

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 8 - L.D. 4

**An Act to Update Provisions of the Department of Corrections Laws  
Regarding Operation and Administration of Jails, Women's Services and  
Juvenile Detention**

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

**Sec. 1. 34-A MRSA §1001, sub-§8-A**, as amended by PL 2017, c. 148, §5, is further amended to read:

**8-A. Detention facility.** "Detention facility" means the Long Creek Youth Development Center and, to the extent it houses juveniles, the Mountain View Correctional Facility.

**Sec. 2. 34-A MRSA §1208, sub-§6**, as enacted by PL 1983, c. 581, §§10 and 59, is repealed.

**Sec. 3. 34-A MRSA §1208-B, sub-§4**, as enacted by PL 2021, c. 732, Pt. C, §1, is amended to read:

**4. Requirements; rulemaking by commissioner.** The jails shall operate in accordance with best practices applicable to facilities of their type and size, including the mandatory standards, policies and procedures established by rules adopted by the commissioner under subsection 1 and standards adopted under section 1208, and with the following requirements as set forth in rules adopted by the commissioner. In adopting rules ~~under this subsection~~ and standards for the jails, the commissioner shall consider the advisory input of the County Corrections Professional Standards Council established pursuant to Title 5, section 12004-G, subsection 6-D.

A. Each jail shall participate in coordination of inmate transportation. Coordination of transportation may be provided by the jail at which the inmate resides, by another jail or correctional facility or by a person or entity working under a contract with the jail at which the inmate resides.

B. Each jail shall provide access to substance use disorder screening, assessment, medication, treatment, recovery and reentry services, including at a minimum:

- (1) Screening on intake using evidence-based tools to assess the risk of overdose or withdrawal and the person's history of substance use disorder and to determine initial treatment options;
- (2) Medically managed withdrawal treatment consistent with evidence-based medical standards;
- (3) All forms of medication for addiction treatment, including at least one of each formulation of each United States Food and Drug Administration-approved medication-assisted treatments for substance use disorder, including alcohol use disorder and opioid use disorder, to ensure that each person receives the particular formulation found to be the most effective at treating and meeting the person's individual needs. Medication under this subparagraph must be offered for the duration of the person's incarceration;
- (4) Behavioral treatment options, such as group and individual counseling, and clinical support;
- (5) Peer support services;
- (6) Reentry planning and transitional support such as coordination with community-based treatment and case management service providers and recovery organizations to ensure reentry and continuity of care after release, including appointments for services made prior to release; and
- (7) Assistance in obtaining health insurance prior to release.

Substance use disorder services required by this paragraph may be provided at the jail at which the person resides or at another jail or correctional facility or by a service provider or entity working under a contract with the jail at which the person resides.

C. Each jail shall provide mental health treatment, including at a minimum providing a licensed clinician or licensed professional organization that will be available to assist an inmate who is a person receiving mental health treatment. Mental health treatment required by this paragraph may be provided at the jail at which the person resides or at another jail or correctional facility or by a service provider or entity working under a contract with the jail at which the person resides.

D. Each jail shall provide community programs and services as required by this subchapter, including at a minimum pretrial or conditional release, alternative sentencing or housing programs and electronic monitoring.

E. Each jail shall provide initial and ongoing training and technical assistance for facility staff and health care practitioners on screening, assessment, medication and treatment protocols for substance use disorder.

**Sec. 4. 34-A MRSA §1210-F, first ¶**, as enacted by PL 2021, c. 732, Pt. A, §4, is amended to read:

The County Corrections Professional Standards Council, established in Title 5, section 12004-G, subsection 6-D and referred to in this section as "the council," is established to evaluate and advise the commissioner with regard to the composition of programs and services required pursuant to section 1208-B, subsection 4; to advise the commissioner with regard to adopting rules and standards for the jails; to develop rules for reporting to the department the information required in section 1208-B, subsection 5 and, beginning

July 1, 2023, as required in section 1210-E, subsection 6; to develop budget recommendations for the department related to the County Jail Operations Fund established in section 1210-E, the recommendations for which must be submitted to the commissioner and the Governor as part of the State's biennial budget process; to make supplemental county jail funding recommendations to the department related to the fund as may be needed from time to time to address shortfalls, emergencies or other needs; and to consider the need for legislation regarding required programs, services and reporting and to submit such legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

**Sec. 5. 34-A MRSA §1214-B** is enacted to read:

**§1214-B. Setoff of victim restitution against lottery winnings**

The department shall provide the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this section as "the bureau," access to an electronic database of all persons who owe victim restitution payable through the department and imposed by a court pursuant to Title 17-A, chapter 69. Before the payment of lottery winnings by the bureau, the bureau shall determine whether the lottery winner owes victim restitution payable through the department and imposed by a court pursuant to Title 17-A, chapter 69. If the winner is determined to owe victim restitution imposed by a court, the bureau must suspend payment of the winnings, provide notice to the winner of its intention to set off the winnings against the victim restitution owed and provide the winnings to the department in the amount owed by the winner. The bureau shall release any remaining winnings in accordance with state law.

**Sec. 6. 34-A MRSA §1215**, as amended by PL 2003, c. 451, Pt. K, §1, is repealed.

**Sec. 7. 34-A MRSA §1215-A** is enacted to read:

**§1215-A. Operation and review**

The department shall operate its correctional and detention facilities in accordance with best practices applicable to facilities of similar type and size. The department shall have the operations of its facilities reviewed at least once every 3 years by one or more nationally recognized best practices reviewing bodies, including a nationally recognized accrediting body, and shall consider any resulting recommendations made by the reviewing body in determining how to operate the correctional and detention facilities.

**Sec. 8. 34-A MRSA §3001, sub-§3** is enacted to read:

**3. Director of women's services.** In addition to the officers appointed under subsections 1 and 2, the commissioner may appoint a director of women's services to serve as the chief administrative officer of any adult correctional facility female housing units. The director of women's services has all the powers and duties of other department chief administrative officers, whether described in this Title or in any other provision of statute.

**Sec. 9. 34-A MRSA §3061, sub-§1**, as amended by PL 2019, c. 113, Pt. C, §98, is further amended to read:

**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. A juvenile may not be transferred to another facility or program for adult offenders and an

adult offender may not be transferred to another facility or program for juveniles, except that an adult offender may be housed in the Long Creek Youth Development Center ~~or the Mountain View Correctional Facility~~ pursuant to ~~section 4117 or~~ Title 17-A, section 1611.

**Sec. 10. 34-A MRSA §3903**, as repealed and replaced by PL 2019, c. 343, Pt. LLLL, §2, is amended to read:

**§3903. Superintendent Warden**

**1. Chief administrative officer.** The chief administrative officer of the Downeast Correctional Facility is the ~~superintendent~~ warden of the Mountain View Correctional Facility, referred to in this subchapter as "the ~~superintendent~~ warden," and is responsible to the commissioner.

**2. Duties.** In addition to other duties set out in this Title, the ~~superintendent~~ warden has the following duties.

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

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

**Sec. 11. 34-A MRSA §3904, sub-§2**, as amended by PL 2019, c. 343, Pt. LLLL, §3, is further amended to read:

**2. Education.** The ~~superintendent~~ warden shall maintain suitable courses for academic and career and technical education of the prisoners of the Downeast Correctional Facility. The ~~superintendent~~ warden shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the facility's programs.

**Sec. 12. 34-A MRSA §3905**, as amended by PL 2019, c. 343, Pt. LLLL, §4, is further amended to read:

**§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 ~~superintendent~~ warden.

**Sec. 13. 34-A MRSA §4102-A**, as amended by PL 2017, c. 148, §11, is repealed.

**Sec. 14. 34-A MRSA §4103**, as amended by PL 2017, c. 148, §§13 and 14, is further amended to read:

**§4103. Superintendent Warden**

**1. Chief administrative officer.** The chief administrative officer of the Mountain View Correctional Facility is called the ~~superintendent~~ warden and is responsible to the commissioner.

**2. Duties.** In addition to other duties set out in this Title, the ~~superintendent~~ warden has the following duties.

A. The ~~superintendent~~ warden shall exercise supervision over the employees, grounds, buildings and equipment at the Mountain View Correctional Facility.

~~B. The superintendent shall supervise and control the juvenile detainees and juvenile clients at the Mountain View Correctional Facility in accordance with department rules.~~

C. The ~~superintendent~~ warden shall supervise and control the prisoners at the Mountain View Correctional Facility in accordance with department rules.

**3. Powers.** In addition to the powers granted in this Title, the ~~superintendent~~ warden may appoint ~~one assistant superintendent~~ deputy wardens, subject to the Civil Service Law. ~~The assistant superintendent~~ A deputy warden has the powers, duties, obligations and liabilities of the ~~superintendent~~ warden when the ~~superintendent~~ warden is absent or unable to perform the ~~superintendent's~~ warden's duties.

**Sec. 15. 34-A MRSA §4104**, as amended by PL 2017, c. 148, §15, is repealed.

**Sec. 16. 34-A MRSA §4105**, as amended by PL 2017, c. 148, §16, is repealed.

**Sec. 17. 34-A MRSA §4106**, as amended by PL 2017, c. 148, §17, is further amended to read:

**§4106. Powers of employees**

Employees of the Mountain View 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 ~~superintendent~~ warden.

**Sec. 18. 34-A MRSA §4107**, as amended by PL 2017, c. 148, §18, is repealed.

**Sec. 19. 34-A MRSA §4108**, as amended by PL 2017, c. 148, §19, is repealed.

**Sec. 20. 34-A MRSA §4111**, as amended by PL 2019, c. 155, §2, is repealed.

**Sec. 21. 34-A MRSA §4117**, as amended by PL 2017, c. 148, §26, is repealed.

**Sec. 22. 34-A MRSA §4118, sub-§3**, as enacted by PL 2017, c. 148, §27, is amended to read:

**3. Education.** The ~~superintendent~~ warden shall maintain suitable courses for academic and career and technical education of the prisoners.

A. The ~~superintendent~~ warden shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the Mountain View Correctional Facility's programs.

B. Before employing instructors in career and technical education, the ~~superintendent~~ warden shall obtain the approval of the Department of Education.