORRECTIONS COMPACT

§9401. Purpose and policy--Article I

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

§9402. Definitions--Article II

As used in this compact, unless the context clearly requires otherwise:

1. **Inmate.** "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution;
2. **Institution.** "Institution" means any penal or correctional facility, including, but not limited to, a facility for the mentally ill or mentally defective, in which inmates, as defined in subsection 1, may lawfully be confined;
3. **Receiving state.** "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had;
4. **Sending state.** "Sending state" means a state party to this compact in which conviction or court commitment was had; and
5. **State.** "State" means a state of the United States, the United States of America, a territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

§9403. Contracts--Article III

Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states.

1. **Contract provisions.** Any such contract shall provide for:
 - A. Its duration;
 - B. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance;
 - C. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom;
 - D. Delivery and retaking of inmates; and
 - E. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

§9404. Procedures and rights--Article IV

Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, the officials may direct that the confinement

be within an institution within the territory of the other party state, the receiving state to act in that regard solely as agent for the sending state.

The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact, including a conduct record of each inmate, and certify the record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of the inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which the inmate would have had if confined in an appropriate institution of the sending state.

Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. The record, together with any recommendations of the hearing officials, shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this section, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

Any inmate confined pursuant to this compact shall be released within the territory of the sending state, unless the inmate and the sending and receiving states shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

The parent, guardian, trustee or other person or persons entitled under the laws of the sending state to act for, advise or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

§9405. Acts not reviewable in receiving state; extradition--Article V

Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to remove an inmate from an institution in the receiving state, there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such

offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent nor affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

§9406. Federal aid--Article VI

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provisions; provided that, if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefore.

§9407. Entry into force--Article VII

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any 2 states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

§9408. Withdrawal and termination--Article VIII

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

§9409. Other arrangements unaffected--Article IX

Nothing contained in this compact shall be construed to abrogate nor impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

§9410. Construction and severability--Article X

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§9421. Ratification

The Interstate Corrections Compact is hereby enacted into law and entered into by this State with any other states legally joining therein.

§9422. Title

This subchapter may be cited as the "Interstate Corrections Compact."

§9423. Powers

The Commissioner of Corrections, subject to the limitations provided under section 9424, is hereby authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular.

§9424. Limitations

The commissioner shall carry out the provisions of this compact in accordance with the following.

1. **Juveniles excluded.** For purposes of this compact, no juvenile may be considered an inmate, as defined in section 9402.
2. **Contracts.** Any contracts made with one of the other party states for the confinement of inmates in Maine may provide for cash payments for the costs of the confinement whenever the total days for inmates placed in Maine by that state exceeds by 200 the number of days for inmates placed by Maine in that state. Otherwise, all contracts shall provide for an accrual of days earned by the respective states rather than cash payments.
3. **Inmates.** The commissioner may accept an inmate for confinement in Maine if, in the opinion of the commissioner, the inmate has demonstrated ties to this State which would justify the confinement, or the inmate's confinement in this State is in the best interests of the inmate or the State of Maine.
4. **Transportation.** The commissioner may permit any inmate who may be confined in another state under the provisions of the compact to pay the costs of transportation to the receiving state.
5. **Facilities.** The commissioner may not accept any inmate under the provisions of the compact when the confinement of that inmate would cause immediately, or in the near future would be likely to cause, a need for an increase in correctional facilities in this State.
6. **Report.** The commissioner shall annually, prior to February 1st, present a report to the joint standing committee of the Legislature having jurisdiction over health and institutional services describing any actions taken under the provisions of the compact during the previous year.

Subchapter 4: INTERSTATE COMPACT ON DETAINERS

Article 1: AGREEMENT

§9601. Purpose and policy--Article I

The party states find that charges outstanding against a prisoner, detainees based on untried indictments, information or complaints, and difficulties in securing speedy trials of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainees based on untried indictments, information or complaints. The party states also find that proceedings with reference to such charges and detainees, when emanating from other jurisdictions, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

§9602. Definitions--Article II

As used in this agreement, unless the context clearly requires otherwise, the following terms shall have the following meanings.

1. **Receiving state.** "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV.

2. **Sending state.** "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III or at the time that a request for custody or availability is initiated pursuant to Article IV.

3. **State.** "State" shall mean a state of the United States, the United States of America, a territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

§9603. Request for final disposition--Article III

1. **Trial pending.** Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for final disposition to be made of the indictment, information or complaint, provided that, for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner and any decisions of the state parole agency relating to the prisoner.

2. **Request for final disposition.** The written notice and request for final disposition referred to in subsection 1 shall be given or sent by the prisoner to the warden, Commissioner of Corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

3. **Notification.** The warden, Commissioner of Corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

4. **Application.** Any request for final disposition made by a prisoner pursuant to subsection 1 shall operate as a request for final disposition of all untried indictments, information or complaints on the basis of which detainees have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, Commissioner of Corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this subsection shall be accompanied by copies of the prisoner's written notice, request and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

5. **Waiver of extradition.** Any request for final disposition made by a prisoner pursuant to subsection 1 shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of subsection 1 and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with this agreement. Nothing in this subsection shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

6. **Escape.** Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in subsection 1 shall void the request.

§9604. Temporary custody--Article IV

1. **Request.** The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V, subsection 1, upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated, provided that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request, and provided further that there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

2. **Certificate.** Upon receipt of the officer's written request as provided in subsection 1, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefore.

3. **Time of trial.** In respect of any proceeding made possible by this Article, trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but, for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

4. **Legality of delivery.** Nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in subsection 1, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

5. **Order dismissing.** If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V, subsection 5, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

§9605. Delivery--Article V

1. **Request.** In response to a request made under Article III or Article IV, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

2. **Identification; copy of indictment.** The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

A. Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given; and

B. A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

3. **Dismissed.** If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall

enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

4. **Purpose.** The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, information or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

5. **Return.** At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

6. **Time on sentence.** During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run, but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

7. **Escape.** For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

8. **Responsibility; costs.** From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, information or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. This subsection shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing in this subsection shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefore.

§9606. Time periods tolled--Article VI

In determining the duration and expiration dates of the time periods provided in Articles III and IV, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

§9607. Rules and regulations--Article VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

§9608. Effective date--Article VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

§9609. Construction--Article IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared

to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Article 2: PROVISIONS RELATING TO AGREEMENT

§9631. Designation of courts

The phrase "appropriate court" as used in Article I, with reference to the courts of this State, shall mean the District Court or the Superior Court, as applicable.

§9632. Enforcement and cooperation by courts and agencies

All courts, departments, agencies, officers and employees of this State and its political subdivisions shall enforce the agreement on detainees contained within Article I and cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose.

§9633. Escape

Any person, who escapes or attempts to escape from custody while in another state pursuant to Article I, shall be subject to the penalties provided in Title 17-A, section 755, for escape or attempt to escape from the Maine State Prison.

§9634. Chief administrative officer to give over the person of inmate

The chief administrative officer of a correctional facility in Maine shall give over the person of any inmate thereof whenever so required by the operation of the agreement on detainees.

§9635. Commissioner of Corrections to make rules and regulations

The Commissioner of Corrections is designated as the officer provided for in section 9607.

§9636. Hearing

Any prisoner for whom a written request for temporary custody has been received pursuant to Article IV, is entitled to a hearing in the Superior Court prior to his delivery in accordance with Article V. The hearing shall be limited to the issue of whether there are reasonable grounds to believe the prisoner is in fact the person charged in the indictment, information or complaint of the demanding state.

Subchapter 5: UNIFORM ACT FOR OUT-OF-STATE PAROLEE SUPERVISION

Article 1: COMPACT

§9801. Conditions for residence in another state--Article I

It shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact, herein called "sending state," to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact, herein called "receiving state," while on probation or paroled, if:

1. **Resident.** Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; and
2. **Consent.** Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this chapter, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than 6 continuous months immediately preceding the commission of the offense for which he has been convicted.

§9801-A. Notification of law enforcement agencies

The department, in advance of its consideration of a request under this subchapter, shall notify the district attorney for the district in which the person will reside; the sheriff for the county in which the person will reside; the chief of police of any municipality in which the person will reside; and the Department of Public Safety.

§9802. Duties of receiving state--Article II

Each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

§9803. Retaking--Article III

Duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose, no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are expressly waived on the part of the states party hereto as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state; provided that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

§9804. Transportation of retaken persons--Article IV

The duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states party to this compact, without interference.

§9805. Rules and regulations--Article V

The governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact. The officer so designated by the Governor shall have the authorization to appoint such deputy compact administrators as he deems necessary to carry out the mandates of this section.

§9806. Entry into force--Article VI

This compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed, it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

§9807. Renunciation--Article VII

This compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending 6 months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

Article 2: PROVISIONS RELATING TO COMPACT

§9831. Action by Governor

The Governor of this State is authorized and directed to execute a compact on behalf of the State with any of the states of the United States legally joining therein in the form substantially provided in this subchapter.

§9832. State defined

The word "state" in this subchapter shall mean any state, territory or possession of the United States and the District of Columbia.

§9833. Short title

This subchapter may be cited as the "Uniform Act for Out-of-State Parolee Supervision."

Article 3: PRELIMINARY HEARING IN INTERSTATE PROBATION AND PAROLE VIOLATION CASES

§9861. Preliminary hearing required, detention

Where supervision of a parolee or probationer is being administered pursuant to Articles I and II, the appropriate judicial or administrative authorities in this State shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. A hearing shall be held in accordance with this chapter within a reasonable time, unless such hearing is waived by the parolee or probationer. The appropriate officer or officers of this State shall as soon as practicable, following termination of any such hearing, report to the sending state, furnish a copy of the hearing record and make recommendations regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this chapter, the appropriate officers of this State may take custody of and detain the parolee or probationer involved for a period not to exceed 15 days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

§9862. Persons authorized to conduct preliminary hearing

Any hearing pursuant to this chapter may be before the compact administrator under Article I or his authorized designee, except that no hearing officer shall be the person making the allegation of violation.

§9863. Procedure at preliminary hearing

With respect to any hearing pursuant to this chapter, the parolee or probationer:

1. **Notice.** Shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that he has committed a violation that may lead to a revocation of parole or probation;
2. **Advise.** Shall be permitted to advise with any persons whose assistance he reasonably desires, prior to the hearing;
3. **Confrontation.** Shall have the right to confront and examine any persons who have made allegations against him, unless the hearing officer determines that such confrontation would present a substantial present or subsequent danger of harm to such person or persons; and
4. **Contentions.** May admit, deny or explain the violation alleged and may present proof, including affidavits and other evidence, in support of his contentions. A record of the proceedings shall be made and preserved.

§9864. Reciprocal provisions

In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the Uniform Act for Out-of-State Parolee Supervision, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this chapter, such record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in this State, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers of this State in making disposition of the matter.

Subchapter 6: INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION (HEADING: PL 2003, c. 495, @1 (new))

§9871. Short title--Article 1 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

This subchapter may be known and cited as the "Interstate Compact for Adult Offender Supervision."

§9872. Definitions--Article 2 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Adult.** "Adult" means both an individual legally classified as an adult and a juvenile treated as an adult by court order, statute or operation of law.
2. **Bylaws.** "Bylaws" means those bylaws established by the interstate commission for its governance or for directing or controlling the interstate commission's actions or conduct.
3. **Commissioner.** "Commissioner" means the voting representative of each compacting state appointed pursuant to section 9873.
4. **Compact administrator.** "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact.
5. **Compacting state.** "Compacting state" means any state that has enacted the enabling legislation for this compact.
6. **Interstate commission.** "Interstate commission" means the Interstate Commission for Adult Offender Supervision established in this subchapter.
7. **Member.** "Member" means the commissioner of a compacting state or a designee who is a person officially connected with the commissioner.
8. **Non-compacting state.** "Non-compacting state" means any state that has not enacted the enabling legislation for this compact.
9. **Offender.** "Offender" means an adult placed under, or subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities or corrections or other criminal justice agencies.
10. **Person.** "Person" means any individual, corporation, business enterprise or other legal entity, either public or private.
11. **Rules.** "Rules" means acts of the interstate commission, duly promulgated pursuant to section 9878, substantially affecting interested parties in addition to the interstate commission that have the force and effect of law in the compacting states.

12. **State.** "State" means a state of the United States, the District of Columbia and any other territorial possession of the United States.

13. **State council.** "State council" means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under section 9874.

§9873. Interstate Commission for Adult Offender Supervision--Article 3 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Commission created.** The compacting states hereby create the Interstate Commission for Adult Offender Supervision. The interstate commission is a body corporate and joint agency of the compacting states. The interstate commission has all the responsibilities, powers and duties set forth in this section, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

2. **Commissioners.** The interstate commission consists of commissioners selected and appointed by the state council for each state.

3. **Non-commissioner members.** In addition to the commissioners who are the voting representatives of each state, the interstate commission includes individuals who are not commissioners but who are members of interested organizations. These non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All non-commissioner members of the interstate commission are ex officio, nonvoting members. The interstate commission may provide in its bylaws for such additional, ex officio, nonvoting members as it considers necessary.

Each compacting state represented at any meeting of the interstate commission is entitled to one vote. A majority of the compacting states constitutes a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

4. **Meetings.** The interstate commission shall meet at least once each calendar year. The chair may call additional meetings and, upon the request of a majority of the members, shall call additional meetings. Public notice must be given of all meetings and meetings are open to the public.

5. **Executive committee.** The interstate commission shall establish an executive committee that includes commission officers, members and others as determined by the bylaws. The executive committee has the power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or amendments to the compact. The executive committee oversees the day-to-day activities managed by the executive director and interstate commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws and as directed by the interstate commission; and performs other duties as directed by the interstate commission or set forth in the bylaws.

§9874. State council--Article 4 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

Each member state shall create a State Council for Interstate Adult Offender Supervision that is responsible for the appointment of the commissioner who serves on the interstate commission from that state. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the interstate commission in such capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial and executive branches of government; victims groups; and the compact administrator. Each compacting state retains the right to determine the qualifications of the compact administrator who must be appointed by the state council or by the governor in consultation with the legislature and the judiciary. In addition to appointment of its commissioner to the interstate commission, each state council shall exercise oversight and advocacy concerning its participation in interstate commission activities and other duties as may be determined by each member state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

§9875. Powers of interstate commission--Article 5 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

The interstate commission has the following powers:

1. **Adopt seal and bylaws.** To adopt a seal and suitable bylaws governing the management and operation of the interstate commission;
2. **Promulgate rules.** To promulgate rules that have the force and effect of statutory law and are binding in the compacting states to the extent and in the manner provided in this compact;
3. **Supervise interstate movement of offenders.** To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact, any bylaws adopted and rules promulgated by the interstate commission;
4. **Enforce compact, rules and bylaws.** To enforce compliance with compact provisions and interstate commission rules and bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;
5. **Establish and maintain offices.** To establish and maintain offices;
6. **Purchase and maintain insurance and bonds.** To purchase and maintain insurance and bonds;
7. **Provide personnel services.** To borrow, accept or contract for services of personnel, including, but not limited to, members and the members' staffs;
8. **Establish and appoint committees; hire staff.** To establish and appoint committees and hire staff that it considers necessary for carrying out its functions, including, but not limited to, an executive committee as required by section 9873 that has the power to act on behalf of the interstate commission in carrying out its powers and duties;
9. **Elect or appoint officers, attorneys, employees, agents or consultants; establish personnel policies.** To elect or appoint officers, attorneys, employees, agents or consultants; to fix their compensation, define their duties and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation and qualifications of personnel;
10. **Accept donations.** To accept donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of those donations and grants;
11. **Hold property.** To lease, purchase, accept contributions or donations of or otherwise to own, hold, improve or use any property, real, personal or mixed;
12. **Sell property.** To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;
13. **Establish budget.** To establish a budget, make expenditures and levy assessments as provided in section 9880;
14. **Sue and be sued.** To sue and be sued;
15. **Provide for dispute resolution.** To provide for dispute resolution among compacting states;
16. **Perform other functions.** To perform such functions as may be necessary or appropriate to achieve the purposes of this compact;
17. **Report.** To report annually to the legislatures, governors, judiciaries and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Such reports must also include any recommendations that have been adopted by the interstate commission;
18. **Coordinate education regarding interstate movement of offenders.** To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity; and
19. **Establish standards for reporting, collecting and exchanging data.** To establish uniform standards for the reporting, collecting and exchanging of data.

**§9876. Organization and operation of interstate commission--Article 6
(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

1. **Bylaws.** The interstate commission shall adopt bylaws, by a majority vote of the members, within 12 months of the first interstate commission meeting to govern its conduct as may be necessary or appropriate to carry out the purposes of this subchapter, including, but not limited to:

- A. Establishing the fiscal year of the interstate commission;
- B. Establishing an executive committee and such other committees as may be necessary;
- C. Providing reasonable standards and procedures:

- (1) For the establishment of committees; and

- (2) Governing any general or specific delegation of any authority or function of the interstate commission;

- D. Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each such meeting;

- E. Establishing the titles and responsibilities of the officers of the interstate commission;

- F. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the interstate commission. Notwithstanding any civil service or other similar laws of any compacting state, the bylaws exclusively govern the personnel policies and programs of the interstate commission;

- G. Providing a mechanism for winding up the operations of the interstate commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment or reserving of all of its debts and obligations;

- H. Providing transitional rules for administration of the compact when it first takes effect; and

- I. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

2. **Officers and staff.** The following provisions govern officers and staff.

- A. The interstate commission shall, by a majority vote of the members, elect from among its members a chair and a vice-chair, each of whom has such authorities and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice-chair shall preside at all meetings of the interstate commission. The officers so elected serve without compensation or remuneration from the interstate commission, provided that, subject to the availability of budgeted funds, the officers are reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

- B. The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the interstate commission considers appropriate. The executive director serves as secretary to the interstate commission and may hire and supervise such other staff as may be authorized by the interstate commission but may not be a member.

3. **Corporate books and records of interstate commission.** The interstate commission shall maintain its corporate books and records in accordance with the bylaws.

4. **Qualified immunity, defense and indemnification.** The following provisions govern qualified immunity, defense and indemnification.

- A. The members, officers, executive director and employees of the interstate commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities. Nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

B. The interstate commission shall defend the commissioner of a compacting state, a commissioner's representatives or employees or the interstate commission's representatives or employees, in a civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of that person.

C. The interstate commission shall indemnify and hold the commissioner of a compacting state, the appointed designee or employee or the interstate commission's representative or employee, harmless in the amount of any settlement or judgment obtained against such a person arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities or that such a person had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of that person.

§9877. Activities of interstate commission-- Article 7 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Commission actions.** The interstate commission shall meet and take such actions as are consistent with the provisions of this compact. Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the interstate commission, the act must have been taken at a meeting of the interstate commission and must have received an affirmative vote of a majority of the members present.

2. **Members' rights.** Each member of the interstate commission has the right and power to cast a vote to which the compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person on behalf of the state and may not delegate a vote to another member state. A state council shall appoint another authorized representative in the absence of the commissioner from that state to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone or other means of telecommunication or electronic communication is subject to the same quorum requirements of meetings when members are present in person.

3. **Meeting.** The interstate commission shall meet at least once during each calendar year. The chair of the interstate commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

4. **Information; records available.** The interstate commission's bylaws must establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating rules, the interstate commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

5. **Meeting notice.** Public notice must be given of all meetings and all meetings are open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission shall promulgate rules consistent with the principles contained in the Government in the Sunshine Act, 5 United States Code, Section 552 (b), as amended. The interstate commission and any of its committees may close a meeting to the public when the interstate commission determines by 2/3 vote that an open meeting:

- A. Relates solely to the interstate commission's internal personnel practices and procedures;
- B. May disclose matters specifically exempted from disclosure by statute;
- C. May disclose trade secrets or commercial or financial information that is privileged or confidential;
- D. May involve accusing a person of a crime or formally censuring a person;

- E. May disclose information of a personal nature and that disclosure would constitute a clearly unwarranted invasion of personal privacy;
- F. May disclose investigatory records compiled for law enforcement purposes;
- G. May disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;
- H. May disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity;
- I. Specifically relates to the interstate commission's issuance of a subpoena or its participation in a civil action or proceeding.

6. Public certification. For every meeting closed pursuant to subsection 5, the interstate commission's chief legal officer shall publicly certify that, in the chief legal officer's opinion, the meeting may be closed to the public and shall reference each relevant exemptive provision of subsection 5. The interstate commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and provide a full and accurate summary of any actions taken and the reasons for taking such actions, including a description of each of the views expressed on any item and the record of any vote by roll call, reflected in the vote of each member on the question. All documents considered in connection with any action must be identified in the minutes.

7. Collect data. The interstate commission shall collect data concerning the interstate movement of offenders as directed through its bylaws and rules that must specify the data to be collected, the means of collection and data exchange and reporting requirements.

§9878. Rule-making functions of interstate commission--Article 8 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Rules. The interstate commission shall promulgate rules in order to effectively and efficiently achieve the purposes of the compact, including transitional rules governing administration of the compact during the period in which it is being considered and enacted by the state.

Rulemaking must occur pursuant to the criteria set forth in this section and rules promulgated pursuant to this section. The rulemaking must substantially conform to the principles of the federal Administrative Procedure Act, 5 United States Code, Section 551 et seq. and the federal Advisory Committee Act, 5 United States Code App. 2 Section 1 et seq., as may be amended, referred to in this subchapter as the "APA."

All rules and amendments are binding on the date specified in each rule or amendment.

2. Rule void. If a majority of the legislatures of the compacting states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then the rule has no further effect in any compacting state.

3. Promulgation of rules. When promulgating a rule, the interstate commission shall:

- A. Publish the proposed rule stating with particularity the text of the proposed rule and the reason for the proposed rule;
- B. Allow persons to submit written data, facts, opinions and arguments, which information must be publicly available;
- C. Provide an opportunity for an informal hearing; and
- D. Promulgate a final rule and its effective date, if appropriate, based on the rule-making record.

4. Rule review. Not later than 60 days after a rule is promulgated, an interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of the rule. If the court finds that the interstate commission's action is not supported by substantial evidence, as defined in the APA, in the rule-making record, the court shall hold the rule unlawful and set it aside.

5. **Subjects to be addressed.** Subjects to be addressed within 12 months after the first meeting must, at a minimum, include: .

- A. Notice to victims and opportunity to be heard;
- B. Offender registration and compliance;
- C. Violations and returns;
- D. Transfer procedures and forms;
- E. Eligibility for transfer;
- F. Collection of restitution and fees from offenders;
- G. Data collection and reporting;) .]
- H. The level of supervision to be provided by the receiving state;

I. Transitional rules governing the operation of the compact and the interstate commission during all or part of the period between the effective date of the compact and the date that the last eligible state adopts the compact; and

J. Mediation, arbitration and dispute resolution.

6. **Emergency rule.** If the interstate commission determines that an emergency exists, it may promulgate an emergency rule that becomes effective immediately upon adoption as long as the usual rule-making procedures provided under this section are retroactively applied to the rule as soon as reasonably possible but no later than 90 days after the effective date of the rule.

§9879. Oversight, enforcement and dispute resolution by interstate commission-- Article 9 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Oversight.** The interstate commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor activities being administered in non-compacting states that may significantly affect compacting states.

The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the interstate commission, the interstate commission is entitled to receive all service of process in any such proceeding, and has standing to intervene in the proceeding for all purposes.

2. **Dispute resolution.** The compacting states shall report to the interstate commission on issues or activities of concern to them, and cooperate with and support the interstate commission in the discharge of its duties and responsibilities.

The interstate commission shall attempt to resolve any disputes or other issues that are subject to the compact and that may arise among compacting states and non-compacting states. The interstate commission shall enact a bylaw or promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

3. **Enforcement.** The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in section 9882, subsection 2.

§9880. Finance--Article 10 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Expenses.** The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

2. **Assessment.** The interstate commission shall levy and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and

its staff, which must be sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall promulgate a rule binding upon all compacting states that governs the assessment.

3. **Obligations.** The interstate commission may not incur any obligations of any kind prior to securing the funds adequate to meet the same obligations; nor may the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

4. **Accounts.** The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the interstate commission must be audited yearly by a certified or licensed public accountant and the report of the audit must be included in and become part of the annual report of the interstate commission.

§9881. Compacting state; effective date; amendment--Article 11 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Eligibility.** Any state, as defined in section 9872, is eligible to become a compacting state.

2. **Effective date.** The compact becomes effective and binding upon enactment of the compact into law by no fewer than 35 of the states. The initial effective date is July 1, 2001, or upon enactment into law by the 35th state, whichever is later. After the initial effective date, the compact becomes effective and binding, as to any other compacting state, upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in interstate commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

3. **Notification.** The executive director of the interstate commission shall notify the Secretary of State of the State of Maine upon enactment of the compact into law by no fewer than 35 states.

4. **Non-applicability.** When this subchapter takes effect, subchapter 5 no longer applies.

5. **Amendment.** Amendments to the compact may be proposed by the interstate commission for enactment by the compacting states. An amendment does not become effective and binding upon the interstate commission and the compacting states unless it is enacted into law by unanimous consent of the compacting states.

§9882. Withdrawal, default, termination and judicial enforcement--Article 12 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Withdrawal.** Once effective, the compact continues in force and remains binding upon each compacting state. A compacting state may withdraw from the compact by enacting a statute specifically repealing the statute that enacted the compact into law. The effective date of withdrawal is the effective date of the repeal of the compact. The withdrawing state shall immediately notify the chair of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt of the withdrawal notice. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extends beyond the effective date of withdrawal. Reinstatement following withdrawal of any compacting state occurs on the withdrawing state's reenactment of the compact or upon a later date determined by the interstate commission.

2. **Default.** If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, the bylaws or any duly promulgated rules, the interstate commission may impose any or all of the following penalties:

A. Fines, fees and costs in such amounts as are determined to be reasonable as fixed by the interstate commission;

B. Remedial training and technical assistance as directed by the interstate commission; and

C. Suspension and termination of membership in the compact. Suspension is imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension must be given by the interstate commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature; and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform the obligations or responsibilities imposed upon it by this compact, interstate commission bylaws or duly promulgated rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission on the defaulting state pending a resolution of the default. The interstate commission shall stipulate the conditions and the time period within which the defaulting state shall resolve its default. If the defaulting state fails to resolve the default within the time period specified by the interstate commission, in addition to any other penalties imposed in this section the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact are terminated from the effective date of suspension.

Within 60 days of the effective date of termination of a defaulting state, the interstate commission shall notify the governor, the chief justice or chief judicial officer; the majority and minority leaders of the defaulting state's legislature; and the state council of such termination.

The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including any obligations the performance of which extends beyond the effective date of termination.

The interstate commission may not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the interstate commission and the defaulting state.

Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state's legislature and the approval of the interstate commission pursuant to the rules.

3. Judicial enforcement. The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district court where the interstate commission has its offices to enforce compliance with the provisions of the compact, its duly promulgated rules and its bylaws against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees.

4. Dissolution of compact. The compact dissolves upon the date of the withdrawal or default of the compacting state that reduces membership in the compact to one compacting state. Upon the dissolution of this compact, the compact becomes void and has no further effect. The business and affairs of the interstate commission must be wound up and surplus funds must be distributed in accordance with the bylaws.

§9883. Severability and construction--Article 13 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

The provisions of this compact are severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact are enforceable. The provisions of this compact are liberally constructed to effectuate its purposes.

§9884. Binding effect of compact and other laws--Article 14 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Other laws. This compact does not prevent the enforcement of any other law of a compacting state that is not inconsistent with this compact. All compacting states' laws conflicting with this compact are superseded to the extent of the conflict.

2. Binding effect of compact. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the compacting states. All agreements between the interstate commission and the compacting states are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.

If a provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction to be conferred by such provision upon the interstate commission are ineffective. The obligations, duties, powers or jurisdiction remain in the compacting state and are exercised by the agency of the compacting states to which the obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.

Subchapter 7: THE INTERSTATE COMPACT FOR JUVENILES (HEADING: PL 2003, c. 500, @1 (new); RR 2003, c. 1, @35 (cor))

§9901. Short title -- Article 1 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

This subchapter may be known and cited as "the Interstate Compact for Juveniles," which is referred to in this subchapter as "the compact."

§9902. Definitions -- Article 2 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Bylaws.** "Bylaws" means those bylaws established by the interstate commission for its governance or for directing or controlling the interstate commission's actions or conduct.

2. **Commissioner.** "Commissioner" means the voting representative of each compacting state appointed pursuant to section 9903.

3. **Compact administrator.** "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact.

4. **Compacting state.** "Compacting state" means any state that has enacted the enabling legislation for this compact.

5. **Court.** "Court" means a court having jurisdiction over juveniles.

6. **Deputy compact administrator.** "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of this compact responsible for the administration and management of the State's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact.

7. **Interstate commission.** "Interstate commission" means the Interstate Commission for Juveniles established in this subchapter.

8. **Juvenile.** "Juvenile" means any person defined as a juvenile in any member state or by the rules of the interstate commission, including:

A. An accused delinquent who is a person charged with an offense that, if committed by an adult, would be a criminal offense;

B. An adjudicated delinquent who is a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

C. An accused status offender who is a person charged with an offense that would not be a criminal offense if committed by an adult;

D. An adjudicated status offender who is a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

E. A non-offender who is a person in need of supervision who has not been accused or adjudicated as a status offender or delinquent.

9. **Non-compacting state.** "Non-compacting state" means any state that has not enacted the enabling legislation for this compact.

10. **Probation or parole.** "Probation" or "parole" means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

11. **Rule.** "Rule" means a written statement by the interstate commission promulgated pursuant to section 9904 that is of general applicability; implements, interprets or prescribes a policy or provision of the compact or an organizational, procedural or practice requirement of the interstate commission; and has the force of statutory law in a compacting state, including the ability to amend, repeal or suspend an existing rule.

12. **State.** "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Marianas Islands.

13. **State council.** "State council" means the resident members of the state council for interstate juvenile supervision created by each state under section 9909.

§9903. Interstate Commission for Juveniles -- Article 3 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Commission created.** The compacting states hereby create the Interstate Commission for Juveniles. The commission is a body corporate and joint agency of the compacting states. The commission has all the responsibilities, powers and duties set forth in this section, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

2. **Commissioners.** The interstate commission consists of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the state council. The commissioner is the compact administrator, deputy compact administrator or designee from that state who serves on the interstate commission in such capacity under or pursuant to the applicable law of the compacting state.

3. **Non-commissioner members.** In addition to the commissioners who are the voting representatives of each state, the interstate commission includes individuals who are not commissioners but who are members of interested organizations. Those non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general; members of the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children; juvenile justice and juvenile corrections officials; and crime victims. All non-commissioner members of the interstate commission are ex officio, nonvoting members. The interstate commission may provide in its bylaws for such additional ex officio, nonvoting members, including members of other national organizations, as it considers necessary.

4. **Each state entitled to one vote; quorum.** Each compacting state represented at any meeting of the interstate commission is entitled to one vote. A majority of the compacting states constitutes a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

5. **Meetings.** The interstate commission shall meet at least once each calendar year. The chair may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice must be given of all meetings and meetings are open to the public.

6. **Executive committee.** The interstate commission shall establish an executive committee that includes commission officers, members and others as determined by the bylaws. The executive committee has power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or amendments to the compact. The executive committee oversees the day-to-day activities of the administration of the compact managed by the executive director and interstate commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws and rules; and performs other duties as directed by the interstate commission or as set forth in the bylaws.

7. **Member participation.** Each commissioner of the interstate commission has the right and power to cast a vote to which the commissioner's state is entitled and to participate in the business and affairs of the interstate commission. A commissioner must vote in person and may not delegate a vote to another compacting state, except a commissioner, in consultation with the state council, may appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

8. **Public access to interstate commission records and information.** The interstate commission's bylaws must establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

9. **Public notice.** Public notice of all meetings must be given and all meetings are open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and any of its committees may close a meeting to the public where it determines by 2/3 vote that an open meeting would be likely to:

- A. Relate solely to the interstate commission's internal personnel practices and procedures;
- B. Disclose matters specifically exempted from disclosure by statute;
- C. Disclose trade secrets or commercial or financial information that is privileged or confidential;
- D. Involve accusing a person of a crime, or formally censuring a person;
- E. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- F. Disclose investigative records compiled for law enforcement purposes;
- G. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;
- H. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or
- I. Specifically relate to the interstate commission's issuance of a subpoena or its participation in a civil action or other legal proceeding.

10. **Process for closed meetings.** For every meeting closed pursuant to subsection 9, the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The interstate commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and provide a full and accurate summary of any actions taken and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any action must be identified in such minutes.

11. **Data collection; records.** The interstate commission shall collect standardized data concerning the interstate movement of juveniles as directed through rules specifying the data to be collected, the means of collection and data exchange and the reporting requirements. These methods of data collection, exchange and reporting must, insofar as is reasonably possible, conform to up-to-date technology and coordinate the interstate commission's information functions with the appropriate repository of records.

§9904. Powers and duties of interstate commission -- Article 4 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

- 1. **Powers and duties.** The interstate commission has the following powers and duties:
 - A. To provide for dispute resolution among compacting states;

B. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which have the force of statutory law and are binding in the compacting states to the extent and in the manner provided in this compact;

C. To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the interstate commission;

D. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;

E. To establish and maintain offices that are located within one or more of the compacting states;

F. To purchase and maintain insurance and bonds;

G. To borrow, accept, hire or contract for services of personnel;

H. To establish and appoint committees and hire staff that the interstate commission deems necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by section 9903 that has the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

I. To elect or appoint officers, attorneys, employees, agents or consultants and to fix their compensation, define their duties and determine their qualifications;

J. To establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation and qualifications of personnel;

K. To accept any donations and grants of money, equipment, supplies, materials and services and to receive, utilize and dispose of donations and grants;

L. To lease, purchase, accept contributions or donations of or otherwise to own, hold, improve or use any property, real, personal or mixed;

M. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed

N. To establish a budget and make expenditures and levy dues as provided in section 9908;

O. To sue and be sued;

P. To adopt a seal and bylaws governing the management and operation of the interstate commission;

Q. To perform functions necessary or appropriate to achieve the purposes of this compact;

R. To report annually to the legislatures, governors, judiciary and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Annual reports must also include any recommendations that may have been adopted by the interstate commission;

S. To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in such activity;

T. To establish uniform standards for reporting, collecting and exchanging data; and

U. To maintain its corporate books and records in accordance with the bylaws.

§9905. Organization and operation of interstate commission -- Article 5 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Bylaws.** The interstate commission shall adopt bylaws by a majority of the members present and voting, within 12 months after the first interstate commission meeting, to govern its conduct as may be necessary or appropriate to carry out the purposes of this subchapter, including, but not limited to:

A. Establishing the fiscal year of the interstate commission;

B. Establishing an executive committee and other necessary committees;

C. Providing for the establishment of committees governing general or specific delegation of any authority or function of the interstate commission;

D. Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each meeting;

E. Establishing the titles and responsibilities of the officers of the interstate commission;

F. Providing a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations;

G. Providing start-up rules for initial administration of the compact; and

H. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

2. Officers and staff. The following provisions govern officers and staff.

A. The interstate commission shall, by a majority of the members, elect annually from among its members a chair and a vice-chair, each of whom has such authority and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice-chair shall preside at all meetings of the interstate commission. The officers so elected serve without compensation or remuneration from the interstate commission, provided that, subject to the availability of budgeted funds, the officers are reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

B. The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the interstate commission considers appropriate. The executive director serves as secretary to the interstate commission and may hire and supervise such other staff as may be authorized by the interstate commission but may not be a member.

3. Qualified immunity, defense and indemnification. The following provisions govern qualified immunity, defense and indemnification.

A. The interstate commission's executive director and employees are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties or responsibilities. Nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

B. The liability of a commissioner or employee or agent of a commissioner, acting within the scope of such person's employment or duties, for acts, errors or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. Nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.

C. The interstate commission shall defend the executive director or the employees or representatives of the interstate commission and, subject to the approval of the attorney general of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in a civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person.

D. The interstate commission shall indemnify and hold the commissioner of a compacting state, or the commissioner representative or employee, or the interstate commission representative or employee, harmless in the amount of any settlement or judgment obtained against such persons arising out of any

actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

§9906. Rule-making functions of interstate commission -- Article 6 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Rules.** The interstate commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

Rulemaking must occur pursuant to the criteria set forth in this section and the bylaws and rules adopted pursuant to this section. The rulemaking must substantially conform to the principles of the federal Administrative Procedure Act, 5 United States Code, Section 551 et seq. and the federal Advisory Committee Act, 5 United States Code App. 2 Section 1 et seq., as may be amended, referred to in this subchapter as "the APA," or other administrative procedures act that the interstate commission determines appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court.

All rules and amendments are binding as of the date specified in each rule or amendment.

2. **Promulgation of rules.** When adopting a rule, the interstate commission shall:

A. Publish the proposed rule stating with particularity the text of the proposed rule and the reason for the proposed rule;

B. Allow persons to submit written data, facts, opinions and arguments, which must be added to the record and made publicly available;

C. Provide an opportunity for an informal hearing, if petitioned by 10 or more persons; and

D. Promulgate a final rule and its effective date, if appropriate, based on the rule-making record, including input from state or local officials and other interested parties.

3. **Rule review.** No later than 60 days after a rule is promulgated, an interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of the rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rule-making record as defined in the APA, the court shall hold the rule unlawful and set it aside.

4. **Rule void.** If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then the rule has no further force and effect in any compacting state.

5. **Existing rules suspended.** The existing rules governing the operation of the Interstate Compact for Juveniles superseded by this subchapter are void 12 months after the first meeting of the interstate commission.

6. **Emergency rule.** If the interstate commission determines that an emergency exists, it may promulgate an emergency rule that becomes effective immediately upon adoption as long as the usual rule-making procedures provided under this section are retroactively applied to the rule as soon as reasonably possible but not later than 90 days after the effective date of the emergency rule.

§9907. Oversight, enforcement and dispute resolution by interstate commission -- Article 7 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Oversight.** The interstate commission shall oversee the interstate movement of juveniles in the compacting states and shall monitor activities being administered in non-compacting states that may significantly affect compacting states.

2. Enforcement. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder must be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. Courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the interstate commission, the interstate commission is to receive all service of process in any such proceeding and has standing to intervene in the proceeding for all purposes.

3. Dispute resolution. The compacting states shall report to the interstate commission on issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

The interstate commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues that are subject to the compact and that may arise among compacting states and non-compacting states. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

4. Commission enforcement. The interstate commission shall enforce the provisions and rules of this compact using all means set forth in section 9911.

§9908. Finance -- Article 8 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Expenses. The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

2. Assessment. The interstate commission shall levy and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff, which must be sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states that governs the assessment.

3. Obligations. The interstate commission may not incur any obligations of any kind prior to securing the funds adequate to meet the same obligations, nor may the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

4. Accounts. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the interstate commission must be audited yearly by a certified or licensed public accountant and the report of the audit must be included in and become part of the annual report of the interstate commission.

§9909. State council -- Article 9 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

Each compacting state shall create a state council for interstate juvenile supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial and executive branches of government; victims groups; and the compact administrator or the compact administrator's designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council shall advise and may exercise oversight and advocacy concerning that state's participation in interstate commission activities and other duties as may be determined by that state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

**§9910. Compacting state; effective date; amendment -- Article 10
(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

1. **Eligibility.** Any state, as defined in section 9902, is eligible to become a compacting state.
2. **Effective date.** The compact becomes effective and binding upon enactment of the compact into law by no fewer than 35 of the states. The initial effective date is July 1, 2004 or upon enactment into law by the 35th state, whichever is later. After the initial effective date, the compact becomes effective and binding as to any other compacting state, upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.
3. **Amendment.** The interstate commission may propose amendments to the compact for enactment by the compacting states. An amendment does not become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

**§9911. Withdrawal, default, termination and judicial enforcement -- Article 11
(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

1. **Withdrawal.** Once effective, the compact continues in force and remains binding upon each compacting state. A compacting state may withdraw from the compact by enacting a statute specifically repealing the statute that enacted the compact. The effective date of withdrawal is the effective date of the repeal of the compact. The withdrawing state shall immediately notify the chair of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt of the withdrawal notice. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extends beyond the effective date of withdrawal. Reinstatement following withdrawal of any compacting state occurs on the withdrawing state's reenactment of the compact or upon a later date determined by the interstate commission.
2. **Default.** If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, the bylaws or any duly promulgated rules, the interstate commission may impose any or all of the following penalties:
 - A. Remedial training and technical assistance as directed by the interstate commission;
 - B. Alternative dispute resolution;
 - C. Fines, fees and costs in such amounts as are determined to be reasonable as fixed by the interstate commission; and
 - D. Suspension or termination of membership in the compact. Suspension is imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the interstate commission has determined that the offending state is in default. Immediate notice of suspension must be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or duly promulgated rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission on the defaulting state pending a resolution of the default. The interstate commission shall stipulate the conditions and the time period within which the defaulting state shall resolve its default. If the defaulting state fails to resolve the default within the time period specified by the interstate commission, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact are terminated from the effective date of termination.

Within 60 days of the effective date of termination of a defaulting state, the interstate commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature and the state council of such termination.

The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

The interstate commission may not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state's legislature and the approval of the interstate commission pursuant to the rules.

3. Judicial enforcement. The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation including reasonable attorney's fees.

4. Dissolution of compact. The compact dissolves upon the date of the withdrawal or default of the compacting state that reduces membership in the compact to one compacting state. Upon the dissolution of this compact, the compact becomes void and has no further force or effect. The business and affairs of the interstate commission must be concluded and surplus funds must be distributed in accordance with the bylaws.

§9912. Severability and construction -- Article 12 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

The provisions of this compact are severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact are enforceable. The provisions of this compact are liberally constructed to effectuate its purposes.

§9913. Binding effect of compact and other laws -- Article 13 (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Other laws. This compact does not prevent the enforcement of any other law of a compacting state that is not inconsistent with this compact. All compacting states' laws, other than state constitutions and other interstate compacts, conflicting with this compact are superseded to the extent of the conflict.

2. Binding effect of compact. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the compacting states. All agreements between the interstate commission and the compacting states are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.

If a provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction to be conferred by such provision upon the interstate commission is ineffective. The obligations, duties, powers or jurisdiction remains in the compacting state and is exercised by the agency of the compacting state to which the obligations, duties, powers or jurisdiction is delegated by law in effect at the time this compact becomes effective.

Chapter 11: SEX OFFENDER REGISTRATION ACT (HEADING: PL 1991, c. 809, @1 (new); 2001, c. 439, Pt. 000, @5 (rp))

§11001. Short title (REPEALED)

§11001-A. Application (REPEALED)

§11002. Definitions (REPEALED)

§11003. Registration of sex offenders (REPEALED)

§11004. Access to records (REPEALED)

§11005. Liability (REPEALED)

**Chapter 13: SEX OFFENDER REGISTRATION AND NOTIFICATION ACT
(HEADING: PL 1995, c. 680, @13 (new); 2001, c. 439, Pt. 000, @5 (rp))**

**Subchapter 1: GENERAL PROVISIONS (HEADING: PL 1995, c. 680, @13
(new); PL 2001, c. 439, Pt. 000, @5 (rp))**

§11101. Short title (REPEALED)

§11102. Application (REPEALED)

§11103. Definitions (REPEALED)

§11104. Access to records (REPEALED)

§11105. Liability (REPEALED)

**Subchapter 2: SEX OFFENDER REGISTRATION (HEADING: PL 1995, c. 680,
@13 (new); PL 2001, c. 439, Pt. 000, @5 (rp))**

§11121. Registration of sex offenders (REPEALED)

**Subchapter 3: NOTIFICATION (HEADING: PL 1995, c. 680, @13 (new); PL
2001, c. 439, Pt. 000, @5 (rp))**

§11141. Risk assessment (REPEALED)

**§11142. Mandatory notification of conditional release or discharge of sex
offenders (REPEALED)**

§11143. Public notification (REPEALED)

§11144. Risk assessment assistance (REPEALED)

**Chapter 15: SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF
1999 (HEADING: PL 1999, c. 437, @2 (new))**

Subchapter 1: GENERAL PROVISIONS (HEADING: PL 1999, C. 437, @2 (new))

§11201. Short title

This chapter may be known and cited as the "Sex Offender Registration and Notification Act of 1999." The purpose of this chapter is to protect the public from potentially dangerous sex offenders and sexually violent predators by enhancing access to information concerning sex offenders and sexually violent predators.

§11202. Application

This chapter applies to a person sentenced as a sex offender or a sexually violent predator on or after June 30, 1992.

§11203. Definitions (CONFLICT)

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Bureau.** "Bureau" means the State Bureau of Identification.

1-A. **Conditional release.** "Conditional release" means supervised release of a sex offender or sexually violent predator from institutional confinement for placement on probation, parole, intensive supervision, supervised community confinement, home release monitoring or release under Title 15, section 104-A or Title 17-A, chapter 50.

1-B. **Discharge.** "Discharge" means unconditional release and discharge of a sex offender or sexually violent predator from institutional confinement upon the expiration of a sentence or upon discharge under Title 15, section 104-A.

2. **Domicile.** "Domicile" means the place where a person lives, resides or dwells.

3. **FBI.** "FBI" means the Federal Bureau of Investigation.

4. **Law enforcement agency having jurisdiction.** "Law enforcement agency having jurisdiction" means the chief of police in the municipality where a sex offender expects to be or is domiciled. If the municipality does not have a chief of police, "law enforcement agency having jurisdiction" means the sheriff of the county where the municipality is located. "Law enforcement agency having jurisdiction" also means the sheriff of the county in an unorganized territory.

4-A. **Risk assessment instrument.** "Risk assessment instrument" means an instrument created and modified as necessary by reviewing and analyzing precursors to a sex offense, victim populations of a sex offender or sexually violent predator, living conditions and environment of a sex offender or sexually violent predator and other factors predisposing a person to become a sex offender, repeat sex offender or sexually violent predator, for the ongoing purpose of identifying risk factors used to provide notification of a sex offender's or sexually violent predator's conditional release or discharge from a state correctional facility to law enforcement agencies and to the public.

4-B. **Sentence.** "Sentence," in addition to any punishment alternatives, includes an involuntary commitment under Title 15, section 103, or similar statute from another jurisdiction, following a verdict of not criminally responsible by reason of mental disease or defect or similar verdict in another jurisdiction.

5. **Sex offender.** "Sex offender" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a sex offense.

6. **Sex offense.** "Sex offense" means a conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses if the victim was less than 18 years of age at the time of the criminal conduct:

A. A violation under Title 17, section 2922, 2923 or 2924;

B. (CONFLICT: Text as amended by PL 2001, c. 383, §153) A violation under Title 17-A, section 253, subsection 2, paragraph E, F, G, H, I or J; Title 17-A, section 254; Title 17-A, section 255-A, subsection 1, paragraph A, B, I, J, K, L, M, N, Q, R, S or T; Title 17-A, section 256; Title 17-A, section 258; Title 17-A, section 301, unless the actor is a parent of the victim; Title 17-A, section 302; Title 17-A, section 511, subsection 1, paragraph D; Title 17-A, section 556; Title 17-A, section 852, subsection 1, paragraph B; or Title 17-A, section 855; or

B. (CONFLICT: Text as amended by PL 2001, c. 439, Pt. 000, §9) A violation under Title 17-A, section 253, subsection 2, paragraph E, F, G, H, I or J; Title 17-A, section 254; Title 17-A, section 255, subsection 1, paragraph A, E, F, G, I or J; Title 17-A, section 256; Title 17-A, section 258; Title 17-A, section 259; Title 17-A, section 301, unless the actor is a parent of the victim; Title 17-A, section 302; Title 17-A, section 511, subsection 1, paragraph D; Title 17-A, section 556; Title 17-A, section 852, subsection 1, paragraph B; or Title 17-A, section 855; or

C. A violation of an offense in another jurisdiction, including, but not limited to, a state, federal, military or tribal court, that includes the essential elements of an offense listed in paragraph A or B.

7. Sexually violent offense. "Sexually violent offense" means:

A conviction for one of the offenses or for an attempt to commit one of the offenses under Title 17-A, section 253, subsection 1; Title 17-A, section 253, subsection 2, paragraph A, B, C or D; or Title 17-A, section 255-A, subsection 1, paragraph C, D, E, F, G, H, O or P; or

B. A conviction for an offense or for an attempt to commit an offense of the law in another jurisdiction, including, but not limited to, a state, federal, military or tribal court that includes the essential elements of an offense listed in paragraph A.

8. Sexually violent predator. "Sexually violent predator" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a:

A. Sexually violent offense; or

B. Sex offense when the person has a prior conviction for or an attempt to commit an offense that includes the essential elements of a sex offense or sexually violent offense.

Subchapter 2: SEX OFFENDER REGISTRATION (HEADING: PL 1999, c. 437,
@2 (new))

§11221. Maintenance of sex offender registry

1. Maintenance of registry. The bureau shall establish and maintain a registry of persons required to register pursuant to this subchapter. The registry must include the following information on each registrant:

A. The sex offender's or sexually violent predator's name, aliases, date of birth, sex, race, height, weight, eye color, mailing address, home address or expected domicile;

B. Place of employment and college or school being attended, if applicable, and the corresponding address and location;

C. Offense history;

D. Notation of any treatment received for a mental abnormality or personality disorder;

E. A photograph and set of fingerprints;

F. A description of the offense for which the sex offender or sexually violent predator was convicted, the date of conviction and the sentence imposed; and

G. Any other information the bureau determines important.

2. National or regional registry. The bureau is authorized to make the registry available to and accept files from a national or regional registry of sex offenders for the purpose of sharing information.

3. Registration form. The bureau shall develop a standardized registration form to be made available to the appropriate reporting authorities and persons required to register.

4. Verification form. The bureau shall develop and mail a nonforwardable verification form to the last reported mailing address of each person required to meet the verification requirements of this chapter

5. Sexually violent predator directory.

6. Distribution of information to department and law enforcement agencies. The bureau shall distribute information described in subsection 1 to the department and law enforcement agencies having jurisdiction over the address and location of the sex offender's or sexually violent predator's domicile, place of employment and college or school being attended.

7. Rules. The bureau may adopt rules that are necessary to administer its responsibilities pursuant to this chapter. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

8. Criminal justice agency access to information. The bureau shall provide access to the information described in subsection 1 to criminal justice agencies. For purposes of this subsection, "criminal justice agency" has the same meaning as in Title 16, section 611, subsection 4.

9. **Public access to information.** The bureau shall provide information to the public as follows.

A. The bureau shall post on the Internet for public inspection the following information concerning a sex offender or sexually violent predator:

- (1) The sex offender's or sexually violent predator's name, date of birth and photograph;
- (2) The sex offender's or sexually violent predator's city or town of domicile;
- (3) The sex offender's or sexually violent predator's place of employment and college or school being attended, if applicable, and the corresponding address and location; and
- (4) The statutory citation and name of the offense for which the sex offender or sexually violent predator was convicted.

B. Upon receiving a written request that includes the name and date of birth of a sex offender or sexually violent predator, the bureau shall provide the following information concerning a sex offender or sexually violent predator to the requestor:

- (1) The sex offender's or sexually violent predator's name, aliases, date of birth, sex, race, height, weight, eye color, mailing address and home address or domicile;
- (2) The sex offender's or sexually violent predator's place of employment and college or school being attended, if applicable, and the corresponding address and location;
- (3) A description of the offense for which the sex offender or sexually violent predator was convicted, the date of conviction and the sentence imposed; and
- (4) The sex offender's or sexually violent predator's photograph.

10. **Sex offender or sexually violent predator access to information.** Pursuant to Title 16, section 620, the bureau shall provide all information described in subsection 1 to a sex offender or sexually violent predator who requests that person's own information.

§11222. Duty of sex offender or sexually violent predator to register

1. **Determination by court.** The court shall determine at the time of sentencing if a defendant is a sex offender or a sexually violent predator. A person who the court determines is a sex offender or a sexually violent predator shall register according to this subchapter.

1-A. **When duty to register must be exercised.** Following determination by the court under subsection 1, a sex offender or a sexually violent predator shall register as follows.

A. If the sex offender or sexually violent predator is sentenced to a wholly suspended sentence with probation or to a punishment alternative not involving imprisonment, the duty to register is triggered at the time the person commences an actual execution of the wholly suspended sentence or at the time of sentence imposition when no punishment alternative involving imprisonment is imposed, unless the court orders a stay of execution, in which event the duty is triggered by the termination of the stay.

B. If the sex offender or sexually violent predator is sentenced to a straight term of imprisonment or to a split sentence, the duty to register is triggered by discharge or conditional release.

C. If the sex offender or sexually violent predator is committed under Title 15, section 103, the duty to register is triggered by discharge or conditional release under Title 15, section 104-A.

2. **Responsibility of ensuring initial registration.** The department, the county jail or the state mental health institute that has custody of a sex offender or sexually violent predator required to register under this subchapter shall inform the sex offender or sexually violent predator, prior to discharge or conditional release, of the duty to register. If a sex offender or sexually violent predator does not serve a period of institutional confinement, the court shall inform the sex offender or sexually violent predator at the time of sentencing of the duty to register. The department, county jail, state mental health institute or court shall:

A. Inform the sex offender or sexually violent predator of the duty to register and obtain the information required for the initial registration;

B. Inform the sex offender or sexually violent predator that if the sex offender or sexually violent predator changes domicile, place of employment or college or school being attended, the sex offender or sexually violent predator shall give the new address to the bureau in writing within 10 days

C. Inform the sex offender or sexually violent predator that if that sex offender or sexually violent predator changes domicile to another state, the sex offender or sexually violent predator shall register the new address with the bureau and if the new state has a registration requirement, the sex offender or sexually violent predator shall register with a designated law enforcement agency in the new state not later than 10 days after establishing domicile in the new state;

D. Inform the sex offender or sexually violent predator that if that sex offender or sexually violent predator has part-time or full-time employment in another state, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year or if that sex offender or sexually violent predator enrolls in any type of school in another state on a part-time or full-time basis, the sex offender or sexually violent predator shall give the bureau the registrant's place of employment or school to be attended in writing within 10 days after beginning work or attending school and if the other state has a registration requirement, shall register with the designated law enforcement agency in the other state;

E. Obtain fingerprints and a photograph of the sex offender or sexually violent predator or the court may order the sex offender or sexually violent predator to submit to the taking of fingerprints and a photograph at a specified law enforcement agency within 3 days if the fingerprints and photograph have not already been obtained in connection with the offense that necessitates registration; and

F. Enforce the requirement that the sex offender or sexually violent predator read and sign a form provided by the bureau that states that the duty of the sex offender or sexually violent predator to register under this section has been explained.

2-A. Duty of sex offender or sexually violent predator sentenced from June 30, 1992 to September 17, 1999 to register. Notwithstanding subsection 1, a person who has been sentenced on or after June 30, 1992 but before September 18, 1999 for a sex offense or a sexually violent offense shall register either as a sex offender or as a sexually violent predator, whichever is applicable, with the bureau by September 1, 2002 if the duty to register has been triggered under subsection 1-A, paragraph A, B or C, unless sooner notified in writing of a duty to register under subsection 1-A, paragraph A, B or C by the bureau, the department or a law enforcement officer, in which case the person shall register with the bureau within 10 days of notice.

3. Transfer of initial registration information to bureau and FBI. The department, county jail, state mental health institute or court within 3 days of receipt of the information described in subsection 2 shall forward the information to the bureau. If the court orders the sex offender or sexually violent predator to submit to the taking of fingerprints and a photograph at a specified law enforcement agency, the law enforcement agency shall submit the fingerprints and photograph to the bureau within 3 days. The bureau shall immediately enter the information into the registration system, notify the law enforcement agency having jurisdiction where the sex offender or sexually violent predator expects to be domiciled and transmit the information to the FBI for inclusion in the national FBI sex offender database.

4. Verification. During the period a sex offender or sexually violent predator is required to register, the bureau shall verify a sex offender's or sexually violent predator's domicile. The bureau shall verify the domicile of a sex offender on each anniversary of the sex offender's initial registration date and shall verify a sexually violent predator's domicile every 90 days after that sexually violent predator's initial registration date. Verification of the domicile of a sex offender or sexually violent predator occurs as set out in this subsection.

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the sex offender or sexually violent predator.

B. The verification form must state that the sex offender or sexually violent predator still resides at the address last reported to the bureau.

C. The sex offender or sexually violent predator shall take the completed verification form and a photograph to the law enforcement agency having jurisdiction within 10 days of receipt of the form.

D. The law enforcement agency having jurisdiction shall verify the sex offender's or sexually violent predator's identity, have the sex offender or sexually violent predator sign the verification form, take the sex offender's or sexually violent predator's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau.

5. Change of domicile, place of employment or college or school being attended. A sex offender or sexually violent predator shall notify the bureau in writing of a change of domicile, place of employment or college or school being attended within 10 days after that change.

A. If the sex offender or sexually violent predator establishes a new domicile, place of employment or college or school being attended in the State, the bureau shall notify, within 3 days, both the law enforcement agency having jurisdiction where the sex offender or sexually violent predator was formerly domiciled, employed or enrolled and the law enforcement agency having jurisdiction where the sex offender or sexually violent predator is currently domiciled, employed or enrolled.

B. If the sex offender or sexually violent predator establishes a domicile, place of employment or college or school being attended in another state, the bureau shall notify, within 3 days, the law enforcement agency having jurisdiction where the sex offender or sexually violent predator was formerly domiciled, employed or enrolled and the law enforcement agency having jurisdiction where the sex offender or sexually violent predator is currently domiciled, employed or enrolled.

For purposes of registration requirements pursuant to this subchapter, convictions that result from or are connected with the same act or result from offenses committed at the same time are considered as one conviction.

§11223. Duty of person establishing domicile to register

A person required under another jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or who is convicted and sentenced of a sex offense or sexually violent offense that would require registration in this State shall register as a sex offender or sexually violent predator within 10 days of establishing domicile in this State. The person shall contact the bureau, which shall provide the person with the registration form and direct the person to take the form and a photograph of the person to the law enforcement agency having jurisdiction. The law enforcement agency shall supervise the completion of the form, take the person's fingerprints and immediately forward the form, photograph and fingerprints to the bureau.

§11224. Duty of person employed or attending college or school to register

A person who is required under another jurisdiction to register pursuant to that jurisdiction's sex offender registration statute because the person is domiciled in another state or who is convicted and sentenced of a sex offense or sexually violent offense that would require registration in this State shall register as a sex offender within 10 days of beginning full-time or part-time employment, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year or beginning college or school on a full-time or part-time basis in this State. The person shall contact the bureau, which shall provide the person with a registration form and direct the person to take the form and a photograph of the person to the law enforcement agency having jurisdiction. The law enforcement agency shall supervise the completion of the form, take the person's fingerprints and immediately forward the form, photograph and fingerprints to the bureau.

§11225. Duration of registration

1. Sex offender. A sex offender shall register for a period of 10 years from the initial date of registration pursuant to this chapter, except that a sex offender required to register because the sex offender established a domicile in this State subsequent to being declared a sex offender in another state or under another jurisdiction shall register for a maximum of 10 years from the date when the sex offender was first required to register in the other state or under another jurisdiction. A sex offender sentenced from June 30, 1992 to September 17, 1999 shall register for a period of 10 years, to be calculated as follows.

A. If the sex offender was sentenced to a wholly suspended sentence with probation or to a punishment alternative not involving imprisonment, the 10-year period is treated as having begun at the

time the person commenced an actual execution of the wholly suspended sentence or at the time of sentence imposition when no punishment alternative involving imprisonment was imposed, unless the court ordered a stay of execution, in which event the 10-year period is treated as having begun at the termination of the stay.

B. If the sex offender was sentenced to a straight term of imprisonment or to a split sentence, the 10-year period is treated as having begun at the time of discharge or conditional release.

C. If the sex offender was committed under Title 15, section 103, the 10-year period is treated as having begun at the time of discharge or conditional release under Title 15, section 104-A.

D. If the sex offender's duty to register has not yet been triggered, the 10-year period will commence upon registration by the person in compliance with section 11222, subsection 1-A, paragraphs A, B or C.

2. **Sexually violent predator.** A sexually violent predator sentenced on or after June 30, 1992 shall register for the duration of the sexually violent predator's life.

3. **Periods of incarceration or civil confinement.** Notwithstanding subsections 1 and 2, the bureau may suspend the requirement that a sex offender or sexually violent predator register during periods of incarceration or civil confinement.

4. **Relief from duty to register.** If the underlying conviction for a sex offense or sexually violent offense is reversed, vacated or set aside, or if the registrant is pardoned for the offense, registration or continued registration as a sex offender or sexually violent predator is no longer required.

§11226. Fee

The bureau may charge a \$25 annual fee to persons required to register under this chapter. Sex offenders and sexually violent predators shall pay the fee at the time of initial registration and shall pay the fee on each anniversary of their initial registration.

The fee must be credited to the General Fund and the Highway Fund in an amount consistent with currently budgeted appropriations and allocations.

§11227. Violation (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

A sex offender or sexually violent predator who fails to register or update the information required under this chapter commits a Class D crime, except that a violation of this section when the sex offender or sexually violent predator has 2 or more prior convictions in this State for violation of this chapter is a Class C crime. For purposes of this section, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convictions may have occurred on the same day. The date of the conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of a prior offense is deemed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent. It is an affirmative defense that the failure to register or update information resulted from just cause, except that sex offenders and sexually violent predators sentenced from June 30, 1992 to September 17, 1999 may not raise a defense under just cause that they were not aware of the registration requirement.

1. **Failure to register or update information.** A sex offender or sexually violent predator who fails to register or update the information required under this chapter commits a Class D crime.

2. **Failure to register or update information; 2nd offense.** A sex offender or sexually violent predator who has one prior conviction for failure to register or update the information required under this chapter commits a Class D crime.

3. **Failure to register or update information; 3rd or subsequent offense.** A sex offender or sexually violent predator who fails to register or update the information required under this chapter when the sex offender or sexually violent predator has 2 or more prior convictions in this State for violation of this chapter commits a Class C crime.

4. **Strict liability.** Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

5. **Prior conviction.** Title 17-A, section 9-A governs the use of prior conviction when determining a sentence.

6. **Affirmative defense.** It is an affirmative defense that the failure to register or update information resulted from just cause, except that sex offenders and sexually violent predators convicted from June 30, 1992 to September 17, 1999 may not raise a defense under just cause that they were not aware of the registration requirement.

§11228. Certification by record custodian

Notwithstanding any other law or rule of evidence, a certificate by the custodian of the records of the bureau, when signed and sworn to by that custodian, is admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or in any documents attached to the certificate.

Subchapter 3: NOTIFICATION (HEADING: PL 1999, c. 437, @2 (new))

§11251. Notification (REPEALED)

§11252. Immunity from liability

Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects any state, municipal or county official or employee to liability in a civil action. The immunity provided under this section applies to the release of relevant information to other officials or employees or to the general public.

§11253. Risk assessment

The department shall establish and apply a risk assessment instrument to each sex offender and sexually violent predator under its jurisdiction for the purpose of notification to law enforcement agencies and to the public.

§11254. Mandatory notification of conditional release or discharge of sex offenders

The department, county jails, state mental health institutes and the Department of Public Safety, State Bureau of Identification are governed by the following notice provisions when a sex offender or sexually violent predator is conditionally released or discharged.

1. **Duties.** The department, a county jail or a state mental health institute shall give the Department of Public Safety, State Bureau of Identification notice of the following:

- A. The address where the sex offender or sexually violent predator will reside;
- B. The address where the sex offender or sexually violent predator will work and attend college or school, if applicable;
- C. The geographic area to which a sex offender's or sexually violent predator's conditional release is limited, if any; and
- D. The status of the sex offender or sexually violent predator when released as determined by the risk assessment instrument, the offender's or predator's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender or predator.

2. **Duties of the Department of Public Safety, State Bureau of Identification.** Upon receipt of the information concerning the conditional release or discharge of a sex offender or sexually violent predator pursuant to subsection 1, the Department of Public Safety, State Bureau of Identification shall forward the information in subsection 1 to all law enforcement agencies that have jurisdiction in those areas where the sex offender or sexually violent predator may reside, work or attend college or school.

§11255. Public notification

1. **Department.** Upon the conditional release or discharge of a sex offender or sexually violent predator from a state correctional institution, the department shall give notice of the information under section 11254, subsection 1 to members of the public the department determines appropriate to ensure public safety.

2. **Law enforcement agencies.** Upon receipt of the information concerning the conditional release or discharge of a sex offender or sexually violent predator pursuant to section 11254, subsection 2, a law enforcement agency shall notify members of a municipality that the law enforcement agency determines appropriate to ensure public safety.

§11256. Risk assessment assistance

Upon request, the department shall provide to law enforcement agencies technical assistance concerning risk assessment for purposes of notification to the public of a sex offender's or sexually violent predator's conditional release or discharge.

Batterer Intervention Programs (BIP)
A Report to the 121st Legislature

As a result of recommendations made by the Legislative Commission to Study Domestic Violence to the 120th Session of the Maine State Legislature, the Department of Corrections Office of Victim Services is required to report annually to the legislature on the performance of Batterer Intervention Programs in Maine. This is the second annual report.

Currently, there are sixteen certified Batterers Intervention Programs (BIP) statewide, providing services to men who have committed domestic violence offenses.

Nationally, it is estimated that 80 percent of all batterers attending programs are court-mandated (Healey et al, 1998) while in Maine, it is estimated that 80% of the referrals to the state's sixteen BIP programs are from the judicial system. In Maine, requiring batterers to attend an intervention program as a condition of probation is a primary response by the judicial system. Is this response holding accountable serious offenders? Accountability is stated as a priority in Maine and in 81% of the standards nationwide.

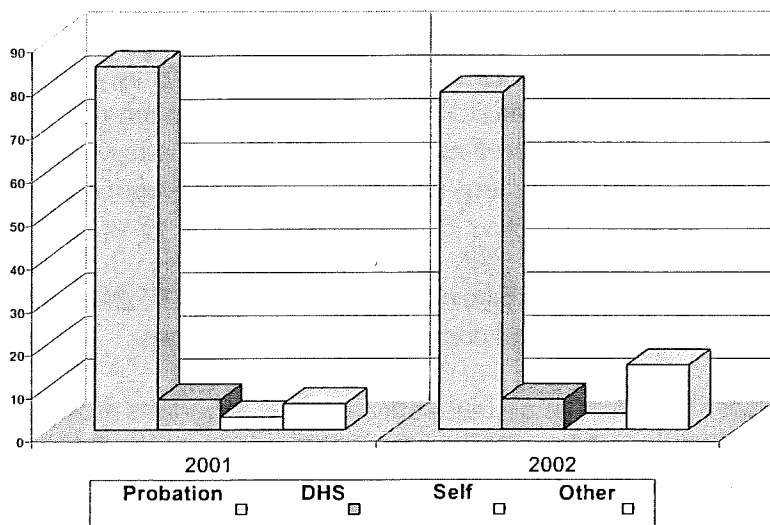
The Office of Victim Services at the Maine Department of Corrections repeated a survey of the certified programs first done in 2000. The questions were asked of the 15 programs active in 2001 and 2002 and the results are compiled below.

1. How many referrals did your BIP receive? **2001 = 1349 2002 = 1438**
2. What were the sources of these referrals

2001 2002

a. Probation	84%	78%
b. DHS	7%	7%
c. Self	3%	0%
d. Other	6%	15%

REFERRAL SOURCES



3. What other sources do the courts in your county use for referrals:

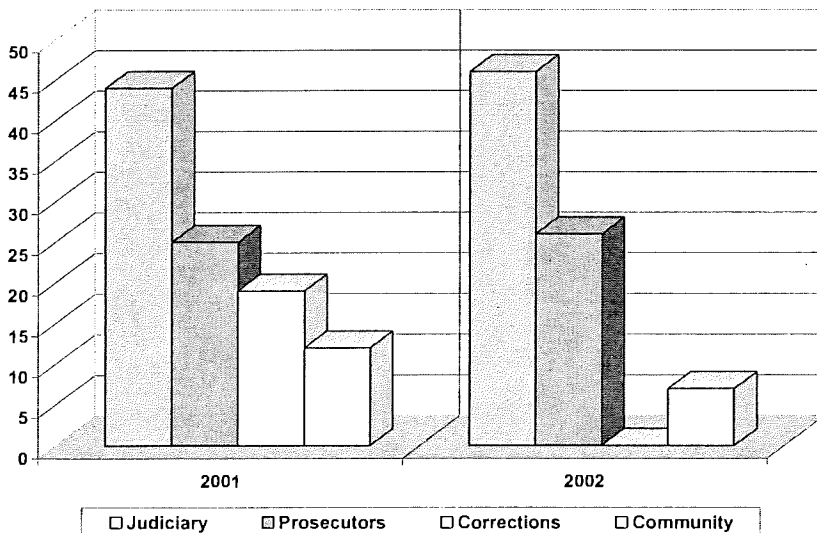
- a. Mental Health
- b. Substance abuse
- c. Domestic Abuse Counseling
- d. Anger Management
- e. Other-VOA Pre-trial

4. The major obstacles were identified as:

2001 **2002**

a. Judiciary	44%	46%
b. Prosecutors	25%	26%
c. Corrections	19 %	0%
d. Community	12%	7%

MAJOR OBSTACLES IDENTIFIED



The Maine Association of Batterer Intervention Programs (MABIPS) is currently collecting baseline data including the number of referrals, the number of dismissals, and the number of completions. The Department of Corrections will add to its monitoring process, inquiries into the number of referrals made to other agencies for services such as literacy, mental health or substance abuse, and recommendations made to probation following the dismissal of a probationer from the program.

The Office of Victim Services, the Maine Coalition to End Domestic Violence and BOTEK Corp. submitted a proposal for funding under the federal New Hampshire solicitation to implement the Victim Feedback Pilot Project. The Project proposed to ask victims whether or not they observed any changes in the offender's behavior while he was enrolled in the batterer intervention program. The Victim Feedback Pilot Project was denied funding by the National Institute of Justice due to the large number of proposals submitted for limited funding.

Family Crisis Services and the Maine Department of Labor conducted a research project in Spring 2003 with enrollees from four Maine BIPs programs - Opportunity for Change, Abuser Education Program, A Different Choice, and Menswork. Abusers who participated in the study volunteered to answer an 80-question survey through a one-on-one interview with a trained volunteer. The results have yielded some significant findings; among them 1) 19% had a workplace accident or near miss accident as a result of their concentration difficulties due to domestic abuse; 2) 78% were using workplace resources such as phones and company vehicles to check up on, pressure, and threaten their partners; 3) 75% of supervisors knew about the employee's domestic violence arrest, but only 16% reminded the employee that domestic abuse is a crime; and 4) over 15,000 hours of work time were lost to Maine employers due to the arrests of 70 men in the study. At Maine's average hourly wage, this equals over \$200,000.

The research was recently presented in Chicago at the Family Violence Prevention Fund's "*Business at Its Best*" conference and was very well received. There are discussions underway to widen this pilot study to include all of Maine's batterer intervention projects. For more information contact Kim Lim at MDOL, 624-6443.

At the end of 2002, MABIPs decided they would meet every other month. In 2003, they decided to meet in January, March, May, September, and November 2003 with an annual summer retreat in August. Bonnie Hardwick and Luke Dyer are presently co-chairs and will continue.

A few different topics were addressed in 2003. One was the completion of a Transfer Letter that all BIPs will use. The purpose of the letter is to stop men from "program shopping" and to prevent from leaving one program for another with monies owed to the original program he attended. If the men do not bring a transfer letter from his previous program he will either not be accepted or will start all over again at first week. BIPs are hoping the new program will not accept anyone who hasn't paid off a balance owed to any previous program.

A new logo for MABIPs was voted on for the association's use on stationery, the new web site, etc. Luke drafted by-laws and they are being reviewed and discussed. There is also a brochure and power point presentation presently in the works.

It was decided that since a significant amount of time at the meetings is for peer consultation, and the group was originally formed to provide this, it will be documented as such. The members will therefore be able to use the time for yearly training required by the Standards. The time agreed for this was two hours and MCEDV and DOC approved it for training credit. Along with this, it was recommended to have local speakers come to address MABIPs for additional training requirements and to obtain CEU's.

Goals for 2004 are as follows:

- a) Cross training of BIP educators (facilitators) and monitors;
- b) Establish criteria for membership and list benefits of membership;
- c) Produce the brochure and Power Point presentation about MABIP;
- d) Complete and adopt the bylaws and policies;
- e) Learn how legislation is affecting MABIPs and how we can affect legislation as needed;
- f) Network with the Maine Coalition Against Sexual Assault; and
- g) Work on a major conference.

As a result of the 2001 report to the Legislature from the Homicide Review Panel, the Program Subcommittee of the Maine Commission Against Domestic and Sexual Abuse recommended that the BIP standards be reviewed. The process began on April 3, 2002 with a review committee consisting of representatives from Maine Coalition to End Domestic Violence, Maine Association of Batterer Intervention Programs, Department of Corrections, Judiciary and domestic violence task forces. The review committee met monthly until September 2002 to discuss and propose changes to the current standards. The proposed standards underwent public hearing on November 7, 2002, no comments were received and the standards were provisionally adopted. The standards were finally adopted following a legislative review in June of 2003.

Question posed to the Maine Commission on Domestic and Sexual Abuse relates to the treatment of men and women who use violence in their intimate relationships. Research indicates that men and women who use violence in their intimate relationships do so for very different reasons.

Currently in Maine, when a woman is arrested for domestic abuse, she is usually referred to an anger management group. Men who are arrested for domestic abuse are usually referred to a Batterers Intervention Program. This remains consistent with the literature, which indicates men and women use violence in their intimate relationships for different reasons. It would stand to reason that their treatment would be different as well.

It may be necessary to develop a new program for women who use violence. The Maine Coalition to End Domestic Violence is looking at programs nationally to make a determination of what would be the most appropriate for Maine.

The Department of Corrections has recently undertaken a project to determine what the research indicates regarding the appropriateness of domestic violence programs for adolescents who are violent to family or household members and dating partners. At the conclusion of the research review a determination will be made as to what is the "best practice" regarding this population.

Please contact the Office of Victim Services at the Department of Corrections, 287-4385, if you have any questions.



RESTORATIVE JUSTICE

Report to the Criminal Justice and Public Safety Committee, January 1, 2004

In 1997, the Legislature authorized the Department of Corrections to develop certain programs based upon the principles of restorative justice. Restorative justice places the needs of the victim and the harm done by the offending behavior at the center of the process by which the offender is sanctioned and held accountable. The programs developed rely upon the participation of the community in the process. There has been interest in the programs by the community with over two hundred citizens trained to facilitate community resolution team meetings for juvenile offenders. The process has diverted very few cases from the traditional criminal justice system – 30 juvenile cases in 2003, and the Community Reparation Board for adult offenders heard three cases in 2003.

Community Resolution Teams for juvenile offenders are an alternative means by which non-violent offenders are held accountable to the victim and the community. A Community Resolution Team consists of a group of six to forty local citizens who volunteer to serve their community by receiving training in the principles of restorative justice. These citizens apply their restorative justice training to the cases of nonviolent, juvenile offenders within their community

The primary goal of the Community Resolution Teams is to attempt to resolve the case to the satisfaction of the victim(s). The Community Resolution team also endeavors to promote an understanding of the impact that crime has on both its victim(s) and the community. The final goal of the Community Resolution Team is to promote offender accountability.

After reviewing the police report, a Juvenile Community Corrections Officer and the local police department determine whether the case of a nonviolent, juvenile offender would benefit by being referred to a Community Resolution Team or if the case should be turned over to the Juvenile Court System. If the case is referred to a Community Resolution Team, the offender, victim(s) and community are given the opportunity to voice their opinions about the case; the Community Resolution Team aids the juvenile offender in attempting to resolve/repair the harm to the victim(s),

WHO IS TYPICALLY PRESENT AT A COMMUNITY RESOLUTION TEAM MEETING?

- three to four Community Resolution Team members,
- the victim(s)
- a victim supporter
- the offender
- the offender's guardians, and
- the police officer involved in the case.

The offender, his family, the victim, victim supporters, the community and police officer participate in a group meeting facilitated by a trained community volunteer. As an example - the victim has the opportunity to explain that the vandalism of his mailbox may have seemed like a big joke to the youth, but actually resulted in the victim being unable to receive mail for the week it took to replace the mailbox, the expense of buying the mailbox, and the frustrating search for someone to install the new mailbox when the victim doesn't have those skills himself. An outcome of the conference could be that the juvenile will pay to replace the mailbox and perhaps even install it for the victim, as well as apologize either in writing or in person. The result has a much greater impact on the juvenile than an impersonal appearance in a Courtroom.

During 2003, 30 cases were heard by seven teams. The 30 cases included 14 criminal mischief, 10 thefts, 2 vandalism, 3 assaults and 1 disorderly conduct. 18 victims were in attendance at the 30 conferences. Site visits were made to five sites. Training was held in March for 24 participants. A survey of the Juvenile Community Corrections Officers was conducted in May (see attached).

On July 1, 1999, a pilot Community Reparation Board project was launched in Ellsworth to work with adult offenders. A number of Ellsworth area residents volunteered to be members of the board.

The guidelines were drawn up by the community members themselves, receiving technical assistance from probation officers Candice Kiefer and Rena Hegg. Since that time cases have been heard. The following information is provided by the Hancock County Community Reparation Board.

The Hancock County Community Reparations Board (HCCRB) provides community-based post-conviction sentencing adjuncts and alternatives for offenders in certain crimes. (Juvenile cases, domestic assaults, and sexual offenses are not eligible under Maine's Community Reparations Board legislation. See MRSA, Title 17-A, § 1204-A.)

The Hancock County Community Reparations Board believes that crime creates an obligation and an opportunity for the offender – not merely to accept his or her punishment, but to help make things right with both the victim and the community. The Board also believes that to the extent possible, victims and offenders should both be enabled to feel that they belong to our community.

The Board pursues its mission of reparations and inclusion by providing, through facilitated dialogue (“conferencing”) between victims, offenders, and community members:

1. A chance for victims to be thoroughly heard
2. A chance for offenders to feel a personal accountability
3. A chance for each to understand the other's experience better
4. A chance for a more inclusive exploration and discussion of reparations or restitution options than the Courts can easily enable.

The HCCRB is comprised of community volunteers who are trained in restorative justice principles, and who are committed to encouraging a greater sense of safety, peace and understanding in the community.

HOW IT WORKS:

The process begins with the convicted offender being directed to participate in the dialogue/conference by the Judge. Although the offender is under the supervision of his/her probation officer, the probation officer is not a part of the dialogue/conference unless the offender asks him/her to be there as a support person.

During the conference, the offender listens as the victim(s) discusses the offense(s), and then talks about his/her own experience of the crime, including anything she/he wants to describe about events leading up to the crime. Community members also discuss their feelings about the crime and the individuals involved, conveying as much positive regard for each as is possible, and voicing their interest in community safety.

This exchange allows victims an opportunity to speak plainly about the many and varied personal impacts of the offense(s), allows community members to be similarly heard, allows offenders to begin to understand the deeper and wider human consequences of their acts, and allows offenders themselves to be heard. This enables offenders to accept a greater responsibility for the harms they have committed, and enables community members to express their concern for the safety and well-being of the community at large.

Ideas for making reparations or providing restitution are then discussed and worked into an agreement between an offender and a victim. Agreements might require that the offender pay restitution, perform community service, formally apologize to the victim, attend victim impact classes, get counseling, or pursue education. This process works best when the offender not only agrees to such terms, but also suggests them.

With the exception of restitution payments, reparations requirements imposed by the HCCRB may not extend longer than six months from the date of the agreement. Compliance with agreements is monitored by a single (voluntary or designated) member of the Board, and any failure to comply with the agreement constitutes a violation of probation, which is reported to the offender's probation officer. The decision as to whether the offender is referred to the Court for a revocation of probation hearing will rest with the probation officer.

Upon completion of the reparative agreement the victim(s), offender(s) and other conference participants are invited to a post-conference gathering to conclude the proceedings and affirm the community's wish to welcome the offender into the community. The victim may speak about his/her experience of the process and the offender will be asked to discuss what she/he may have learned from it.

The Hancock County Community Reparations Board believes that involving offenders, victims and the community together is central to understanding the obligations and benefits of being a member of the community, whether it is a village, a city, or the world.

RESTORATIVE JUSTICE

Three Programming Priorities:

- Accountability
- Competency Development
- Community Protection

Seven Core Values of Restorative Justice

- Crime is an offense against human relationships
- Victims and the community are central to the justice process
- The first priority of justice processes is to assist victims
- The second priority of justice responsibilities to victims and to the community for crimes committed
- The offender will develop improved competency and understanding as a result of the restorative justice experience
- Stakeholders share responsibilities for restorative justice through partnerships for action.

VICTIM-OFFENDER PROGRAMS

Benefits to Offenders:

- Provide a means for offenders to understand the impact of their crime on victims and communities
- Offer incentives for personal accountability in the forms of apologies, financial restitution and community service.
- Facilitate a positive learning experience and competency.

Community Service Innovative Approach:

- Letting the victim offer the court recommendations for the offender's community service.
- Ordering first-time, non-violent offenders, who have a special skill, to perform community service for a victims' rights organization.

IMPACT OF CRIME PROGRAM – MAINE DEPARTMENT OF CORRECTIONS

The Impact of Crime program is an educational approach designed to teach offenders about the human consequences of crime. Offenders are taught how crime affects the victim and the victim's family, friends, and community, and how it, also, affects them and their own families, friends, and communities. Specific modules address property crimes, sexual assault, domestic violence, child abuse and neglect, drunk driving, drug-related crimes, violent crimes and homicide. Victim impact classes have been adapted for both adult and juvenile offenders in Maine correctional facilities.

A key element of the classes is the direct involvement of victims and victim service providers. They tell their personal stories of being victimized or of helping victims to reconstruct their lives after a traumatic crime as part of a victim impact panels, composed of three to four victims of various types of crime examined in the curriculum. When the panel format is used, the class participants may ask questions at the end of the presentation, but usually do not engage in discussion with the victim presenters.

Goals:

The goals of victim impact classes include:

- Teach offenders about the short-and-long-term trauma of victimization.
- Increase offenders' awareness of the negative impact of their crime on their victims and others.
- Encourage offenders to accept responsibility for their past criminal actions.
- Provide victims and victim service providers with a forum to educate offenders about the consequences of their criminal behaviors, with the hope that it will help to prevent future offending.
- Build linkages between criminal and juvenile justice agencies and victims and victim service organizations.

Implementation:

The victim impact class program is a 12-week curriculum. Strong support and involvement from crime victims, victim service providers and community members are essential to program planning, development and implementation. Like any other program that brings offenders together with victims, it is essential that both participating offenders and victim speakers be carefully screened to ensure that they are appropriate candidates for this intervention. Every precaution is taken to avoid any retraumatization of the victims involved. They are thoroughly prepared before coming to the class and debriefed afterwards.

A new goal for the program is to provide an opportunity for offenders, after completing the course material, to conduct fund-raising activities or a community service project to benefit victims.



A SURVEY OF VICTIM SATISFACTION

THE SURVEY

The Office of Victim Services wants to know how well we are doing providing timely and informative notifications of prisoner releases to victims. For these surveys we inquired of victims whose offenders had been released sometime during the fiscal year in which they were surveyed.



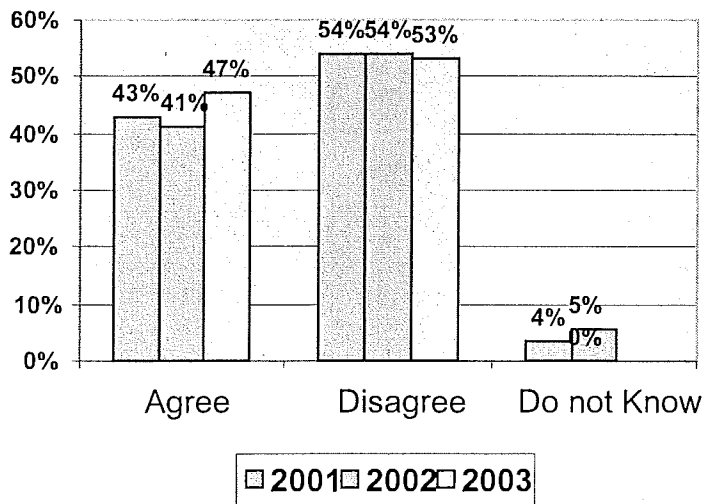
METHODOLOGY

The survey is administered annually through a written instrument. Although not a statistically valid sample, it provides an indicator of performance. 2003 marks our seventh survey. It had a 28% response rate.

The Office of Victim Services is interested in whether victims feel informed, use the Office of Victim Services as an information resource and believe the information provided to be satisfactory. The survey was first conducted in 1998 with victims whose offenders were released during the previous fiscal year. We have continued to conduct the survey on an annual basis in an ongoing effort to improve our performance.

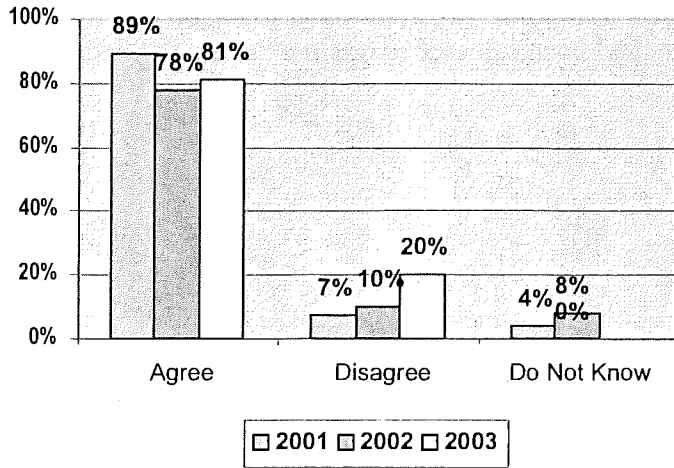
We asked victims if they believe the public is aware of the services provided to victims by the Department of Corrections.

111 RESPONSES - 2001-2003



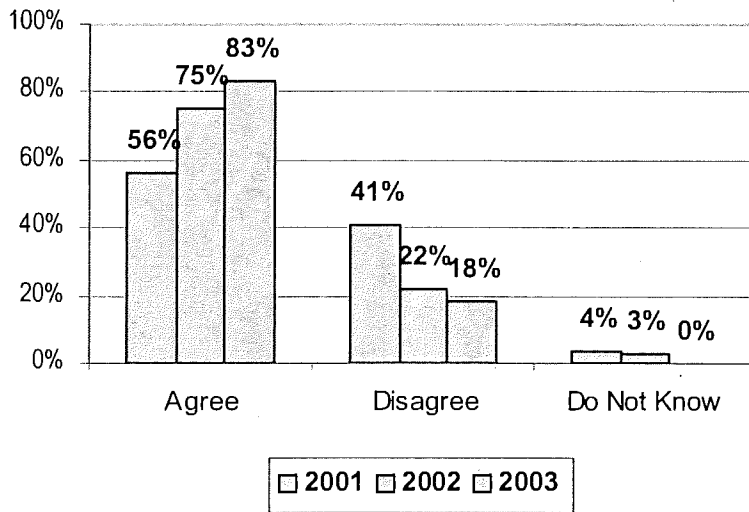
We asked victims if they believe the Department of Corrections provides a valuable service to victims

111 RESPONSES - 2001-2003



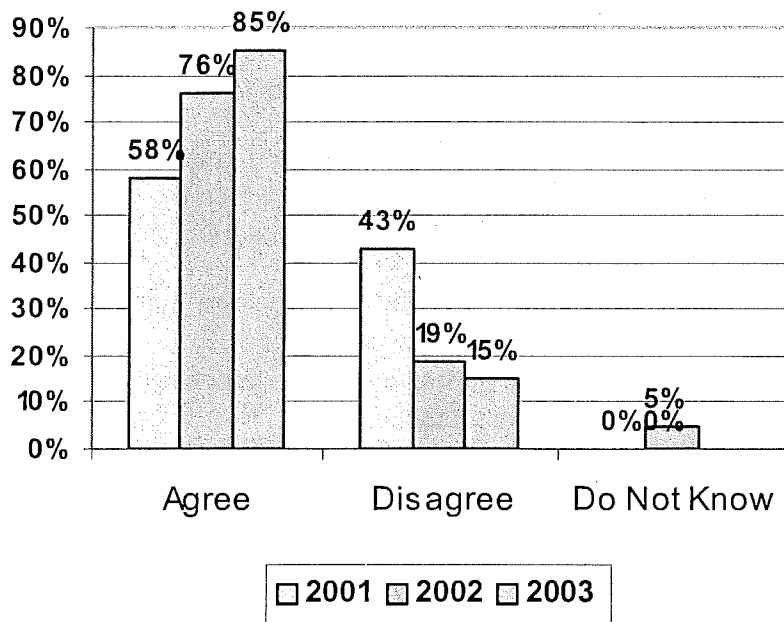
We asked victims if they know whom to contact if they have any questions regarding notification.

111 RESPONSES 2001-2003



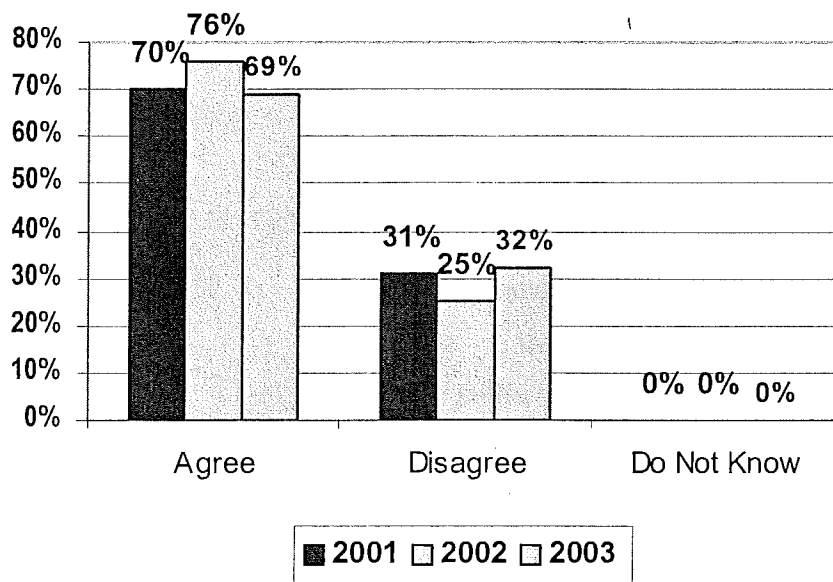
We asked victims if the notification arrived reasonably in advance of the release.

111 RESPONSES - 2001-2003



We asked victims if the notification form contained the information they need.

111 RESPONSES - 2001-2003



POLICY ON VICTIMS OF CRIME

The mission of the Maine Department of Corrections is to hold the offender accountable to the victim and community, to prevent crime and reduce the likelihood of juvenile and adult offenders re-offending.

A person who is the victim of a crime is entitled to certain basic rights: to be treated with dignity and respect, to be free from intimidation, to be assisted by criminal justice agencies and to be informed about the criminal justice system.

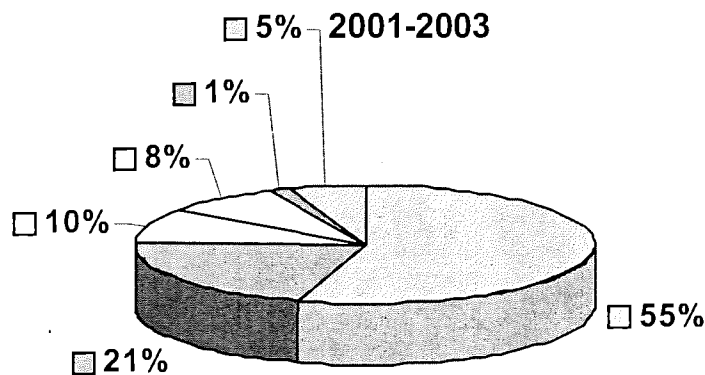
The Department of Corrections strives to ensure that victims who request notification are notified of a prisoner's release, victims receive the restitution to which they are entitled and victims are free from harassment from offenders in the custody of or under the supervision of the department.

The department provides a toll free number for victims to receive information regarding an offender's status.

The Department of Corrections encourages the participation of crime victims on the DOC Advisory Group and the Victim of Crime Impact Panels.

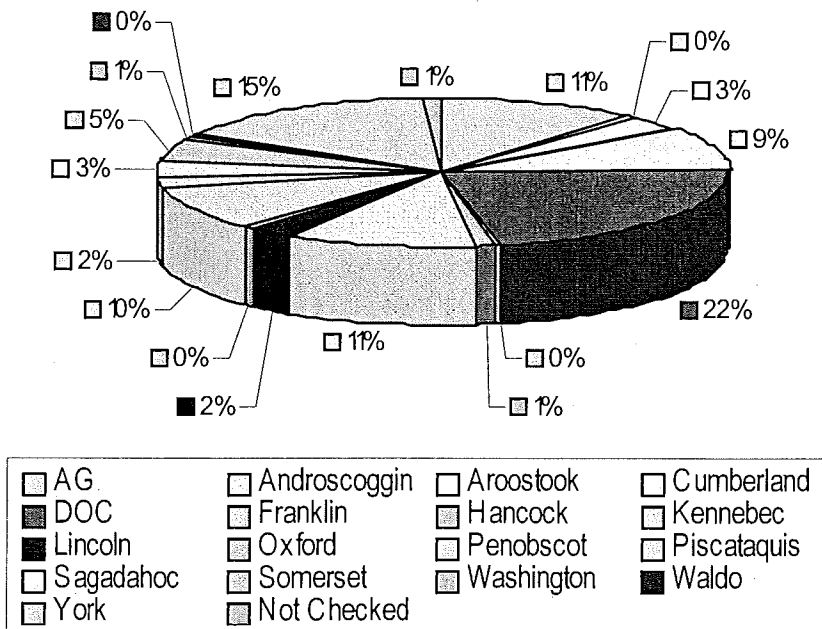
The Department of Corrections is committed to the premise that crime victims are the real customers of the department, and will receive the rights and respect to which they are entitled.

We asked victims how they learned of their right to notification.



<input type="checkbox"/> Victim/Witness Advocate	<input type="checkbox"/> District Attorney
<input type="checkbox"/> Probation Officer	<input type="checkbox"/> Other
<input type="checkbox"/> PSAs	<input type="checkbox"/> Pamphlet

Source of actual notification requests received from 7/1/2002 to 6/30/2003





PROJECT ANNOUNCEMENT:

**IMPLEMENTING EFFECTIVE CORRECTIONAL MANAGEMENT
OF OFFENDERS IN THE COMMUNITY**

A PROJECT OF THE NATIONAL INSTITUTE OF CORRECTIONS

The National Institute of Corrections (NIC) invites interested states to apply for participation in a project titled *Implementing Effective Correctional Management of Offenders in the Community*. Since the mid-1990s, NIC has promoted evidence-based practices in community corrections through training, information sharing, and technical assistance. Now, through a cooperative agreement with the Crime and Justice Institute (CJI), NIC will assist two states in applying an integrated approach to the implementation of evidence-based practices in community corrections. This approach provides equal emphases on the implementation of evidence-based practices, organizational development, and collaboration. Activities will include technical assistance through coaching and support in the following areas: assessment of current practices and structure; planning and development of strategies for system enhancements; implementation of changes; and monitoring and feedback to jurisdictions on their progress.

Project Vision and Description

Sponsored by the National Institute of Corrections (NIC), this project, *Implementing Effective Correctional Management of Offenders in the Community: An Integrated Model*, began in the fall of 2002 with a cooperative agreement between NIC and the Crime and Justice Institute (CJI). The vision of this project is *to build learning organizations that reduce recidivism through systemic integration of evidence-based practice in collaboration with community and justice partners*.

The first phase of the project brought together a national project team to develop an integrated model for the implementation of evidence-based practices in community corrections. This team included practitioners, academics, and consultants knowledgeable in the areas of evidence-based practices in community corrections, organizational development, and collaboration. The model they developed is based on the premise that implementation of evidence-based practices in community corrections must be integrated with the development of organizational capacity, collaboration, political engagement strategies, and evaluation research.

In the second phase of the project, selected states will receive coaching and assistance designed to help them initiate lasting change. The national project team will assist states to: assess site specific needs; identify strengths and weaknesses throughout the jurisdiction's community corrections system (organizational infrastructure and service delivery system); develop a plan for system enhancement; and begin implementation of that plan.

The project team is committed to enhancing community corrections systems to better reduce recidivism using research supported principles in the fields of community corrections,

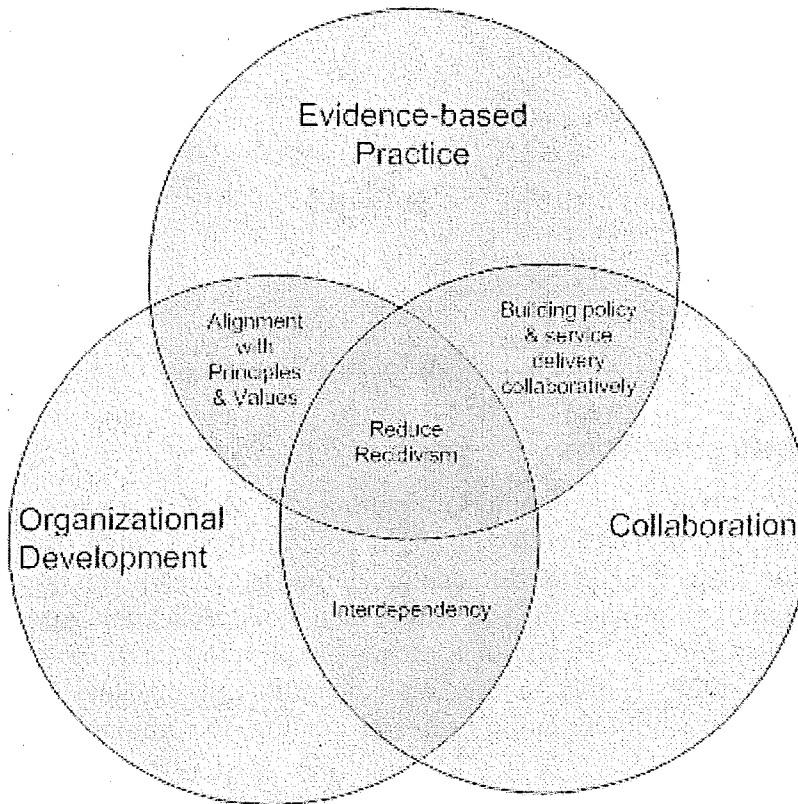
organizational development, and collaboration. Team members have all worked closely with organizations involved in efforts to reduce recidivism. Their experience in the field of community corrections indicates that organizations often begin implementation of evidence-based practice with the goals of improving recidivism and making more efficient use of limited resources. Many of these organizations are able to successfully implement components of evidence-based practices in terms of program design or offender risk and needs assessment. Unfortunately, very few, if any, organizations have successfully implemented evidence-based practices throughout their operations. While some organizations may have developed a certain breadth of implementation, many have not managed to achieve the depth necessary to change the organizational culture and attain desired outcomes. As a result, change efforts often lose focus, stagnate, and are generally unsuccessful at penetrating the *skin* of the organization. An integrated approach to implementation provides the depth and breadth necessary to ensure lasting change.

This integrated approach to implementing evidence-based practices builds on the work already being done by community corrections systems. Participation in this project does not require heavy investment of new resources, however, it may require a change in the way existing resources are allocated. The national project team will provide support and coaching in making the most effective use of existing resources, track and share information about other potential funding opportunities, and coordinate with other technical assistance and support opportunities that facilitate implementation. The project team realizes that the current economic climate in many states has created resource shortages for many public safety organizations. Leaders can choose to manage these budget crises by opting to *hunker* down, protect resources, and *stick with the familiar* or approach them as an opportunity for major system change. Funding shortfalls often provide opportunities to rethink how services are provided, improve effectiveness and efficiency, and collaborate with system partners to reduce service overlap and duplication.

Sites interested in participating in this project should be committed to the integrated concept and willing to focus their efforts and resources on all three project components: evidence-based practices, organizational development, and collaboration.

The Integrated Model

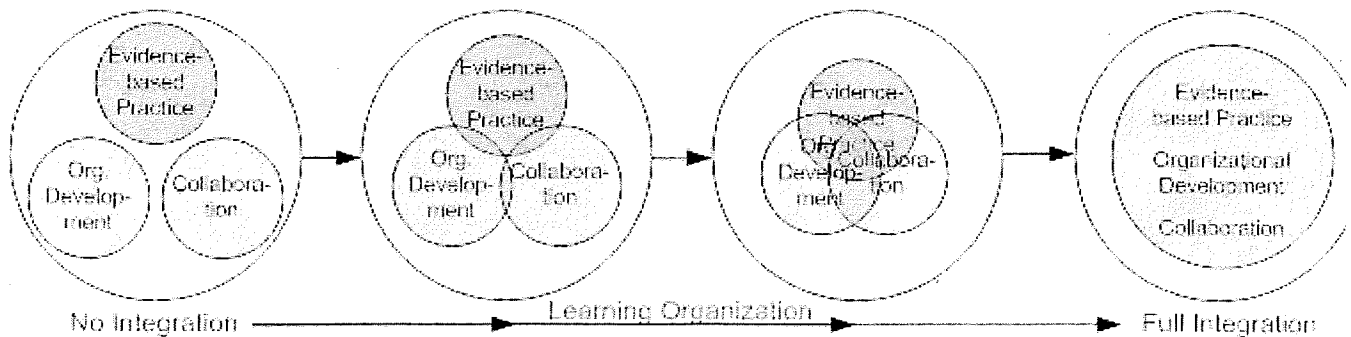
The project model is designed to provide a series of needs assessment-based interventions focused on three components: evidence-based practices, organizational development, and collaboration. Implementation of these three components using an integrated model (Figure 1) will provide all the elements necessary to assist a statewide jurisdiction in reducing recidivism.

Figure 1**Implementing Evidence-based Practice:
The Integrated Model**

Many jurisdictions are now using or want to use evidence-based practices. This project emphasizes the belief that it is impossible to develop a fully functioning model of evidence-based practice without equal emphases on organizational development and collaboration. Jurisdictions may exist at different points on the continuum of integration (Figure 2). Therefore, the second phase of the project will begin with a full system assessment to ascertain the level of implementation of evidence-based practices, organizational climate and capacity, and collaborative readiness and experience.

Figure 2

Integration Continuum

**Evidence-based practices**

Evidence-based practices in community corrections are based on principles shown to be successful, or promising, in the effective management of offenders in the community. Mirroring these principles, the project is designed to assess site needs, develop and implement a plan to fill any site-specific gaps, and provide the site with a plan for feedback and measurement of change. This project will also provide sites with a process to develop baseline and follow-up data to assess changes over time relative to the implementation of evidence-based practices. The following list of principles outlines current research findings in community corrections.

Principles for the implementation of evidence-based practices:**Assessment:**

- 1) Develop/maintain a complete system of ongoing offender risk screening / triage and needs assessments.

Engagement:

- 2) Enhance intrinsic motivation in offenders; train staff to relate to offenders in interpersonally sensitive and constructive ways.

Service Assignment:

- 3) Prioritize primary supervision and treatment resources for higher risk offenders.
- 4) Address offenders' greatest criminogenic needs.
- 5) Provide appropriate and responsive programming to offenders that addresses the following: cultural and gender issues, motivational stages, developmental stages, and learning styles.
- 6) Integrate treatment into the full sentence / sanction requirements through assertive case management.

Service Utilization:

- 7) Provide research-based programming that emphasizes cognitive behavioral strategies (e.g., Multi-systemic Therapy, Functional Family Therapy, Cognitive Skill-Building, Relapse Prevention, Motivational Interviewing).
- 8) Target adequate resources to high risk offenders.

Behavioral Compliance:

- 9) Increase positive reinforcement for pro-social offender behavior.
- 10) Monitor offender change on intermediate targets of treatment.
- 11) Administer swift, certain, predictable, and real responses to both positive and negative offender behavior.
- 12) Realign and actively engage pro-social *natural* supports for offenders in their communities.

Organizational Development

The organizational development component is designed to develop the highest productivity climate for implementing evidence-based practices at the organizational level. This project presumes that attempts to enhance the community corrections system will not be successful without a positive learning environment and a focus on improving organizational capacity. Strong leadership capacity and a firm commitment from policy-makers are required to achieve successful implementation of this level of intense systemic change. Organizational leaders must have the courage to share power and information, involve others in decision-making, restructure human resource management systems to support and drive change, and maintain a safe learning environment. Implementing this type of change will enhance the public value provided by community corrections organizations, increase the capacity of the organization to provide that value, and enhance political and community support for those services.

Collaboration

Collaboration with partners is critical to implementing systemic change, especially when the goal is reducing recidivism and improving public safety. Change in today's complex public systems affects many stakeholders, including public and community-based partners. With a united and common vision, the combined efforts of stakeholders can achieve more than any one organization could ever hope to achieve on their own. Since no organization exists in a vacuum, recognizing inherent interdependency and incorporating partners in change strategies greatly enhances the chance of success.

Measurement: The Binding Element

Measurement is a common theme for all three components of this integrated model. With support and coaching from the National Project Team, participating sites will develop the capacity to monitor progress, review feedback, and make adjustments on an ongoing basis.

Project Eligibility and Expectations

Eligibility

State Structure: Two states will be selected to participate in this project. Applications will only be accepted from state jurisdictions. Only one application per state will be accepted.

This project is designed to affect statewide use of evidence-based practices in community corrections with an emphasis on probation. The following state structures will receive preference:

- 1) States in which one or two agencies share centralized authority for and operate probation, supervised release, and post-release supervision; **or**
 - a. Example: A state in which one agency is responsible for supervising all offenders on probation and those released to the community.
 - b. Example: A state in which one agency operates correctional institutions and post-release supervision, while another agency supervises offenders on probation.
- 2) States in which a single state agency has primary **oversight** responsibility for local community corrections agencies which are statutorily responsible for the supervision of offenders in the community, including probation.
 - a. Example: A state in which one agency operates correctional institutions or the administrative functions of the court, and has authority over, but does not operate probation and post-release supervision.

In the above example and when authority for community corrections is decentralized, the agency responsible for oversight must submit the application and demonstrate commitment from local jurisdictions in the form of memoranda of understanding (MOUs) from key decision makers.

Expectations

This project requires a major commitment from the selected sites. Site-specific work plans will be designed based on needs assessments completed in collaboration with the consultants and the site teams. A member of the national project team will be assigned to selected sites to act as the external project coordinator and as a liaison with the site and the national project team to ensure the site's needs are being met. **There is no monetary award associated with participation in this project.**

The coaching and assistance provided by the national project team is designed to build the capacity of the site to continue the work long after the project has ended. As part of that capacity building, selected sites will be required to commit sufficient resources to complete assessment and implementation of all three components of the model, (i.e., evidence-based practices, organizational development, and collaboration among system stakeholders). **This commitment includes a minimum allocation of one full time staff person, responsible for on-site project management.** This position will be responsible for, and dedicated to, coordinating the

organizational change process, including convening policy teams and work teams as described in the following section.

Project Requirements and Resources

Requirements

- ❖ **Commit to making recidivism reduction through the implementation of evidence-based practices a policy priority for the state.** Project success will require leadership commitment and a corresponding political mandate. Applicants must be willing to tackle true system changes in all three components of the integrated model, (i.e., evidence-based practices, organizational development, and collaboration).
- ❖ **Dedicate a minimum of one full time equivalency (FTE) position as a Project Manager.** This individual should have direct access to the leadership and decision-makers in the lead agency. Responsibilities will include the following:
 - Working closely with the CJI project manager;
 - Acting as a liaison with National Project Team members;
 - Communicating with policy team members, including key stakeholders and policy makers from other organizations and the community;
 - Coordinating policy and work team efforts;
 - Writing assessment and implementation plan documents; and
 - Coordinating the implementation process.
- ❖ **Convene internal agency work teams.** These teams will represent a diagonal slice of the organization (multiple hierarchical levels and cross functions) and will focus on a variety of implementation issues. They will report to, and provide staffing to, the internal policy team.
- ❖ **Convene an Internal Agency Policy Team with leadership from agency divisions.** This team will provide overall direction and guidance to the change process by initiating internal planning and policy development related to the implementation of the project. Membership should consist of internal policy makers and leaders who have operational and decision-making authority for the intended modifications. Group members will also be responsible for providing guidance to the internal work groups.
- ❖ **Invest existing state resources to support this project.** In addition to the project manager position, the most important resource investment is the time and energy of the external and internal policy team members. NIC has learned that adequate and appropriate staff resources are directly related to the success of these policy efforts.
- ❖ **Convene an External Policy Team to develop interagency policy that supports implementation.** This team should include key decision-makers and leaders from public safety and community-based partners. Applicants should strongly consider including key

policy-makers that may present barriers to the implementation process, as early involvement and education may alleviate future problems. Applicants must also balance the desire for inclusion with the need to keep the team small enough to facilitate open and frank dialogue.

The External Policy Team should consist of principle representatives (decision-makers) from the following statewide stakeholder agencies / associations. *At a minimum, applications should include commitment letters from those stakeholders listed in bold.*

- **Key correctional administrators** (depending on the state structure, these may include the state director of corrections, parole board chair, probation chief, community corrections director, etc.);
- **Judicial leadership;**
- **Prosecution;**
- Defense bar (chief public defender or similar official);
- Legislators;
- Local elected officials (in states with decentralized community corrections);
- **Sheriffs;**
- Law enforcement;
- **State department of human services representatives;**
- Labor unions;
- The state's statistical analysis center;
- The state's administrative agency for Byrne grants;
- Other officials whose decisions affect the community corrections system; and
- Community leaders and directors of public and private human services agencies, of which potential members may include:
 - Community-based treatment providers,
 - Faith-based providers, and
 - Victim advocates.

Applicants may propose to work through an existing policy forum, with current or expanded membership, or create a new policy team. Applicants must also be willing to involve these critical policy-makers in a long-term process of: consensus building; solution focused dialogue; system-wide perspective development; and exploration of the separate and shared responsibilities among different levels of state and local government.

Project Resources

- ❖ **A project coordinator from the national project team.** Selected sites will be assigned a primary contact person from the national project team. This individual will act as a liaison between the site and the national project team matching site needs with team member expertise.
- ❖ **Support and coaching from the national project team.** Team members will work with sites to:
 - conduct initial site visit(s) and kick-off meetings;
 - outline the initial project steps based on site-specific goals and needs;
 - develop the membership and structure of site teams;
 - complete an extensive organizational assessment focusing on the project components: evidence-based practices, organizational development, and collaboration;
 - facilitate and support the planning process, including the following:
 - identification of the site's desired future,
 - identification of gaps between the ideal goals and current reality, and
 - development of a plan for addressing those gaps;
 - provide leadership coaching and support regarding barrier elimination, political strategy, and implementation strategy through telephone, e-mail, and in-person consultation; and
 - deliver training in the research and tools related to the integrated model components: evidence-based practices, organizational development, and collaboration.
- ❖ **Access to a web-based clearinghouse of information on best practices in community corrections.**

Who Should Apply

Ideal candidates are states that are willing to prioritize system change and have commitment from key leadership to support that intense system change. States should also demonstrate a sense of urgency to address implementation issues; a willingness to explore new approaches to old problems; and a readiness to collect and analyze data to identify problem areas and potential solutions.

The merits of each individual application will be measured by the following:

- ❖ Composition of proposed policy teams (ideally a broad-based, thoughtfully selected representation);
- ❖ Breadth and stability of agency leadership;
- ❖ Commitment from the leadership and policy-makers to make the process a priority;
- ❖ Support from elected officials or other key leadership at the state and local level;
- ❖ Demonstrated ability to work collaboratively with other agencies and community members;
- ❖ Clear articulation of the presenting issues and the desired results of project involvement;

- ❖ Sufficient resources to sustain the implementation effort, particularly the dedication of skilled staff;
- ❖ Sufficient capacity to produce system data (or a desire to build that capacity), including the availability and integration of an extensive data system, and the ability to provide data regarding the state's base rate of recidivism; and
- ❖ Willingness to participate in related evaluation activities, including making data available for internal project analysis and independent / external evaluation.

Additional Information

For instructions on how to apply, please review the Application for Participation and other related documents at www.nicic.org/services/ta/ecmoc-ta03.htm

For more information or assistance regarding this project, please contact:

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