



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1715

H.P. 1104

House of Representatives, April 18, 2023

**An Act to Replace Certain Stigmatizing Language in the Maine
Revised Statutes, Titles 22, 25 and 34-A with Respectful Language**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MILLIKEN of Blue Hill.
Cosponsored by Representatives: HASENFUS of Readfield, MATHIESON of Kittery,
PLUECKER of Warren, RANA of Bangor, SALISBURY of Westbrook, Senators: BEEBE-
CENTER of Knox, LaFOUNTAIN of Kennebec.

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

2 **Sec. 1. 22 MRSA §3174, sub-§3**, as corrected by RR 2021, c. 2, Pt. B, §160, is
3 amended to read:

4 **3. ~~Inmate~~ Resident of a correctional facility, jail or public institution.** Is not an
5 ~~inmate of any a~~ resident of a correctional facility, a jail or a public institution, except as a
6 patient in a medical institution or ~~an inmate a resident of a correctional facility or a jail~~
7 during the month in which the ~~applicant~~ person becomes ~~an inmate a resident of a~~
8 correctional facility or a jail only to the extent permitted by federal law, but ~~an inmate of~~
9 ~~such a resident of a correctional facility, a jail or an institution~~ may file application for aid
10 and any allowance made thereon ~~must take~~ takes effect and must be paid ~~when upon~~
11 ~~applicant ceases~~ person's ceasing to be ~~an inmate of the~~ a resident of a correctional facility,
12 a jail or a public institution.

13 **Sec. 2. 22 MRSA §3174-T, sub-§2, ¶C**, as amended by PL 2017, c. 284, Pt.
14 SSSSSS, §1 and PL 2021, c. 635, Pt. CCC, §3 and affected by §7, is further amended by
15 amending subparagraph (4) to read:

16 (4) Is ~~an inmate in~~ a resident of a correctional facility, a jail or a public institution
17 or a patient in an institution for mental diseases.

18 **Sec. 3. 22 MRSA §8001**, as enacted by PL 1975, c. 719, §6, is amended to read:

19 **§8001. Definition of drug treatment center**

20 The term "drug treatment center," as used in this subtitle, ~~shall mean~~ means a residential
21 facility, not licensed as a medical care facility under chapter 405, for the care, treatment or
22 rehabilitation of ~~drug users, including alcohol users~~ persons with substance use disorder,
23 including persons whose substance use disorder centers on alcohol.

24 **Sec. 4. 25 MRSA §2002, sub-§3**, as amended by PL 2017, c. 407, Pt. A, §100, is
25 further amended to read:

26 **3. ~~Drug-user~~ Person who uses drugs.** "~~Drug-user~~ Person who uses drugs" ~~has the~~
27 ~~same meaning as set forth in Title 5, section 20003, subsection 10~~ means a person who uses
28 any drugs, dependency-related drugs or hallucinogens in violation of any law of the State.

29 **Sec. 5. 25 MRSA §2003, sub-§1, ¶D**, as amended by PL 2017, c. 402, Pt. C, §79
30 and c. 407, Pt. A, §102 and affected by PL 2019, c. 417, Pt. B, §14 and amended by PL
31 2021, c. 669, §5, is further amended by amending subparagraph (5), division (r) to read:

32 (r) Are you a ~~drug-user~~ person who uses drugs or a person with substance use
33 disorder?

34 **Sec. 6. 25 MRSA §5101, sub-§2, ¶B**, as amended by PL 2019, c. 343, Pt. CCCC,
35 §1, is further amended by amending subparagraph (1) to read:

36 (1) Provision of evidence-based treatment programs, including medically assisted
37 treatment, to ~~jail inmates~~ residents of a jail; and

38 **Sec. 7. 34-A MRSA §1001, sub-§1-A**, as enacted by PL 1991, c. 314, §2, is
39 amended to read:

40 **1-A. Client.** "Client" means any person in the custody or under the supervision of the
41 department, including, but not limited to, a ~~prisoner~~ resident of a correctional facility,

1 person on supervised community confinement, juvenile client, contract client, probationer
2 person on probation, parolee, juvenile detainee and an informally adjusted juvenile.

3 **Sec. 8. 34-A MRSA §1001, sub-§9**, as repealed and replaced by PL 2009, c. 391,
4 §8, is amended to read:

5 **9. Holding facility.** "Holding facility" means a facility or part of a building used for
6 the detention of adult pretrial detainees prior to arraignment, release or transfer to another
7 facility or authority for periods of up to 48 hours. "Holding facility" also means a county
8 jail or part of a jail used for the detention of adult ~~inmates~~ persons, whether detained
9 pending a trial or other court proceeding or sentenced for periods of up to 72 hours
10 excluding Saturday, Sunday and legal holidays and excluding days during which the ~~inmate~~
11 person is at court.

12 **Sec. 9. 34-A MRSA §1001, sub-§14**, as amended by PL 2013, c. 133, §24, is
13 repealed.

14 **Sec. 10. 34-A MRSA §1001, sub-§15-C** is enacted to read:

15 **15-C. Resident of a correctional facility.** "Resident of a correctional facility" means
16 an adult person sentenced and committed to, transferred to or detained in the custody of the
17 department.

18 **Sec. 11. 34-A MRSA §1001, sub-§16**, as amended by PL 1991, c. 314, §8, is
19 further amended to read:

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

23 **Sec. 12. 34-A MRSA §1201**, as amended by PL 1991, c. 314, §9, is further amended
24 to read:

25 **§1201. Legislative intent**

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

32 **Sec. 13. 34-A MRSA §1208, sub-§4**, as enacted by PL 1983, c. 581, §§10 and 59,
33 is amended to read:

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

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

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

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

4 **Sec. 14. 34-A MRSA §1208, sub-§5, ¶A**, as enacted by PL 1983, c. 581, §§10
5 and 59, is amended to read:

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

9 **Sec. 15. 34-A MRSA §1208-A**, as amended by PL 2007, c. 102, §7, is further
10 amended to read:

11 **§1208-A. Standards for additional accommodations**

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

17 **Sec. 16. 34-A MRSA §1208-B, sub-§1, ¶A**, as amended by PL 2017, c. 407, Pt.
18 A, §152, is further amended to read:

19 A. The standards, policies and procedures must address record keeping and reporting
20 of financial data, capital improvement planning, jail staffing, administration and
21 management of ~~prisoners~~ residents of a jail, transfer of ~~inmates~~ residents, notification
22 to ~~prisoners~~ residents of prohibition on contact with victims and other persons, pretrial
23 assessments and services, evidence-based programming, literacy programs, mental
24 health and substance use disorder programs and correctional officer training.

25 **Sec. 17. 34-A MRSA §1208-B, sub-§1, ¶B**, as amended by PL 2021, c. 732, Pt.
26 D, §3 and affected by §7, is further amended by amending subparagraph (1) to read:

27 (1) Require reporting of data that indicates average daily population of ~~prisoners~~
28 residents of a jail, that excludes ~~federal prisoners~~ residents of a jail detained by the
29 Federal Government, that indicates sending and receiving jails for transferred
30 ~~prisoners~~ residents and that is useful in calculating the distributions to the counties
31 pursuant to section 1210-E, subsection 9; and

32 **Sec. 18. 34-A MRSA §1210-E, sub-§4**, as enacted by PL 2021, c. 732, Pt. A, §3
33 and affected by §5, is amended to read:

34 **4. Prisoner support** **Support for residents of a jail.** The fund must be used to
35 provide a portion of the counties' costs of the support of ~~prisoners detained or sentenced to~~
36 residents of a jail.

37 **Sec. 19. 34-A MRSA §1210-E, sub-§9**, as enacted by PL 2021, c. 732, Pt. A, §3
38 and affected by §5, is amended to read:

39 **9. Formula; distribution.** The council shall establish a formula for the quarterly
40 distribution described in subsection 5. The department shall distribute quarterly to each
41 county from the fund the amount due to that county as determined according to the formula.

1 The formula must be based on the most recent fiscal year for which data is available for the
2 county and must:

3 A. Take into consideration total statewide county jail ~~prisoner~~ resident days for all
4 jails;

5 B. Take into consideration and assign to a jail the number of county jail ~~prisoner~~
6 resident days attributable to each ~~prisoner~~ resident of a jail who was charged with
7 committing a crime in that county or who was committed to the custody of or detained
8 by the sheriff of that county; and

9 C. Determine the proportion of statewide county jail ~~prisoner~~ resident days attributable
10 to each county.

11 **Sec. 20. 34-A MRSA §1217**, as enacted by PL 2009, c. 213, Pt. W, §1, is amended
12 to read:

13 **§1217. ~~Prisoner~~ Resident Boarding Fund**

14 The ~~Prisoner~~ Resident Boarding Fund is established in the department to provide
15 funding for the boarding of ~~prisoners~~ residents of a correctional facility at county jail
16 facilities.

17 **1. Commissioner's powers.** The commissioner may receive and use, for the purpose
18 of this section, money appropriated by the State.

19 **2. ~~Prisoner~~ Resident Boarding Fund.** All funds appropriated for the purpose of this
20 section must be credited to the ~~Prisoner~~ Resident Boarding Fund. State funds appropriated
21 to the ~~Prisoner~~ Resident Boarding Fund that are unexpended at the end of the fiscal year
22 for which the funds are appropriated do not lapse, but must carry forward into subsequent
23 fiscal years to be expended for the purpose of this section.

24 **Sec. 21. 34-A MRSA §1402, sub-§5**, as amended by PL 2021, c. 620, §4, is further
25 amended to read:

26 **5. Grievance procedures.** The commissioner shall establish procedures for hearing
27 grievances of clients. The commissioner shall establish a separate grievance process for
28 addressing complaints by ~~prisoners~~ residents of a correctional facility about their medical
29 and mental health treatment as well as a separate grievance process for addressing
30 complaints regarding compliance with the standards established pursuant to sections 1208,
31 1208-A and 1208-B.

32 **Sec. 22. 34-A MRSA §1402, sub-§9**, as amended by PL 2007, c. 240, Pt. YYY,
33 §2, is further amended to read:

34 **9. Statement of correctional system impact.** The commissioner shall prepare
35 statements pertaining to the impact that proposed legislation has upon correctional system
36 resources, including the cost that the correctional system would bear. The commissioner
37 shall make inquiry of a statewide association of prosecuting attorneys, the judicial branch,
38 a statewide association of county sheriffs and any other parties, as appropriate, in order to
39 provide the most accurate estimates of the correctional system impact, including the
40 number of additional ~~probationers~~ persons on probation, the number of additional
41 incarcerated individuals and the number of additional jail and prison beds that may
42 reasonably be anticipated from enactment of the legislation, by fiscal year. Whenever
43 practicable, the statements must also include the impact of such legislation in future biennia

1 as well. For purposes of this subsection, the correctional system includes correctional
2 facilities and services operated or funded by the State or by any county government. The
3 statements must be furnished to the appropriate committee of the Legislature for the
4 information of its members and to the legislative staff office designated to collect and
5 assemble fiscal information for use of legislative committees under Title 3, section 163-A,
6 subsection 10. The statements must be considered in the preparation of the fiscal note
7 included in a committee amendment or other amendment if the legislation or amendment
8 has a fiscal impact on the correctional system. A statement is not required for any
9 legislation that has no impact upon the correctional system.

10 **Sec. 23. 34-A MRSA §1403, sub-§7**, as amended by PL 2011, c. 340, §1, is further
11 amended to read:

12 **7. Establishment of farm programs and gravel mining programs to support farm**
13 **programs at correctional facilities.** The commissioner may establish a farm program at
14 each correctional facility for the purposes of producing agricultural and farm products and
15 teaching ~~prisoners~~ residents of a correctional facility and juvenile clients cultivation and
16 gardening techniques. The commissioner may also establish a gravel mining program at
17 any correctional facility sited on land that contains sufficient gravel for the purpose of
18 supporting the farm programs.

19 A. Products from farm programs under this subsection must be used by correctional
20 facilities. If a surplus exists, it may be:

- 21 (1) Sold or distributed to other state, county or local governmental entities;
22 (2) Exchanged with other state, county or local governmental entities for services
23 or other goods;
24 (3) Sold to or exchanged with private Maine businesses; or
25 (4) Sold to or exchanged with community agencies as defined in section 1206,
26 subsection 1.

27 B. The revenue generated by the sale of farm products under this subsection must be
28 deposited in a special account. This account does not lapse at the end of a fiscal year
29 but must be carried forward from year to year.

30 C. The funds in the special account under paragraph B may be expended to implement
31 and maintain farm programs in correctional facilities. These expenditures include, but
32 are not limited to, the purchase of necessary materials and equipment, construction,
33 administrative costs and employee salaries.

34 D. The commissioner may establish, for the purpose of supporting farm programs at
35 correctional facilities by generating additional revenue for the special account under
36 paragraph B, a gravel mining program at any correctional facility sited on land that
37 contains sufficient gravel. The commissioner shall determine the amount of gravel to
38 be mined. Gravel not used by correctional facilities may be sold, distributed or
39 exchanged in the same manner as farm products pursuant to paragraph A. In addition
40 to the expenditures allowed by paragraph C, the revenue generated from a gravel
41 mining program may be expended to implement and maintain gravel mining programs
42 in correctional facilities.

1 **Sec. 24. 34-A MRSA §1403, sub-§8, ¶C**, as enacted by PL 1989, c. 127, §3, is
2 amended to read:

3 C. The commissioner may contract with the Attorney General of the United States or
4 officer designated by the Congress for the care, custody, subsistence, education,
5 treatment and training of any ~~prisoner~~ resident of a correctional facility or juvenile
6 accepted under this section. All sums paid pursuant to contracts authorized by this
7 section ~~shall~~ accrue to the General Fund.

8 **Sec. 25. 34-A MRSA §1403, sub-§9, ¶D**, as amended by PL 2013, c. 368, Pt.
9 ZZZ, §1, is further amended to read:

10 D. All revenues from direct sales of goods and services produced by ~~prisoners at~~
11 ~~correctional facilities~~ residents of a correctional facility and all amounts received from
12 a private sector industry participating with the Department of Corrections in an
13 industries program certified by the United States Department of Justice under the
14 United States Code, Title 18, Section 1761, in consideration of lease of industry space,
15 provision of utilities, trash removal and other services provided to the private industry
16 that are related to the use of industry space at correctional facilities must be deposited
17 into the department's industries enterprise account, which does not lapse. All revenues
18 generated from career and technical training programs must be deposited into Other
19 Special Revenue Funds accounts, which do not lapse and must be used to support the
20 costs of vocational training programs.

21 **Sec. 26. 34-A MRSA §3032, sub-§3, ¶B**, as enacted by PL 1983, c. 459, §6, is
22 amended to read:

23 B. The ~~prisoner~~ correctional facility shall ~~be provided~~ provide the person with a
24 sufficient quantity of wholesome and nutritious food.

25 **Sec. 27. 34-A MRSA §3032, sub-§3, ¶C**, as enacted by PL 1983, c. 459, §6, is
26 amended to read:

27 C. ~~Adequate~~ The correctional facility shall provide the person with adequate sanitary
28 and other conditions as required for the health of the ~~prisoner shall be maintained~~
29 person.

30 **Sec. 28. 34-A MRSA §3032, sub-§5-A**, as amended by PL 2005, c. 506, §§4 and
31 5, is further amended to read:

32 **5-A. Restitution.** The imposition of restitution at all facilities is subject to the
33 following conditions.

34 A. Restitution may be imposed for the purpose of replacing or repairing property
35 destroyed or damaged by the ~~prisoner~~ resident of a correctional facility or juvenile
36 while the ~~prisoner~~ resident or juvenile is at the institution. When restitution is imposed
37 at a facility, a ~~prisoner~~ resident or a juvenile who is subject to that restitution and who
38 receives money from any source shall pay 25% of that money to the facility where the
39 damage occurred. The facility shall collect that money and apply it to defray the cost
40 of replacement or repair of the items destroyed or damaged. Money received by the
41 ~~prisoner~~ resident or juvenile and directly deposited into a telephone call account
42 established by the department for the sole purpose of paying for use of the department's
43 client telephone system is not subject to this paragraph, except that 25% of any money

1 received by the ~~prisoner~~ resident or juvenile and transferred from the telephone call
2 account to the department's general client account at the time of the ~~prisoner's~~ resident's
3 or juvenile's discharge or transfer to supervised community confinement or community
4 reintegration status must be collected and disbursed as provided in this paragraph.

5 A-1. Restitution may be imposed for the purpose of paying the cost of medical care
6 incurred as a result of the conduct of a ~~prisoner~~ resident of a correctional facility or
7 juvenile while the ~~prisoner~~ resident or juvenile is at the institution. When restitution is
8 imposed at a facility, a ~~prisoner~~ resident or a juvenile who is subject to that restitution
9 and who receives money from any source shall pay 25% of that money to the facility
10 where the medical care was provided. The facility shall collect that money and apply
11 it to defray the cost of medical care. Money received by the ~~prisoner~~ resident or
12 juvenile and directly deposited into a telephone call account established by the
13 department for the sole purpose of paying for use of the department's client telephone
14 system is not subject to this paragraph, except that 25% of any money received by the
15 ~~prisoner~~ resident or juvenile and transferred from the telephone call account to the
16 department's general client account at the time of the ~~prisoner's~~ resident's or juvenile's
17 discharge or transfer to supervised community confinement or community
18 reintegration status must be collected and disbursed as provided in this paragraph.

19 B. A ~~prisoner~~ resident of a correctional facility or juvenile who is transferred to another
20 facility remains liable for any restitution authorized under this chapter. The facility
21 receiving the ~~prisoner~~ resident or juvenile shall collect the restitution and transfer it to
22 the facility where the damage occurred or where the medical care was provided.

23 B-1. A ~~prisoner~~ resident of a correctional facility or juvenile who is discharged from
24 the facility remains liable for any restitution authorized under this chapter. If the
25 ~~prisoner~~ resident or juvenile is returned to the custody of the department, any facility
26 in which the ~~prisoner~~ resident or juvenile resides shall collect the restitution and ensure
27 that it is used to defray the costs as set out in this chapter.

28 C. Restitution is not authorized if its imposition would create an excessive financial
29 hardship, as determined by the department, on the dependents of the ~~prisoner~~ resident
30 of a correctional facility. Any payments made for the support of the dependents that
31 are required by the Department of Health and Human Services may not be used for
32 restitution payments.

33 **Sec. 29. 34-A MRSA §3032, sub-§5-B**, as amended by PL 2005, c. 506, §6, is
34 further amended to read:

35 **5-B. Monetary sanctions.** The imposition of monetary sanctions at adult correctional
36 facilities is subject to the following conditions.

37 A. When a monetary sanction is imposed at a facility, a ~~prisoner~~ resident of a
38 correctional facility who is subject to that monetary sanction and who receives money
39 from any source shall pay 25% of that money to the facility where the monetary
40 sanction was imposed. The facility shall collect that money and apply it to defray the
41 cost of holding disciplinary hearings. Money received by the ~~prisoner~~ resident and
42 directly deposited into a telephone call account established by the department for the
43 sole purpose of paying for use of the department's client telephone system is not subject
44 to this paragraph, except that 25% of any money received by the ~~prisoner~~ resident and
45 transferred from the telephone call account to the department's general client account

1 at the time of the ~~prisoner's~~ resident's discharge or transfer to supervised community
2 confinement must be collected and disbursed as provided in this paragraph.

3 B. A ~~prisoner~~ resident of a correctional facility who is transferred to another facility
4 remains liable for any monetary sanction authorized under this chapter. The facility
5 receiving the ~~prisoner~~ resident shall collect the monetary sanction and transfer it to the
6 facility where the monetary sanction was imposed.

7 C. A ~~prisoner~~ resident of a correctional facility who is discharged from a facility
8 remains liable for any monetary sanction authorized under this chapter. If the ~~prisoner~~
9 resident is returned to the custody of the department, any facility in which the ~~prisoner~~
10 resident resides shall collect the monetary sanction and ensure that it is used to defray
11 costs as set out in this chapter.

12 D. A monetary sanction is not authorized if its imposition would create an excessive
13 financial hardship, as determined by the department, on the dependents of the ~~prisoner~~
14 resident of a correctional facility. Any payments made for the support of the
15 dependents that are required by the Department of Health and Human Services may
16 not be used for monetary sanction payments.

17 **Sec. 30. 34-A MRSA §3033**, as amended by PL 1989, c. 127, §§7 to 9, PL 2011, c.
18 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

19 **§3033. Work assignments**

20 **1. Public works.** The commissioner may authorize the employment of ~~able-bodied~~
21 ~~prisoners~~ physically able residents of a correctional facility in the construction and
22 improvement of highways or other public works within the State under such arrangements
23 as may be made with the Department of Transportation or with another department or
24 commission of the State, county or municipality in charge of these public works, and the
25 commissioner may prescribe ~~whatever~~ any rules and conditions the commissioner
26 considers expedient to ensure the proper care and treatment of the ~~prisoners~~ residents while
27 so employed and to ensure their safekeeping and return.

28 **2. Fire or disaster.** The commissioner may authorize the training and use of ~~able-~~
29 ~~bodied~~ ~~prisoners~~ physically able residents of a correctional facility by the Bureau of
30 Forestry or the Maine Emergency Management Agency, to fight fires or provide assistance
31 during or after a civil disaster.

32 **3. Charitable property improvement.** The commissioner may authorize the use of
33 ~~able-bodied~~ ~~prisoners~~ physically able residents of a correctional facility to provide
34 assistance in the improvement of property owned by charitable, nonprofit organizations.

35 A. The commissioner shall ~~promulgate~~ adopt such rules as ~~he deems~~ the commissioner
36 determines proper to ensure the care and treatment of the ~~prisoners~~ residents and the
37 safe working conditions of ~~prisoners~~ residents and departmental employees.

38 B. The commissioner may request that charitable, nonprofit organizations pay for the
39 transportation of the ~~prisoners~~ residents of a correctional facility and pay the per diem
40 compensation of guards, correctional officers or instructors who must accompany the
41 ~~prisoners~~ residents or oversee the work to be performed.

42 **4. Prohibited act.** A person is guilty of escape under Title 17-A, section 755, if that
43 person is a ~~prisoner~~ resident of a correctional facility and escapes from any assignments

1 described in this section or from any other assignment beyond the walls or other security
2 restraints surrounding a correctional facility or otherwise off the grounds of an assigned
3 location.

4 **Sec. 31. 34-A MRSA §3035, sub-§6**, as enacted by PL 1997, c. 714, §4, is amended
5 to read:

6 **6. Notification of law enforcement agencies.** A ~~prisoner~~ resident of a correctional
7 facility may not participate in a furlough under subsection 2 unless, in advance of the chief
8 administrative officer's consideration of the request for that furlough, the department
9 notifies:

- 10 A. The district attorney for the district in which the ~~prisoner~~ resident will reside;
- 11 B. The sheriff for the county in which the ~~prisoner~~ resident will reside;
- 12 C. The chief of police of any municipality in which the ~~prisoner~~ resident will reside;
- 13 D. The Department of Public Safety; and
- 14 E. The district attorney for the district where the ~~prisoner's~~ underlying commitment of
15 the resident to the department originated.

16 If the department grants a ~~prisoner~~ resident of a correctional facility furlough request, the
17 department shall again notify those listed in paragraphs A to E.

18 A furlough may be granted in an emergency without any prior notification as long as
19 notification is given as soon as practicable.

20 **Sec. 32. 34-A MRSA §3036-A**, as amended by PL 2021, c. 376, §§1 to 7, is further
21 amended to read:

22 **§3036-A. Supervised community confinement program**

23 **1. Establishment.** The commissioner shall adopt rules establishing and governing a
24 supervised community confinement program for certain ~~prisoners committed to the~~
25 ~~department~~ residents of a correctional facility.

26 **2. Participation and eligibility.** The commissioner may transfer any ~~prisoner~~
27 ~~committed to the department~~ resident of a correctional facility from a the correctional
28 facility to supervised community confinement subject to the following restrictions.

29 A. A transfer to supervised community confinement may be granted only subject to
30 rules adopted by the commissioner.

31 B. A ~~prisoner~~ resident of a correctional facility may not be transferred to supervised
32 community confinement until the ~~prisoner~~ resident has served at least 2/3 of the term
33 of imprisonment imposed or, in the case of a split sentence, at least 2/3 of the
34 unsuspended portion, after consideration of any deductions that the ~~prisoner~~ resident
35 has received and retained under Title 17-A, section 2302, subsection 1; section 2305;
36 section 2307; section 2308; section 2309; section 2310; or section 2311 if the term of
37 imprisonment or, in the case of a split sentence, the unsuspended portion is more than
38 5 years. A ~~prisoner~~ resident may not be transferred to supervised community
39 confinement until the ~~prisoner~~ resident has served at least 1/2 of the term of
40 imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended
41 portion after consideration of any deductions that the ~~prisoner~~ resident has received

1 and retained under Title 17-A, section 2302, subsection 1; section 2305; section 2307;
2 section 2308; section 2309; section 2310; or section 2311 if the term of imprisonment
3 or, in the case of a split sentence, the unsuspended portion is 5 years or less.

4 C. Except as provided in paragraph C-1, a prisoner resident of a correctional facility
5 may not be transferred to supervised community confinement unless the prisoner
6 resident has no more than 2 years remaining on the term of imprisonment or, in the
7 case of a split sentence, on the unsuspended portion, after consideration of any
8 deductions that the prisoner resident has received and retained under Title 17-A, section
9 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section
10 2310; or section 2311.

11 C-1. If the commissioner determines that the average statewide probation case load is
12 no more than 90 probationers persons on probation to one probation officer, then a
13 prisoner resident of a correctional facility may be transferred to supervised community
14 confinement if that prisoner resident has no more than 30 months remaining on the
15 term of imprisonment or, in the case of a split sentence, on the unsuspended portion,
16 after consideration of any deductions that the prisoner resident has received and
17 retained under Title 17-A, section 2302, subsection 1; section 2305; section 2307;
18 section 2308; section 2309; section 2310; or section 2311.

19 D. A prisoner resident of a correctional facility may not be transferred to supervised
20 community confinement if the prisoner resident has a custody classification level
21 higher than minimum.

22 **2-A. Criteria and process.** The commissioner shall establish criteria and a process
23 for determining whether a prisoner resident of a correctional facility eligible for transfer to
24 supervised community confinement as provided in subsection 2 is approved for transfer.
25 The primary determining factor for approval must be the prisoner's resident's likelihood of
26 completion of supervised community confinement if transferred.

27 A. The criteria must be evidence-based and designed to evaluate the likelihood of a
28 prisoner's completion by a resident of a correctional facility of supervised community
29 confinement if transferred. The criteria must be specific and include, but may not be
30 limited to, fulfillment of expectations as to conduct, fulfillment of expectations as to
31 work, education and rehabilitation programs assigned in the case plan, other
32 rehabilitative efforts and accomplishments, arrangements for suitable housing in the
33 community, taking into consideration the proximity of this housing to the victim, and
34 the existence of support systems and resources in the community.

35 B. The process must reflect best practices for evaluating the likelihood of a prisoner's
36 completion by a resident of a correctional facility of supervised community
37 confinement if transferred and must provide guidance to department staff as to how to
38 apply the established criteria when conducting the evaluation. The process must
39 require, when information is obtained by the department from persons in the
40 community for the purpose of determining whether to approve a prisoner resident for
41 transfer to supervised community confinement, that those persons be informed of the
42 prisoner's resident's fulfillment of expectations as to conduct, fulfillment of
43 expectations as to work, education, and rehabilitation programs assigned in the case
44 plan and other rehabilitative efforts and accomplishments. The process must also
45 include the right of a prisoner resident who is eligible for transfer to supervised

1 community confinement as provided in subsection 2 but who has not been approved
2 for transfer to appeal that determination to the commissioner.

3 **3. Mandatory conditions for supervised community confinement.** Prisoners
4 Residents of a correctional facility transferred to supervised community confinement are
5 clients when they are accepted into supervised community confinement and are subject to
6 the following mandatory conditions.

7 A. The prisoner client must be involved in a program of work or education that is
8 approved by the commissioner together with any treatment program that the
9 commissioner might require. The commissioner may waive the requirement of
10 involvement in a program of work or education for a prisoner client who is involved in
11 an approved full-time treatment program.

12 B. The prisoner client must live in a residence that is approved by the commissioner.

13 C. The prisoner client must be subject to a curfew set by the commissioner during
14 which time the prisoner client must be at the approved residence.

15 D. The prisoner client must be subject to travel or movement restrictions set by the
16 commissioner limiting the prisoner's client's travel to times and places directly related
17 to approved employment, education, treatment or such other specific purposes as are
18 approved in advance by the commissioner.

19 E. The prisoner client must be subject to searches of the prisoner's client's person,
20 residence, papers and effects without a warrant and without probable cause, for items
21 prohibited by law or by the conditions of supervised community confinement or
22 otherwise subject to seizure, upon the request of the commissioner. The commissioner
23 may prohibit the prisoner client from residing with anyone who does not consent to a
24 search of the residence to the extent necessary to search the prisoner's client's person,
25 residence, papers and effects.

26 F. The prisoner client may not possess or use illegal drugs or other illegal substances,
27 may not possess or use alcohol and may not misuse any other legal substance.

28 G. The prisoner client must submit to urinalysis, breath testing or other chemical tests
29 without probable cause at the request of the commissioner.

30 H. The prisoner client must notify any law enforcement officer, if stopped, of the
31 prisoner's client's status as a prisoner person on supervised community confinement
32 and notify the commissioner within 8 hours of any such contact with any law
33 enforcement officer.

34 I. The prisoner client may not violate state or federal criminal law.

35 J. When required by the commissioner and to the extent that the commissioner
36 determines that the prisoner client has the financial resources, the prisoner client must
37 pay part or all of the costs of the prisoner's client's participation in the supervised
38 community confinement program.

39 **4. Additional conditions.** In addition to the mandatory conditions, the conditions of
40 supervised community confinement that may be imposed on a prisoner client at any time
41 include:

1 A. Any condition that may be imposed as a condition of probation pursuant to Title
2 17-A, section 1807; and

3 B. Any condition that would be appropriate for the ~~prisoner~~ client and the supervised
4 community confinement program. The conditions imposed may be as stringent or
5 restrictive as, but not more stringent or restrictive than, those that may be
6 constitutionally imposed if the ~~prisoner~~ client were actually housed at a maximum
7 security institution.

8 **5. Copy of rules.** Copies of rules must be provided to ~~prisoners~~ residents of a
9 correctional facility as follows.

10 A. The commissioner shall provide to any ~~prisoner~~ resident of a correctional facility
11 permitted to participate in the supervised community confinement program under this
12 section a copy of the rules applicable to the program.

13 B. The ~~prisoner~~ resident of a correctional facility shall attest to the receipt of the copy
14 of the rules.

15 **6. Prohibited acts.** Prohibited acts under this section are governed as follows.

16 A. A person 18 years of age or older is guilty of interference with supervised
17 community confinement if that person intentionally or knowingly obstructs,
18 intimidates or otherwise abets any ~~prisoner~~ client participating in the supervised
19 community confinement program under this section and intentionally contributes or
20 causes the ~~prisoner~~ client to violate any term of supervised community confinement
21 program participation, after having been warned by the commissioner to end the
22 offending activity.

23 B. Interference with supervised community confinement is a Class D crime.

24 **7. Investigation of compliance.** The commissioner, at any time and in any manner
25 the commissioner determines appropriate, may investigate compliance with the conditions
26 imposed. The means of investigation may include, but are not limited to, the following:

27 A. Personal contact with the ~~prisoner~~ client at the ~~prisoner's~~ client's residence, place
28 of employment or any other place;

29 B. Direct inquiry of the ~~prisoner's~~ client's employer, school or any other person or
30 entity;

31 C. Criminal, court and law enforcement agency investigations; and

32 D. Credit and other financial inquiries.

33 **8. Funding.** Funds generated pursuant to this section must be deposited into the
34 Supervised Community Confinement Account established by the department, except that
35 where authorized by the department, a person participating in the supervised community
36 confinement program may be required to pay fees directly to a provider of electronic
37 monitoring, drug testing or other services. Funds from this account, which may not lapse,
38 must be used to pay for the costs of the supervised community confinement program.

39 **9. Probation violation; revocation.** If a ~~prisoner~~ client on supervised community
40 confinement violates a condition of supervised community confinement imposed on the
41 ~~prisoner~~ client and if the violation conduct is also a violation of a condition of probation
42 imposed as part of the sentence the ~~prisoner~~ client is serving while on supervised

1 community confinement, a probation officer may file with any court a motion for
2 revocation of probation and the court may revoke probation as specified in Title 17-A,
3 section 1812.

4 **10. Terminally ill or incapacitated ~~prisoner~~ resident of a correctional facility.**
5 With the consent of the ~~prisoner~~ resident of a correctional facility, the commissioner may
6 transfer a ~~prisoner~~ resident of a correctional facility committed to the department from a
7 correctional facility to supervised community confinement status without meeting the
8 eligibility requirements of subsection 2, paragraphs B and C and without meeting the
9 criteria or fulfilling the process provided for under subsection 2-A if the department's
10 director of medical care has determined that the ~~prisoner~~ resident of a correctional facility
11 has a terminal or severely incapacitating medical condition and that care outside a
12 correctional facility is medically appropriate. A resident of a correctional facility
13 transferred under this subsection becomes a client notwithstanding that the person does not
14 meet the requirements for supervised community confinement. Except as set out in this
15 subsection, the ~~prisoner~~ client must live in a hospital or other appropriate care facility, such
16 as a nursing facility, residential care facility or a facility that is a licensed hospice program
17 pursuant to Title 22, section 8622, approved by the commissioner. As approved by the
18 commissioner, the ~~prisoner~~ client may receive hospice services from an entity licensed
19 pursuant to Title 22, chapter 1681, subchapter 1 or other care services provided by an entity
20 approved by the commissioner and, subject to approval by the commissioner, may live at
21 home while receiving these services. The commissioner may exempt a ~~prisoner~~ client
22 transferred to supervised community confinement pursuant to this subsection from any
23 mandatory condition under subsection 3 that the commissioner determines to be
24 inapplicable. The ~~prisoner~~ client shall provide any information pertaining to the ~~prisoner's~~
25 client's medical condition or care that is requested by the commissioner at any time while
26 the ~~prisoner~~ client is on supervised community confinement. If the commissioner
27 determines that the ~~prisoner~~ client has failed to fully comply with a request or if at any time
28 the department's director of medical care determines that the ~~prisoner~~ client does not have
29 a terminal or severely incapacitating medical condition or that care outside a correctional
30 facility is not medically appropriate, the commissioner shall revoke the transfer to
31 supervised community confinement.

32 **11. Revocation of transfer.** The commissioner may revoke a transfer to supervised
33 community confinement at any time for any reason in the commissioner's discretion.

34 **12. Information for ~~prisoners~~ residents of a correctional facility.** The department
35 shall make available to all ~~prisoners~~ residents of a correctional facility written information
36 about supervised community confinement, including eligibility requirements, the
37 application process and the criteria and process for determining whether a ~~prisoner~~ resident
38 of a correctional facility eligible for transfer to supervised community confinement may be
39 approved for transfer.

40 **13. Data tracking.** The department shall track data for all ~~prisoners~~ residents of a
41 correctional facility who apply for supervised community confinement and approval, denial
42 and, if approved, completion of the program. Such data must include, but is not limited to,
43 demographic data regarding race and ethnicity, gender, age and convictions leading to the
44 ~~prisoner's~~ resident's current incarceration.

1 **Sec. 33. 34-A MRSA §3036-B**, as enacted by PL 2019, c. 396, §1, is amended to
2 read:

3 **§3036-B. Reentry houses**

4 **1. Reentry house defined; requirement.** For purposes of this section, "reentry
5 house" means a correctional program provided by the department through a written contract
6 with one or more private employers under which the employers provide and maintain
7 housing for specified ~~prisoners~~ clients, employ those ~~prisoners~~ clients and provide to those
8 ~~prisoners~~ clients all meals, laundry facilities and transportation to and from job sites. A
9 reentry house is not a correctional facility. A reentry house must meet all state and local
10 building and life safety codes for the type of building in which the reentry house is located.

11 **2. Contract.** The commissioner may enter into contracts for the establishment of
12 reentry houses for the purpose of providing housing and other assistance to ~~prisoners~~ clients
13 transferred to supervised community confinement under section 3036-A.

14 **3. Other assistance.** The department shall employ, or contract for, program staff to
15 provide other assistance to ~~prisoners~~ clients housed at a reentry house, including, but not
16 limited to, assistance with reentry planning.

17 **4. Transfer.** A ~~prisoner~~ resident of a correctional facility may be transferred to
18 supervised community confinement to be housed in a reentry house only if the ~~prisoner~~
19 resident of a correctional facility meets all of the eligibility requirements of section 3036-A
20 and the rules adopted by the commissioner pursuant to section 3036-A, has successfully
21 participated in a work release program at a department facility and has the skills necessary
22 to perform a job available from a private employer with which the department has
23 contracted.

24 **5. Supervision.** All of the provisions of section 3036-A and the rules adopted by the
25 commissioner pursuant to section 3036-A apply to a ~~prisoner~~ client housed at a reentry
26 house, and supervision of the ~~prisoner~~ client must be conducted by a probation officer in
27 the same manner as for any other ~~prisoner~~ client transferred to supervised community
28 confinement.

29 **6. Escape.** A ~~prisoner~~ client who is transferred to supervised community confinement
30 who intentionally violates a requirement to reside at a reentry house or otherwise escapes
31 is guilty of escape under Title 17-A, section 755.

32 **Sec. 34. 34-A MRSA §3039-A**, as enacted by PL 1997, c. 358, §4 and amended by
33 PL 2003, c. 689, Pt. B, §6, is further amended to read:

34 **§3039-A. Family support**

35 A ~~prisoner~~ resident of a correctional facility may not participate in an industry program
36 under section 1403, a work program under section 3035 or any other program administered
37 by the department by which a ~~prisoner~~ resident is able to generate money unless the
38 ~~prisoner~~ resident consents to pay at least 25% of that money for the support of any
39 dependent child if the parent, legal guardian or legal custodian of the child requests that
40 payment. Upon the written request of a parent, legal guardian or legal custodian, the chief
41 administrative officer of the correctional facility where the ~~prisoner~~ resident is incarcerated
42 shall collect and disburse to the parent, legal guardian or legal custodian that portion of the
43 ~~prisoner's~~ resident's money to be paid for the support of the dependent child. This section

1 does not apply to any ~~prisoner~~ resident making payments for the support of a dependent
2 child pursuant to a support order issued by a court or by the Department of Health and
3 Human Services.

4 **Sec. 35. 34-A MRSA §3042**, as amended by PL 2019, c. 113, Pt. C, §96, is further
5 amended to read:

6 **§3042. Disposition of detainees**

7 **1. Notice to ~~prisoner~~ resident of a correctional facility.** The commissioner, chief
8 administrative officer or other official having custody of a ~~prisoner~~ resident of a
9 correctional facility serving a term of imprisonment in a correctional facility in this State
10 shall promptly inform the ~~prisoner~~ resident in writing of:

11 A. The source and contents of any untried indictment, information or complaint
12 pending in this State against the ~~prisoner~~ resident of which the commissioner, warden
13 or other official has knowledge; and

14 B. The ~~prisoner's~~ right of the resident to request a final disposition of the untried
15 indictment, information or complaint.

16 **2. Right to trial.** A ~~prisoner~~ resident of a correctional facility serving a term of
17 imprisonment in a correctional facility in this State is entitled to be brought to trial on any
18 untried indictment, information or complaint pending in this State against ~~him~~ the resident
19 within 180 days after giving proper notice in accordance with subsections 3 and 4.

20 **3. Proper notice.** To constitute proper notice under subsection 2, the ~~prisoner~~ resident
21 of a correctional facility must send to the prosecuting official of the county in which the
22 indictment, information or complaint is pending, and to the appropriate court, the
23 following:

24 A. Written notice of the place of imprisonment;

25 B. Written notice of the request for final disposition to be made of the untried
26 indictment, information or complaint; and

27 C. A certificate of the commissioner, warden or other official having custody of the
28 ~~prisoner~~ resident stating:

29 (1) The term of commitment under which the ~~prisoner~~ resident is held;

30 (2) The time already served on the sentence;

31 (3) The time remaining to be served;

32 (4) The total of deductions received and retained;

33 (5) The time of parole eligibility of the ~~prisoner~~ resident; and

34 (6) Any decisions of the State Parole Board relating to the ~~prisoner~~ resident.

35 **4. Manner of giving proper notice.** The manner of giving proper notice under
36 subsection 2 is as follows.

37 A. The ~~prisoner~~ resident of a correctional facility shall give or send the written notice
38 of place of imprisonment and the written notice of request for final disposition to the
39 commissioner, warden or other official having custody of ~~him~~ the resident.

1 B. The commissioner, warden or other official having custody of the ~~prisoner~~ resident
2 shall promptly forward the written notices, together with the certificate to the
3 appropriate prosecuting official and court by registered or certified mail, return receipt
4 requested.

5 **5. Continuance.** For good cause shown in open court, the ~~prisoner~~ resident of a
6 correctional facility or ~~his~~ the resident's counsel being present, the court having jurisdiction
7 of the matter may grant any necessary or reasonable continuance.

8 **6. Time limitation.** If the ~~prisoner~~ resident of a correctional facility is not brought to
9 trial on the untried indictment, information or complaint within 180 days after the ~~prisoner~~
10 resident gave or sent proper notice under subsection 2:

11 A. The untried indictment, information or complaint is no longer of any force or effect;

12 B. No court has jurisdiction over it; and

13 C. The appropriate court shall enter an order dismissing it with prejudice.

14 **7. Effect of escape.** If a ~~prisoner~~ resident of a correctional facility escapes from
15 custody after ~~his~~ the resident's execution of the request for final disposition, ~~his~~ the
16 resident's request is voided.

17 **8. Exception.** This section does not apply to any person adjudged to be mentally ill.

18 **Sec. 36. 34-A MRSA §3047**, as amended by PL 2019, c. 113, Pt. C, §97, is further
19 amended to read:

20 **§3047. Discharge or parole**

21 When any ~~prisoner~~ resident of a correctional facility sentenced to the department is
22 paroled or discharged, the commissioner:

23 **1. Clothing.** Shall ensure that the ~~prisoner~~ person is provided with decent clothing;

24 **2. Money.** May give the ~~prisoner~~ person an amount equal to the net salary of a single
25 wage earner with no dependents for 40 hours of work at the state minimum wage less all
26 applicable state and federal deductions except that any amount in excess of \$50 may not be
27 provided by the General Fund, except that the commissioner may not give money to a
28 ~~prisoner~~ person who:

29 A. Has, within the 6 months prior to the date of parole or discharge, transferred from
30 the department's general client account to any person more than \$500, excluding any
31 money transferred for the support of dependents; or

32 B. Has, on the date of parole or discharge, more than \$500 in personal assets.

33 Money received by the ~~prisoner~~ person under this subsection is not subject to section 3032,
34 subsection 5-A or 5-B or Title 17-A, section 2016, subsection 2;

35 **3. Transportation.** Shall furnish transportation to the place where the ~~prisoner~~ person
36 was convicted, except that:

37 A. If the ~~prisoner's~~ home of the person is within the State, transportation must be
38 furnished to the ~~prisoner's~~ home of the person;

39 B. If the ~~prisoner~~ person has secured employment within the State, transportation must
40 be furnished to the place of employment;

1 C. If the ~~prisoner's~~ home of the person is outside the State, or if the ~~prisoner~~ person
2 has secured employment outside the State, transportation must be furnished to the place
3 on the Maine border nearest the place of employment; or

4 D. If the ~~prisoner~~ person requests a reasonable place nearer the place of incarceration
5 than any of the foregoing, transportation must be furnished to that place; or

6 **4. Extreme circumstances.** May, in extreme circumstances, if the ~~prisoner's~~ home of
7 the person is outside the State, or if the ~~prisoner~~ person has secured employment outside
8 the State, furnish transportation to the ~~prisoner's~~ home or place of employment of the
9 person.

10 **Sec. 37. 34-A MRSA §3048**, as enacted by PL 2007, c. 546, §1, is amended to read:

11 **§3048. Religious services**

12 The commissioner shall adopt rules that provide for the accommodation of any ~~prisoner~~
13 resident of a correctional facility who expresses a desire to practice a religion of the
14 ~~prisoner's~~ resident's choice as long as the practice does not present a threat to the safety,
15 security or orderly management of the facility in which the ~~prisoner~~ resident is housed.
16 The rules must be consistent with all federal requirements. Rules adopted under this section
17 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **Sec. 38. 34-A MRSA §3062, sub-§1**, as amended by PL 1991, c. 314, §54, is
19 further amended to read:

20 **1. Requirements.** The commissioner may transfer any ~~prisoner~~ resident of a
21 correctional facility sentenced to the department to a federal penal or correctional
22 institution if the ~~United States~~ Federal Bureau of Prisons accepts the commissioner's
23 application for transfer of the ~~prisoner~~ resident. A person transferred under this section is
24 considered a resident of a correctional facility for the purposes of this section.

25 **Sec. 39. 34-A MRSA §3062, sub-§2, ¶B**, as amended by PL 1991, c. 314, §55, is
26 further amended to read:

27 B. The chief administrative officer shall affix to the contract a copy of the mittimus or
28 mittimuses under which the ~~prisoner~~ resident of a correctional facility is held.

29 **Sec. 40. 34-A MRSA §3062, sub-§2, ¶C**, as enacted by PL 1983, c. 459, §6, is
30 amended to read:

31 C. The contract and mittimus or mittimuses are sufficient authority for the United
32 States to hold the ~~prisoner~~ resident of a correctional facility on behalf of the State.

33 **Sec. 41. 34-A MRSA §3062, sub-§3**, as enacted by PL 1983, c. 459, §6, is amended
34 to read:

35 **3. Effect on ~~prisoner~~ resident of a correctional facility.** The rights of transferred
36 ~~prisoners~~ residents of a correctional facility are governed as follows.

37 A. A ~~prisoner~~ resident of a correctional facility transferred under this section is subject
38 to the terms of ~~his~~ the resident's original sentence or sentences as if ~~he~~ the resident were
39 serving the sentence or sentences within the confines of the ~~prison~~ correctional facility
40 from which the person was transferred.

1 B. Nothing in this section deprives a ~~prisoner~~ resident of a correctional facility
2 transferred under this section of ~~his~~ the resident's rights to parole or ~~his~~ the resident's
3 rights to legal process in the courts of this State.

4 **Sec. 42. 34-A MRSA §3063-B**, as enacted by PL 2015, c. 335, §28, is amended to
5 read:

6 **§3063-B. Transfer from jails**

7 The commissioner may accept custody of ~~prisoners~~ residents of a jail transferred to the
8 department from county jails under Title 30-A, section 1557-B.

9 **Sec. 43. 34-A MRSA §3063-C, sub-§1**, as enacted by PL 2015, c. 335, §28, is
10 amended to read:

11 **1. Transfer of ~~prisoner~~ resident of a correctional facility.** The commissioner may
12 transfer a ~~prisoner~~ resident of a correctional facility serving a sentence in a correctional
13 facility to a county jail, upon the request of the chief administrative officer and the approval
14 of the sheriff of the jail.

15 **Sec. 44. 34-A MRSA §3063-C, sub-§2**, as enacted by PL 2015, c. 335, §28, is
16 amended to read:

17 **2. Cost of transfer.** The department shall pay the cost of the transfer or the return of
18 the ~~prisoner~~ resident of a correctional facility.

19 **Sec. 45. 34-A MRSA §3063-C, sub-§3**, as amended by PL 2021, c. 732, Pt. D, §6
20 and affected by §7, is further amended to read:

21 **3. Reimbursement.** By agreement between the commissioner and the sheriff of the
22 receiving jail pursuant to this section, the department shall pay directly to the jail
23 reimbursement in accordance with this subsection.

24 A. During a state fiscal year in which the funding required by section 1210-E,
25 subsection 2 has been appropriated to the County Jail Operations Fund and
26 disbursements have been made equal to the amount due to the counties as required by
27 section 1210-E, the receiving jail may charge the department for the transferred
28 ~~prisoner~~ resident of a correctional facility a rate to be negotiated between the sheriff of
29 the jail and the department that is no higher than \$25 per diem per ~~prisoner~~ resident.

30 B. During a state fiscal year in which less than the funding required by section 1210-E,
31 subsection 2 has been appropriated to the County Jail Operations Fund or
32 disbursements have not been made equal to the amount due to the counties as required
33 by section 1210-E, the receiving jail may charge the department for the transferred
34 ~~prisoner~~ resident of a correctional facility a rate to be negotiated between the sheriff of
35 the county jail and the department that is no higher than \$108 per diem per ~~prisoner~~
36 resident.

37 C. The department shall reimburse the receiving jail for any costs incurred in the
38 provision of extraordinary medical or surgical treatment for conditions of the ~~prisoner~~
39 resident of a correctional facility that existed prior to transfer.

40 D. Payment amounts provided for in this section may be adjusted or dispensed with
41 upon terms mutually agreeable to the commissioner and the sheriff of the receiving jail.

1 **Sec. 46. 34-A MRS §3063-C, sub-§4**, as amended by PL 2019, c. 113, Pt. C,
2 §100, is further amended to read:

3 **4. Transferee subject to rules.** A prisoner resident of a correctional facility
4 transferred under this section is subject to the general rules of the facility to which the
5 prisoner resident is transferred, except that for a prisoner resident who has been sentenced:

6 A. The term of the original sentence remains the same unless altered by the court;

7 B. The prisoner transferred resident becomes eligible for deductions as provided in
8 Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308;
9 section 2309; section 2310; or section 2311 for a ~~prisoner committed to the department~~
10 resident;

11 C. The prisoner transferred resident becomes eligible for release and discharge as
12 provided in Title 17-A, section 2314, subsection 1 for a ~~prisoner committed to the~~
13 department resident;

14 D. The prisoner transferred resident is entitled to have the time served in the jail under
15 this section deducted from the sentence; and

16 E. The prisoner transferred resident becomes eligible for furloughs, work or other
17 release programs, and supervised community confinement as authorized by sections
18 3035 and 3036-A and may apply pursuant to the rules governing the correctional
19 facility from which the prisoner transferred resident was transferred.

20 **Sec. 47. 34-A MRS §3063-C, sub-§5**, as enacted by PL 2015, c. 335, §28, is
21 amended to read:

22 **5. Return of prisoner resident of a correctional facility.** A prisoner resident of a
23 correctional facility transferred pursuant to this section must be returned to the department
24 upon the request of the commissioner or the sheriff.

25 **Sec. 48. 34-A MRS §3069, sub-§1**, as amended by PL 2007, c. 102, §10, is
26 further amended to read:

27 **1. Involuntary.** When a prisoner resident of a correctional facility has been
28 determined by a competent medical authority to require inpatient treatment for mental
29 illness, the chief administrative officer of that facility shall make application in accordance
30 with Title 34-B, section 3863.

31 A. Any person with respect to whom an application and certification under Title 34-B,
32 section 3863 are made may be admitted to either state mental health institute.

33 B. Except as otherwise specifically provided in this section, Title 34-B, chapter 3,
34 subchapter 4, Article 3 is applicable to the person as if the admission of the person were
35 applied for under Title 34-B, section 3863.

36 C. A copy of the document by which the person is held in the facility must accompany
37 the application for admission.

38 D. If the sentence being served at the time of admission has not expired or commitment
39 has not been terminated in accordance with law at the time the person is ready for
40 discharge from hospitalization, the person must be returned by the appropriate officers
41 of the correctional facility.

1 E. Admission to a mental health institute under this section has no effect upon a
2 sentence then being served or a commitment then in effect. The sentence continues to
3 run and the commitment remains in force, unless terminated in accordance with law.
4 While the sentence or commitment is in effect, the person may not receive a privilege,
5 including, but not limited to, a furlough or its equivalent, a funeral or deathbed visit or
6 the use of tobacco, unless the chief administrative officer of the correctional facility
7 approves the receipt of the privilege.

8 **Sec. 49. 34-A MRSA §3069, sub-§4**, as enacted by PL 2003, c. 482, Pt. C, §1 and
9 amended by c. 689, Pt. B, §6, is amended to read:

10 **4. Review use of seclusion and restraint with prisoners residents of a correctional**
11 **facility with major mental illness; report.** Beginning October 1, 2003, the Department
12 of Health and Human Services, utilizing its medical directors and forensic psychiatrists,
13 shall review the use of seclusion and restraint with prisoners residents with major mental
14 illness in all ~~adult~~ correctional facilities. The department and the Department of Health
15 and Human Services shall agree to the design and scope of this review. This review must
16 include, but not be limited to, a case review of the rates of and duration of such practices
17 with prisoners residents with major mental illness, whether the use of seclusion and
18 restraint is appropriate and whether there is a pattern of restraint and seclusion with any
19 particular prisoners residents with major mental illness. Beginning December 30, 2004 and
20 annually thereafter, the Department of Health and Human Services shall issue a written
21 report that includes its findings and recommendations for improvements determined to be
22 necessary. That report must be forwarded to the commissioner and to the joint standing
23 committee of the Legislature having jurisdiction over criminal justice and public safety
24 matters.

25 **Sec. 50. 34-A MRSA §3069-A**, as amended by PL 2017, c. 147, §4, is further
26 amended to read:

27 **§3069-A. Transfer of jail inmates residents of a jail for mental health services**

28 **1. Eligible inmates residents of a jail.** The commissioner may transfer from a jail to
29 a correctional facility an adult inmate resident of a jail who the chief administrative officer
30 of the Riverview Psychiatric Center confirms is eligible for admission to a state mental
31 health institute under Title 34-B, section 3863, but for whom no suitable bed is available,
32 for the purpose of providing to the inmate person mental health services in a mental health
33 unit of a correctional facility that provides intensive mental health care and treatment. The
34 commissioner may not transfer pursuant to this section a person who has been found not
35 criminally responsible by reason of insanity. The commissioner may return ~~an inmate a~~
36 person transferred pursuant to this subsection back to the sending facility.

37 For purposes of this subsection, "intensive mental health care and treatment" has the same
38 meaning as in section 3049, subsection 1.

39 **2. Evaluation.** The commissioner may transfer from a jail to a correctional facility an
40 adult inmate resident of a jail whom the court orders to be examined or further evaluated
41 by the State Forensic Service under Title 15, section 101-D, subsection 1, 2, 3 or 9 if the
42 State Forensic Service determines that the jail where the inmate person is incarcerated
43 cannot provide an appropriate setting for the examination but that a mental health unit in a
44 correctional facility can provide an appropriate setting for the examination. The
45 commissioner shall return ~~an inmate a~~ person transferred pursuant to this subsection back

1 to the sending facility upon the completion of the examination ordered, including any
2 further evaluation ordered, unless the commissioner transferred the ~~inmate~~ person for
3 another reason in addition to the examination.

4 **3. Disclosure of information.** With respect to an adult ~~inmate~~ resident of a jail who
5 has previously been hospitalized under Title 34-B, chapter 3, subchapter 4, the
6 commissioner may make it a prerequisite to a transfer of the ~~inmate~~ resident of the jail
7 under this section that necessary information be disclosed to the department pursuant to
8 Title 34-B, section 1207, subsection 1, paragraph B.

9 **4. Application of other laws.** All other applicable provisions of law governing
10 ~~inmates~~ residents of a jail, whether detained pending a trial or other court proceeding or
11 sentenced, apply to ~~inmates~~ persons transferred under this section.

12 **5. Discretion.** Nothing in this section or in any other provision of law requires the
13 commissioner to transfer an adult ~~inmate~~ resident of a jail from a jail to a correctional
14 facility or precludes the commissioner from transferring an adult ~~inmate~~ resident of a jail
15 from a jail to a correctional facility at any time for any other reason at the commissioner's
16 discretion.

17 **Sec. 51. 34-A MRSA §3073**, as enacted by PL 2001, c. 228, §2, is amended to read:

18 **§3073. Transportation to and from courts**

19 Notwithstanding any ~~other~~ provision of law to the contrary, transportation of a ~~prisoner~~
20 resident of a correctional facility between a correctional facility and a court in connection
21 with the prosecution of the ~~prisoner~~ resident of a correctional facility for a crime committed
22 within a correctional facility is the responsibility of the department, unless the department
23 and the sheriff agree that the sheriff will undertake the responsibility of the transportation
24 at an agreed-upon rate of reimbursement to the county by the department.

25 **Sec. 52. 34-A MRSA c. 3, sub-c. 1, art. 4, headnote** is amended to read:

26 **ARTICLE 4**

27 **PREGNANT PRISONERS RESIDENTS OF A CORRECTIONAL FACILITY**
28 **AND PREGNANT JUVENILES**

29 **Sec. 53. 34-A MRSA §3101, sub-§5**, as enacted by PL 2015, c. 315, §4, is amended
30 to read:

31 **5. Restraints.** "Restraints" means any physical restraint or mechanical device used to
32 control the movement of a ~~prisoner's or juvenile's~~ the body or limbs of a resident of a
33 correctional facility or a juvenile, including, but not limited to, disposable or soft restraints,
34 handcuffs, a security restraint system that combines handcuffs with a rigid component, leg
35 irons, belly chains, a security or tether chain and a convex shield.

36 **Sec. 54. 34-A MRSA §3102**, as enacted by PL 2015, c. 315, §4, is amended to read:

37 **§3102. Restraint of pregnant ~~prisoners~~ residents of a correctional facility and**
38 **pregnant juveniles**

1 **1. Restraints prohibited.** A correctional facility or a detention facility may not use
2 restraints on a ~~prisoner~~ resident of a correctional facility or juvenile known to be pregnant,
3 including during transport to a medical facility or birthing center, labor, delivery and
4 postpartum recovery, unless the chief administrative officer or the designee of the chief
5 administrative officer makes a determination that the ~~prisoner~~ resident or juvenile presents
6 an extraordinary circumstance as described in subsection 2.

7 **2. Exceptions.** Use of restraints on a pregnant ~~prisoner~~ resident of a correctional
8 facility or a pregnant juvenile for an extraordinary circumstance is permitted only if the
9 chief administrative officer or the designee of the chief administrative officer makes a
10 determination that there is a substantial flight risk or other extraordinary medical or security
11 circumstance that requires restraints to be used to ensure the safety and security of the
12 pregnant ~~prisoner~~ resident or pregnant juvenile, the staff of the correctional facility,
13 detention facility or medical facility, other ~~prisoners~~ residents or juveniles or the public,
14 except that:

15 A. If a doctor, nurse or other health professional treating the ~~prisoner~~ resident or
16 juvenile requests that restraints not be used, the corrections officer accompanying the
17 ~~prisoner~~ resident or juvenile shall immediately remove all restraints; and

18 B. Notwithstanding this subsection, leg or waist restraints may not be used at any time,
19 and restraints may not be used on a ~~prisoner~~ resident or juvenile in labor or childbirth.

20 **3. Procedures.** If restraints are used on a pregnant ~~prisoner~~ resident of a correctional
21 facility or pregnant juvenile pursuant to subsection 2:

22 A. The corrections officer must apply the least restrictive type of restraints in the least
23 restrictive manner necessary; and

24 B. The chief administrative officer or the designee of the chief administrative officer
25 shall make written findings within 10 days as to the extraordinary circumstance that
26 required the use of the restraints. These findings must be kept on file by the correctional
27 facility or detention facility for at least 5 years and must be made available for public
28 inspection, except that individually identifying information of any ~~prisoner~~ resident or
29 juvenile may not be made public under this paragraph without the prior written consent
30 of the ~~prisoner~~ resident or juvenile.

31 **4. Privacy.** When a ~~prisoner~~ resident of a correctional facility or juvenile is admitted
32 to a medical facility or birthing center for labor or childbirth, a corrections officer may not
33 be present in the room during labor or childbirth unless specifically requested by medical
34 personnel. If a corrections officer's presence is requested by medical personnel, the
35 corrections officer must be female if practicable.

36 **Sec. 55. 34-A MRS §3104**, as enacted by PL 2015, c. 315, §4, is amended to read:

37 **§3104. Notice**

38 A correctional facility or detention facility shall inform all female ~~prisoners~~ residents
39 of correctional facilities and juveniles of the rules developed pursuant to section 3103 upon
40 admission to the correctional facility or detention facility and shall include the rules in any
41 handbook provided to female ~~prisoners~~ residents or juveniles.

42 **Sec. 56. 34-A MRS §3231, sub-§2**, as repealed and replaced by PL 1999, c. 583,
43 §18, is amended to read:

1 **§3403. ~~Prisoners~~ Residents of the Maine Correctional Center generally**

2 **Sec. 65. 34-A MRSA §3403, sub-§1**, as amended by PL 2013, c. 508, §2, is further
3 amended to read:

4 **1. Conditions of confinement.** Conditions of confinement of ~~prisoners~~ residents of
5 the center are governed as follows.

6 A. The warden shall detain and confine all persons committed to the department in
7 accordance with the sentences of the courts and with the rules of the department.

8 B. The warden shall provide for the safekeeping or employment of persons committed
9 to the department in order to teach them a useful trade or profession and to improve
10 their mental and moral condition, which may include work involving public restitution.

11 **Sec. 66. 34-A MRSA §3903, sub-§2, ¶B**, as repealed and replaced by PL 2019, c.
12 343, Pt. LLLL, §2, is amended to read:

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

15 **Sec. 67. 34-A MRSA §3904**, as amended by PL 2019, c. 343, Pt. LLLL, §3, is
16 further amended to read:

17 **§3904. ~~Prisoners~~ Residents of the Downeast Correctional Facility generally**

18 **1. Confinement.** All ~~prisoners at~~ residents of the Downeast Correctional Facility shall
19 must be detained and confined in accordance with the sentences of the court and the rules
20 of the department.

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

25 **3. Employment.** The commissioner may authorize the employment of ~~prisoners~~
26 residents of the Downeast Correctional Facility on public works with any department,
27 agency or entity of the State, county or local government and may authorize the use of
28 ~~prisoners~~ residents of the Downeast Correctional Facility to provide assistance in the
29 improvement of property owned by nonprofit organizations.

30 A. The commissioner shall ~~promulgate~~ adopt such rules as ~~he deems~~ the commissioner
31 determines proper to ensure the care and treatment of the ~~prisoners~~ residents and the
32 safe working conditions of ~~prisoners~~ residents and departmental employees.

33 B. The purpose of the employment authorized in this subsection is to provide training
34 to the ~~prisoner~~ resident and to be a form of public restitution for the crime or crimes
35 committed by the ~~prisoner~~ resident.

36 C. The commissioner may request that nonprofit organizations pay for the
37 transportation of the ~~prisoners~~ residents and pay the per diem compensation of
38 correctional officers or instructors who must accompany the ~~prisoners~~ residents or
39 oversee the work to be performed.

1 **4. Escape.** ~~Any prisoner~~ A resident of the Downeast Correctional Facility who escapes
2 from the facility, or from any assignment beyond the grounds of the facility, to include
3 community-rehabilitative programs, is guilty of escape under Title 17-A, section 755.

4 **Sec. 68. 34-A MRSA §4102-B**, as enacted by PL 2017, c. 148, §12, is amended to
5 read:

6 **§4102-B. Purposes for ~~prisoners~~ residents**

7 The purposes of the Mountain View Correctional Facility with respect to ~~prisoners~~
8 residents of that facility include vocational and academic education and rehabilitative
9 programs, including work release and work involving public restitution.

10 **Sec. 69. 34-A MRSA §4103, sub-§2, ¶C**, as enacted by PL 2017, c. 148, §14, is
11 amended to read:

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

14 **Sec. 70. 34-A MRSA §4117**, as amended by PL 2017, c. 148, §26, is further
15 amended to read:

16 **§4117. Confinement of ~~prisoners~~ residents of the Mountain View Correctional**
17 **Facility**

18 The commissioner may confine adults sentenced and committed to the custody of the
19 department in the Mountain View Correctional Facility as long as the housing facilities for
20 ~~prisoners~~ residents of that facility are fully separated from the housing facilities for juvenile
21 detainees and juvenile clients and the commissioner maintains at all times full compliance
22 with mandatory sight and sound separation standards established by federal law. All
23 provisions of this Title that are applicable to ~~prisoners~~ residents apply to ~~prisoners~~ residents
24 confined in the Mountain View Correctional Facility as if they were confined in a
25 correctional facility housing only adults.

26 **Sec. 71. 34-A MRSA §4118**, as enacted by PL 2017, c. 148, §27, is amended to
27 read:

28 **§4118. ~~Prisoners~~ Residents of the Mountain View Correctional Facility generally**

29 **1. Evaluation.** Before assignment to the Mountain View Correctional Facility,
30 ~~prisoners~~ residents of a correctional facility must be evaluated for security status, program
31 needs and emotional stability by the classification process approved by the commissioner.

32 **2. Transferred ~~prisoners~~ residents of a correctional facility.** All ~~prisoners~~ residents
33 of a correctional facility transferred to the Mountain View Correctional Facility must be
34 detained and confined in accordance with the sentences of the court and the rules of the
35 department.

36 **3. Education.** The superintendent shall maintain suitable courses for academic and
37 career and technical education of the ~~prisoners~~ residents of the Mountain View Correctional
38 Facility.

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

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

3 **4. Employment.** The commissioner may authorize the employment of ~~prisoners~~
4 residents of the Mountain View Correctional Facility on public works with any department,
5 agency or entity of the State or county or local government and may authorize the use of
6 ~~prisoners~~ residents of the Mountain View Correctional Facility to provide assistance in the
7 improvement of property owned by nonprofit organizations.

8 A. The commissioner shall adopt rules that the commissioner considers proper to
9 ensure the care and treatment of the ~~prisoners~~ residents and the safe working conditions
10 of ~~prisoners~~ residents and department employees.

11 B. The purpose of the employment authorized in this subsection is to provide training
12 to the ~~prisoner~~ resident and to be a form of public restitution for the crime or crimes
13 committed by the ~~prisoner~~ resident.

14 C. The ~~prisoners~~ residents employed under this subsection may not be compensated
15 monetarily for the work performed.

16 D. The commissioner may request that nonprofit organizations pay for the
17 transportation of the ~~prisoners~~ residents and pay the per diem compensation of
18 correctional officers or instructors who must accompany the ~~prisoners~~ residents or
19 oversee the work to be performed.

20 **5. Escape.** A ~~prisoner~~ resident who escapes from the Mountain View Correctional
21 Facility, or from any assignment beyond the grounds of the facility, is guilty of escape
22 under Title 17-A, section 755.

23 **Sec. 72. 34-A M RSA §4203, sub-§2, ¶B,** as enacted by PL 2013, c. 508, §7, is
24 amended to read:

25 B. The director shall supervise and control the ~~prisoners at the facility~~ residents of the
26 Bolduc Correctional Facility in accordance with departmental rules.

27 **Sec. 73. 34-A M RSA §4204,** as enacted by PL 2013, c. 508, §7, is amended to read:

28 **§4204. Prisoners Residents of the Bolduc Correctional Facility generally**

29 **1. Confinement of prisoners residents of a correctional facility transferred to**
30 **facility the Bolduc Correctional Facility.** All ~~prisoners residents of a correctional facility~~
31 transferred to the ~~facility~~ Bolduc Correctional Facility must be detained and confined in
32 accordance with the sentences of the court and the rules of the department.

33 **2. Education.** The director shall maintain suitable courses for academic and career
34 and technical education of the ~~prisoners~~ residents of the Bolduc Correctional Facility. The
35 director shall maintain necessary equipment and employ suitable qualified instructors as
36 necessary to carry out the objectives of the facility's programs.

37 **3. Employment.** The commissioner may authorize the employment of ~~prisoners~~
38 residents of the ~~facility~~ Bolduc Correctional Facility on public works with any department,
39 agency or entity of state, county or local government and may authorize the use of ~~prisoners~~
40 residents of the Bolduc Correctional Facility to provide assistance in the improvement of
41 property owned by nonprofit organizations.

1 A. The commissioner shall adopt those rules as the commissioner considers proper to
2 ensure the care and treatment of the ~~prisoners~~ residents and the safe working conditions
3 of ~~prisoners~~ the residents and departmental employees. Rules adopted pursuant to this
4 paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5 B. The purpose of the employment authorized in this subsection is to provide training
6 to the ~~prisoner~~ residents and to be a form of public restitution for the crime or crimes
7 committed by the ~~prisoner~~.

8 C. The ~~prisoners~~ residents employed under this subsection may not be compensated
9 monetarily for work performed.

10 D. The commissioner may request that nonprofit organizations pay for the
11 transportation of the ~~prisoners~~ residents and pay the per diem compensation of
12 correctional officers or instructors who must accompany the ~~prisoners~~ residents or
13 oversee the work to be performed.

14 **4. Escape.** Any ~~prisoner~~ resident of the Bolduc Correctional Facility who escapes
15 from the facility, or from any assignment beyond the grounds of the facility, including
16 assignment with community-rehabilitative programs, is guilty of escape under Title 17-A,
17 section 755.

18 **Sec. 74. 34-A MRSA §5003, sub-§1**, as amended by PL 2003, c. 706, Pt. B, §3, is
19 further amended to read:

20 **1. Interference with probation.** A person 18 years of age or older is guilty of
21 interference with probation if that person willfully obstructs, intimidates or otherwise abets
22 a ~~probationer~~ person on probation under the supervision and control of the department and
23 thereby causes or contributes to causing the ~~probationer~~ person on probation to violate the
24 conditions of that person's probation, after having been warned in writing by the
25 commissioner to end that person's relationship or association with the ~~probationer~~ person
26 on probation.

27 A. Interference with probation is a Class E crime, except that, notwithstanding Title
28 17-A, it is punished by a fine of not more than \$500 or by imprisonment for not more
29 than 11 months, or by both.

30 B. This subsection applies to interferences with the probation of ~~probationers~~ persons
31 on probation who are under the supervision and control of the department at the request
32 of other states under terms of the Interstate Compact for Adult Offender Supervision
33 and the Interstate Compact for Juveniles.

34 **Sec. 75. 34-A MRSA §5402, sub-§2, ¶B**, as amended by PL 2013, c. 491, §6, is
35 further amended to read:

36 B. Appoint, subject to the Civil Service Law, field probation and parole officers,
37 juvenile community corrections officers and such other employees as may be required
38 to carry out adequate supervision of all ~~probationers~~ persons on probation, parolees
39 from the correctional facilities and other persons placed under the supervision of an
40 employee listed in this paragraph;

41 **Sec. 76. 34-A MRSA §5402, sub-§2, ¶M**, as amended by PL 1995, c. 502, Pt. F,
42 §34, is further amended to read:

1 M. Aggregate the statistics contained in any reports the department receives on
2 individual ~~probationers~~ persons on probation and make the aggregated statistics
3 available to other state agencies ~~provided as long as~~ provided as long as the data is aggregated in such a
4 way that statistics pertaining to any individual ~~probationer~~ person on probation can not
5 be disaggregated.

6 **Sec. 77. 34-A MRSA §5402, sub-§3, ¶F**, as enacted by PL 2005, c. 265, §21, is
7 amended to read:

8 F. Provide for necessary assessment and supervision procedures and direct the use of
9 adult probation resources and staff to the management of adult ~~probationers~~ persons on
10 probation with a high risk of reoffending.

11 **Sec. 78. 34-A MRSA c. 5, sub-c. 5, headnote** is amended to read:

12 SUBCHAPTER 5

13 **PAROLE LAWS FOR PRECRIMINAL CODE PRISONERS RESIDENTS OF** 14 **THE MAINE STATE PRISON AND THE MAINE CORRECTIONAL CENTER**

15 **Sec. 79. 34-A MRSA §5802, first ¶**, as amended by PL 2013, c. 508, §8, is further
16 amended to read:

17 The board may grant a parole from a ~~penal or correctional institution~~ the Maine State
18 Prison and the Maine Correctional Center after the expiration of the period of confinement,
19 less deductions for good behavior, or after compliance with conditions provided for in
20 section 5803 applicable to the sentence being served by the ~~prisoner or inmate~~ resident of
21 the correctional facility. It may revoke a parole when a condition of the parole is violated.

22 **Sec. 80. 34-A MRSA §5803**, as enacted by PL 1983, c. 459, §6, is amended to read:

23 **§5803. Eligibility for hearing; Maine State Prison or Maine Correctional Center**

24 A ~~prisoner at~~ resident of the Maine State Prison or Maine Correctional Center becomes
25 eligible for a hearing by the board as follows:

26 **1. Expiration of minimum term in minimum-maximum sentence.** Prior to the
27 expiration of the ~~prisoner's~~ resident's minimum term of imprisonment, less the deduction
28 for good behavior, when the law provides for a minimum-maximum sentence;

29 **2. Expiration of 1/2 of term in certain cases.** Prior to the expiration of 1/2 of the
30 term of imprisonment imposed by the court, less the deduction for good behavior, when
31 the ~~prisoner~~ resident has been convicted of an offense under Title 17, former section 1951,
32 3151, 3152 or 3153. This subsection applies to a ~~prisoner~~ resident who has been convicted
33 previously of an offense under Title 17, former section 1951, 3151, 3152 or 3153;

34 **3. Expiration of 15-year term in life imprisonment cases.** Prior to the expiration of
35 a 15-year term of imprisonment, less deduction for good behavior, when the ~~prisoner~~
36 resident has been convicted of an offense punishable only by life imprisonment; and

37 **4. Expiration of 15-year term in other cases.** Prior to the expiration of a 15-year
38 term of imprisonment, less deduction for good behavior, when, following conviction, the
39 ~~prisoner~~ resident has been sentenced to a minimum term of 15 years or more.

