



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 2038

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H.P. 1526

House of Representatives, April 13, 2022

**An Act To Incorporate Respectful Language into the Maine Revised  
Statutes, Titles 22, 25 and 34-A**

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Reported by the Majority from the Joint Standing Committee on Criminal Justice and  
Public Safety pursuant to Resolve 2021, chapter 120, section 2.

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

ROBERT B. HUNT  
Clerk

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

2 **Sec. 1. 22 MRSA §3174, sub-§3**, as amended by PL 1983, c. 178, is further  
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 ~~he~~ the person becomes ~~an inmate a resident of a correctional~~  
8 facility or a jail only to the extent permitted by federal law, but ~~an inmate a resident of such~~  
9 ~~an a correctional facility, a jail or an~~ institution may file application for aid and any  
10 allowance made thereon ~~shall take~~ takes effect and must be paid upon ~~his~~ the person's  
11 ceasing to be ~~an inmate of such~~ a resident of a correctional facility, a jail or a public  
12 institution.

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

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

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

18 **§8001. Definition of drug treatment center**

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

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

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

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

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

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

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

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

39 **1-A. Client.** "Client" means any person in the custody or under the supervision of the  
40 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 corrected by RR 2019, c. 2, Pt. A,  
26 §32, is 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-D, subsection 4; and

32 **Sec. 18. 34-A MRSA §1210-D, sub-§3**, as enacted by PL 2015, c. 335, §23, is  
33 amended to read:

34 **3. 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 county jails residents of a jail. The following provisions apply to ~~prisoner support~~  
37 to support residents.

38 A. Up to 70% of the funds distributed to a county under this section may be used for  
39 the purpose of support of ~~prisoners detained or sentenced to county jails~~ residents and  
40 for such other jail operations and correctional services purposes as the sheriff  
41 determines to be appropriate.

1 B. The county treasurer shall deposit 70% of the funds received under subsection 4  
2 into an account for ~~prisoner~~ support of residents, jail operations and correctional  
3 services purposes.

4 **Sec. 19. 34-A MRSA §1210-D, sub-§4**, as enacted by PL 2015, c. 335, §23, is  
5 amended to read:

6 **4. Formula; distribution.** The department shall establish by rule a formula for the  
7 distribution of funds from the fund to the counties for jail operations. Beginning July 1,  
8 2015 and annually thereafter, the department shall distribute to the counties from the fund  
9 amounts based on the formula. The formula must be based on the most recent fiscal year  
10 for which data is available and must:

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

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

17 C. Determine the proportion of statewide county jail ~~prisoner~~ resident days attributable  
18 to each county;

19 D. Determine the per diem per ~~prisoner~~ county jail resident reimbursement amount;  
20 and

21 E. Determine the reimbursement amount for each county based on the county's  
22 proportion of statewide county jail ~~prisoner~~ resident days multiplied by the per diem  
23 per ~~prisoner~~ county jail resident rate.

24 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
25 chapter 375, subchapter 2-A.

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

28 **§1217. ~~Prisoner~~ Resident Boarding Fund**

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

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

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

39 **Sec. 21. 34-A MRSA §1402, sub-§5**, as amended by PL 2009, c. 1, Pt. S, §3, is  
40 further amended to read:

1           **5. Grievance procedures.** The commissioner shall establish procedures for hearing  
2 grievances of clients. The commissioner shall establish a separate grievance process for  
3 addressing complaints by ~~prisoners~~ residents of a correctional facility about their medical  
4 and mental health treatment.

5           **Sec. 22. 34-A MRSA §1402, sub-§9**, as amended by PL 2007, c. 240, Pt. YYY,  
6 §2, is further amended to read:

7           **9. Statement of correctional system impact.** The commissioner shall prepare  
8 statements pertaining to the impact that proposed legislation has upon correctional system  
9 resources, including the cost that the correctional system would bear. The commissioner  
10 shall make inquiry of a statewide association of prosecuting attorneys, the judicial branch,  
11 a statewide association of county sheriffs and any other parties, as appropriate, in order to  
12 provide the most accurate estimates of the correctional system impact, including the  
13 number of additional ~~probationers~~ persons on probation, the number of additional  
14 incarcerated individuals and the number of additional jail and prison beds that may  
15 reasonably be anticipated from enactment of the legislation, by fiscal year. Whenever  
16 practicable, the statements must also include the impact of such legislation in future biennia  
17 as well. For purposes of this subsection, the correctional system includes correctional  
18 facilities and services operated or funded by the State or by any county government. The  
19 statements must be furnished to the appropriate committee of the Legislature for the  
20 information of its members and to the legislative staff office designated to collect and  
21 assemble fiscal information for use of legislative committees under Title 3, section 163-A,  
22 subsection 10. The statements must be considered in the preparation of the fiscal note  
23 included in a committee amendment or other amendment if the legislation or amendment  
24 has a fiscal impact on the correctional system. A statement is not required for any  
25 legislation that has no impact upon the correctional system.

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

28           **7. Establishment of farm programs and gravel mining programs to support farm**  
29 **programs at correctional facilities.** The commissioner may establish a farm program at  
30 each correctional facility for the purposes of producing agricultural and farm products and  
31 teaching ~~prisoners~~ residents of a correctional facility and juvenile clients cultivation and  
32 gardening techniques. The commissioner may also establish a gravel mining program at  
33 any correctional facility sited on land that contains sufficient gravel for the purpose of  
34 supporting the farm programs.

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

- 37           (1) Sold or distributed to other state, county or local governmental entities;
- 38           (2) Exchanged with other state, county or local governmental entities for services  
39 or other goods;
- 40           (3) Sold to or exchanged with private Maine businesses; or
- 41           (4) Sold to or exchanged with community agencies as defined in section 1206,  
42 subsection 1.

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

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

8 D. The commissioner may establish, for the purpose of supporting farm programs at  
9 correctional facilities by generating additional revenue for the special account under  
10 paragraph B, a gravel mining program at any correctional facility sited on land that  
11 contains sufficient gravel. The commissioner shall determine the amount of gravel to  
12 be mined. Gravel not used by correctional facilities may be sold, distributed or  
13 exchanged in the same manner as farm products pursuant to paragraph A. In addition  
14 to the expenditures allowed by paragraph C, the revenue generated from a gravel  
15 mining program may be expended to implement and maintain gravel mining programs  
16 in correctional facilities.

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

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

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

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

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

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

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

1 C. Adequate The correctional facility shall provide the person with adequate sanitary  
2 and other conditions as required for the health of the prisoner shall be maintained  
3 person.

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

6 **5-A. Restitution.** The imposition of restitution at all facilities is subject to the  
7 following conditions.

8 A. Restitution may be imposed for the purpose of replacing or repairing property  
9 destroyed or damaged by the ~~prisoner~~ resident of a correctional facility or juvenile  
10 while the ~~prisoner~~ resident or juvenile is at the institution. When restitution is imposed  
11 at a facility, a ~~prisoner~~ resident or a juvenile who is subject to that restitution and who  
12 receives money from any source shall pay 25% of that money to the facility where the  
13 damage occurred. The facility shall collect that money and apply it to defray the cost  
14 of replacement or repair of the items destroyed or damaged. Money received by the  
15 ~~prisoner~~ resident or juvenile and directly deposited into a telephone call account  
16 established by the department for the sole purpose of paying for use of the department's  
17 client telephone system is not subject to this paragraph, except that 25% of any money  
18 received by the ~~prisoner~~ resident or juvenile and transferred from the telephone call  
19 account to the department's general client account at the time of the ~~prisoner's~~ resident's  
20 or juvenile's discharge or transfer to supervised community confinement or community  
21 reintegration status must be collected and disbursed as provided in this paragraph.

22 A-1. Restitution may be imposed for the purpose of paying the cost of medical care  
23 incurred as a result of the conduct of a ~~prisoner~~ resident of a correctional facility or  
24 juvenile while the ~~prisoner~~ resident or juvenile is at the institution. When restitution is  
25 imposed at a facility, a ~~prisoner~~ resident or a juvenile who is subject to that restitution  
26 and who receives money from any source shall pay 25% of that money to the facility  
27 where the medical care was provided. The facility shall collect that money and apply  
28 it to defray the cost of medical care. Money received by the ~~prisoner~~ resident or  
29 juvenile and directly deposited into a telephone call account established by the  
30 department for the sole purpose of paying for use of the department's client telephone  
31 system is not subject to this paragraph, except that 25% of any money received by the  
32 ~~prisoner~~ resident or juvenile and transferred from the telephone call account to the  
33 department's general client account at the time of the ~~prisoner's~~ resident's or juvenile's  
34 discharge or transfer to supervised community confinement or community  
35 reintegration status must be collected and disbursed as provided in this paragraph.

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

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



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

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

8 **5-B. Monetary sanctions.** The imposition of monetary sanctions at adult correctional  
9 facilities is subject to the following conditions.

10 A. When a monetary sanction is imposed at a facility, a ~~prisoner~~ resident of a  
11 correctional facility who is subject to that monetary sanction and who receives money  
12 from any source shall pay 25% of that money to the facility where the monetary  
13 sanction was imposed. The facility shall collect that money and apply it to defray the  
14 cost of holding disciplinary hearings. Money received by the ~~prisoner~~ resident and  
15 directly deposited into a telephone call account established by the department for the  
16 sole purpose of paying for use of the department's client telephone system is not subject  
17 to this paragraph, except that 25% of any money received by the ~~prisoner~~ resident and  
18 transferred from the telephone call account to the department's general client account  
19 at the time of the ~~prisoner's~~ resident's discharge or transfer to supervised community  
20 confinement must be collected and disbursed as provided in this paragraph.

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

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

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

35 **Sec. 30. 34-A MRSA §3033**, as amended by PL 1989, c. 127, §§7 to 9, PL 2011, c.  
36 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

37 **§3033. Work assignments**

38 **1. Public works.** The commissioner may authorize the employment of ~~able-bodied~~  
39 ~~prisoners~~ physically able residents of a correctional facility in the construction and  
40 improvement of highways or other public works within the State under such arrangements  
41 as may be made with the Department of Transportation or with another department or  
42 commission of the State, county or municipality in charge of these public works, and the  
43 commissioner may prescribe whatever rules and conditions the commissioner considers

1 expedient to ensure the proper care and treatment of the ~~prisoners~~ residents while so  
2 employed and to ensure their safekeeping and return.

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

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

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

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

17 **4. Prohibited act.** A person is guilty of escape under Title 17-A, section 755, if that  
18 person is a ~~prisoner~~ resident of a correctional facility and escapes from any assignments  
19 described in this section or from any other assignment beyond the walls or other security  
20 restraints surrounding a correctional facility or otherwise off the grounds of an assigned  
21 location.

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

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

28 A. The district attorney for the district in which the ~~prisoner~~ resident will reside;

29 B. The sheriff for the county in which the ~~prisoner~~ resident will reside;

30 C. The chief of police of any municipality in which the ~~prisoner~~ resident will reside;

31 D. The Department of Public Safety; and

32 E. The district attorney for the district where the ~~prisoner's~~ prisoner's underlying commitment of  
33 the resident to the department originated.

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

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

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

40 **§3036-A. Supervised community confinement program**

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

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

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

9           B. A ~~prisoner~~ resident of a correctional facility may not be transferred to supervised  
10 community confinement until the ~~prisoner~~ resident has served at least 2/3 of the term  
11 of imprisonment imposed or, in the case of a split sentence, at least 2/3 of the  
12 unsuspended portion, after consideration of any deductions that the ~~prisoner~~ resident  
13 has received and retained under Title 17-A, section 2302, subsection 1; section 2305;  
14 section 2307; section 2308; section 2309; section 2310; or section 2311 if the term of  
15 imprisonment or, in the case of a split sentence, the unsuspended portion is more than  
16 5 years. A ~~prisoner~~ resident may not be transferred to supervised community  
17 confinement until the ~~prisoner~~ resident has served at least 1/2 of the term of  
18 imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended  
19 portion after consideration of any deductions that the ~~prisoner~~ resident has received  
20 and retained under Title 17-A, section 2302, subsection 1; section 2305; section 2307;  
21 section 2308; section 2309; section 2310; or section 2311 if the term of imprisonment  
22 or, in the case of a split sentence, the unsuspended portion is 5 years or less.

23           C. Except as provided in paragraph C-1, a ~~prisoner~~ resident of a correctional facility  
24 may not be transferred to supervised community confinement unless the ~~prisoner~~  
25 resident has no more than 2 years remaining on the term of imprisonment or, in the  
26 case of a split sentence, on the unsuspended portion, after consideration of any  
27 deductions that the ~~prisoner~~ resident has received and retained under Title 17-A, section  
28 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section  
29 2310; or section 2311.

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

38           D. A ~~prisoner~~ resident of a correctional facility may not be transferred to supervised  
39 community confinement if the ~~prisoner~~ resident has a custody classification level  
40 higher than minimum.

41           **2-A. Criteria and process.** The commissioner shall establish criteria and a process  
42 for determining whether a ~~prisoner~~ resident of a correctional facility eligible for transfer to  
43 supervised community confinement as provided in subsection 2 is approved for transfer.  
44 The primary determining factor for approval must be the ~~prisoner's~~ resident's likelihood of  
45 completion of supervised community confinement if transferred.

1 A. The criteria must be evidence-based and designed to evaluate the likelihood of a  
2 ~~prisoner's~~ completion by a resident of a correctional facility of supervised community  
3 confinement if transferred. The criteria must be specific and include, but may not be  
4 limited to, fulfillment of expectations as to conduct, fulfillment of expectations as to  
5 work, education and rehabilitation programs assigned in the case plan, other  
6 rehabilitative efforts and accomplishments, arrangements for suitable housing in the  
7 community, taking into consideration the proximity of this housing to the victim, and  
8 the existence of support systems and resources in the community.

9 B. The process must reflect best practices for evaluating the likelihood of a ~~prisoner's~~  
10 completion by a resident of a correctional facility of supervised community  
11 confinement if transferred and must provide guidance to department staff as to how to  
12 apply the established criteria when conducting the evaluation. The process must  
13 require, when information is obtained by the department from persons in the  
14 community for the purpose of determining whether to approve a ~~prisoner~~ resident for  
15 transfer to supervised community confinement, that those persons be informed of the  
16 ~~prisoner's~~ resident's fulfillment of expectations as to conduct, fulfillment of  
17 expectations as to work, education, and rehabilitation programs assigned in the case  
18 plan and other rehabilitative efforts and accomplishments. The process must also  
19 include the right of a ~~prisoner~~ resident who is eligible for transfer to supervised  
20 community confinement as provided in subsection 2 but who has not been approved  
21 for transfer to appeal that determination to the commissioner.

22 **3. Mandatory conditions for supervised community confinement.** ~~Prisoners~~  
23 Residents of a correctional facility transferred to supervised community confinement are  
24 clients when they are accepted into supervised community confinement and are subject to  
25 the following mandatory conditions.

26 A. The ~~prisoner~~ client must be involved in a program of work or education that is  
27 approved by the commissioner together with any treatment program that the  
28 commissioner might require. The commissioner may waive the requirement of  
29 involvement in a program of work or education for a ~~prisoner~~ client who is involved in  
30 an approved full-time treatment program.

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

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

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

38 E. The ~~prisoner~~ client must be subject to searches of the ~~prisoner's~~ client's person,  
39 residence, papers and effects without a warrant and without probable cause, for items  
40 prohibited by law or by the conditions of supervised community confinement or  
41 otherwise subject to seizure, upon the request of the commissioner. The commissioner  
42 may prohibit the ~~prisoner~~ client from residing with anyone who does not consent to a  
43 search of the residence to the extent necessary to search the ~~prisoner's~~ client's person,  
44 residence, papers and effects.

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

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

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

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

10 J. When required by the commissioner and to the extent that the commissioner  
11 determines that the ~~prisoner~~ client has the financial resources, the ~~prisoner~~ client must  
12 pay part or all of the costs of the ~~prisoner's~~ client's participation in the supervised  
13 community confinement program.

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

17 A. Any condition that may be imposed as a condition of probation pursuant to Title  
18 17-A, section 1807; and

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

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

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

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

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

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

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

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

- 1           A. Personal contact with the ~~prisoner~~ client at the ~~prisoner's~~ client's residence, place
- 2           of employment or any other place;
- 3           B. Direct inquiry of the ~~prisoner's~~ client's employer, school or any other person or
- 4           entity;
- 5           C. Criminal, court and law enforcement agency investigations; and
- 6           D. Credit and other financial inquiries.

7           **8. Funding.** Funds generated pursuant to this section must be deposited into the

8 Supervised Community Confinement Account established by the department, except that

9 where authorized by the department, a person participating in the supervised community

10 confinement program may be required to pay fees directly to a provider of electronic

11 monitoring, drug testing or other services. Funds from this account, which may not lapse,

12 must be used to pay for the costs of the supervised community confinement program.

13           **9. Probation violation; revocation.** If a ~~prisoner~~ client on supervised community

14 confinement violates a condition of supervised community confinement imposed on the

15 ~~prisoner~~ client and if the violation conduct is also a violation of a condition of probation

16 imposed as part of the sentence the ~~prisoner~~ client is serving while on supervised

17 community confinement, a probation officer may file with any court a motion for

18 revocation of probation and the court may revoke probation as specified in Title 17-A,

19 section 1812.

20           **10. Terminally ill or incapacitated ~~prisoner~~ resident of a correctional facility.**

21 With the consent of the ~~prisoner~~ resident of a correctional facility, the commissioner may

22 transfer a ~~prisoner~~ resident of a correctional facility committed to the department from a

23 correctional facility to supervised community confinement status without meeting the

24 eligibility requirements of subsection 2, paragraphs B and C and without meeting the

25 criteria or fulfilling the process provided for under subsection 2-A if the department's

26 director of medical care has determined that the ~~prisoner~~ resident of a correctional facility

27 has a terminal or severely incapacitating medical condition and that care outside a

28 correctional facility is medically appropriate. A resident of a correctional facility

29 transferred under this subsection becomes a client notwithstanding that the person does not

30 meet the requirements for supervised community confinement. Except as set out in this

31 subsection, the ~~prisoner~~ client must live in a hospital or other appropriate care facility, such

32 as a nursing facility, residential care facility or a facility that is a licensed hospice program

33 pursuant to Title 22, section 8622, approved by the commissioner. As approved by the

34 commissioner, the ~~prisoner~~ client may receive hospice services from an entity licensed

35 pursuant to Title 22, chapter 1681, subchapter 1 or other care services provided by an entity

36 approved by the commissioner and, subject to approval by the commissioner, may live at

37 home while receiving these services. The commissioner may exempt a ~~prisoner~~ client

38 transferred to supervised community confinement pursuant to this subsection from any

39 mandatory condition under subsection 3 that the commissioner determines to be

40 inapplicable. The ~~prisoner~~ client shall provide any information pertaining to the ~~prisoner's~~

41 client's medical condition or care that is requested by the commissioner at any time while

42 the ~~prisoner~~ client is on supervised community confinement. If the commissioner

43 determines that the ~~prisoner~~ client has failed to fully comply with a request or if at any time

44 the department's director of medical care determines that the ~~prisoner~~ client does not have

45 a terminal or severely incapacitating medical condition or that care outside a correctional

1 facility is not medically appropriate, the commissioner shall revoke the transfer to  
2 supervised community confinement.

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

5 **12. Information for ~~prisoners~~ residents of a correctional facility.** The department  
6 shall make available to all ~~prisoners~~ residents of a correctional facility written information  
7 about supervised community confinement, including eligibility requirements, the  
8 application process and the criteria and process for determining whether a ~~prisoner~~ resident  
9 of a correctional facility eligible for transfer to supervised community confinement may be  
10 approved for transfer.

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

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

18 **§3036-B. Reentry houses**

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

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

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

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

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

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

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

6           **§3039-A. Family support**

7           A ~~prisoner~~ resident of a correctional facility may not participate in an industry program  
8 under section 1403, a work program under section 3035 or any other program administered  
9 by the department by which a ~~prisoner~~ resident is able to generate money unless the  
10 ~~prisoner~~ resident consents to pay at least 25% of that money for the support of any  
11 dependent child if the parent, legal guardian or legal custodian of the child requests that  
12 payment. Upon the written request of a parent, legal guardian or legal custodian, the chief  
13 administrative officer of the correctional facility where the ~~prisoner~~ resident is incarcerated  
14 shall collect and disburse to the parent, legal guardian or legal custodian that portion of the  
15 ~~prisoner's~~ resident's money to be paid for the support of the dependent child. This section  
16 does not apply to any ~~prisoner~~ resident making payments for the support of a dependent  
17 child pursuant to a support order issued by a court or by the Department of Health and  
18 Human Services.

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

21           **§3042. Disposition of detainees**

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

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

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

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

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

39           A. Written notice of the place of imprisonment;

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



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

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

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

5 (3) The time remaining to be served;

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

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

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

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

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

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

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

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

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

25 B. No court has jurisdiction over it; and

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

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

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

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

33 **§3047. Discharge or parole**

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

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

37 **2. Money.** May give the ~~prisoner~~ person an amount equal to the net salary of a single  
38 wage earner with no dependents for 40 hours of work at the state minimum wage less all  
39 applicable state and federal deductions except that any amount in excess of \$50 may not be

1 provided by the General Fund, except that the commissioner may not give money to a  
2 prisoner person who:

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

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

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

9 **3. Transportation.** Shall furnish transportation to the place where the prisoner person  
10 was convicted, except that:

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

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

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

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

20 **4. Extreme circumstances.** May, in extreme circumstances, if the prisoner's home of  
21 the person is outside the State, or if the prisoner person has secured employment outside  
22 the State, furnish transportation to the prisoner's home or place of employment of the  
23 person.

24 **Sec. 37. 34-A MRS §3048**, as enacted by PL 2007, c. 546, §1, is amended to read:  
25 **§3048. Religious services**

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

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

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

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

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

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

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

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

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

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

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

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

20 **§3063-B. Transfer from jails**

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

23 **Sec. 43. 34-A MRSA §3063-C**, as amended by PL 2019, c. 113, Pt. C, §100, is  
24 further amended to read:

25 **§3063-C. Transfer to jails**

26 **1. Transfer of ~~prisoner~~ resident of a correctional facility.** The commissioner may  
27 transfer a ~~prisoner~~ resident of a correctional facility serving a sentence in a correctional  
28 facility to a county jail, upon the request of the chief administrative officer and the approval  
29 of the sheriff of the jail.

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

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

35 A. During a state fiscal year in which at least \$12,202,104 has been appropriated to  
36 the County Jail Operations Fund and disbursements have been made equal to the  
37 amount appropriated to the counties as required by section 1210-D, the receiving jail  
38 may charge the department for the transferred ~~prisoner~~ resident of a correctional facility  
39 a rate to be negotiated between the sheriff of the jail and the department that is no  
40 higher than \$25 per diem per ~~prisoner~~ resident.

1 B. During a state fiscal year in which less than \$12,202,104 has been appropriated to  
2 the County Jail Operations Fund or disbursements have not been made equal to that  
3 amount to the counties as required by section 1210-D, the receiving jail may charge  
4 the department for the transferred ~~prisoner~~ resident of a correctional facility a rate to  
5 be negotiated between the sheriff of the county jail and the department that is no higher  
6 than \$108 per diem per ~~prisoner~~ resident.

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

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

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

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

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

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

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

25 E. The ~~prisoner~~ transferred resident becomes eligible for furloughs, work or other  
26 release programs, and supervised community confinement as authorized by sections  
27 3035 and 3036-A and may apply pursuant to the rules governing the correctional  
28 facility from which the ~~prisoner~~ transferred resident was transferred.

29 **5. Return of ~~prisoner~~ resident of a correctional facility.** A ~~prisoner~~ resident of a  
30 correctional facility transferred pursuant to this section must be returned to the department  
31 upon the request of the commissioner or the sheriff.

32 **Sec. 44. 34-A MRSA §3069, sub-§1**, as amended by PL 2007, c. 102, §10, is  
33 further amended to read:

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

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

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

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

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

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

14 **Sec. 45. 34-A MRSA §3069, sub-§4**, as enacted by PL 2003, c. 482, Pt. C, §1 and  
15 amended by c. 689, Pt. B, §6, is amended to read:

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

31 **Sec. 46. 34-A MRSA §3069-A**, as amended by PL 2017, c. 147, §4, is further  
32 amended to read:

33 **§3069-A. Transfer of ~~jail inmates~~ residents of a jail for mental health services**

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

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

1 **2. Evaluation.** The commissioner may transfer from a jail to a correctional facility an  
 2 adult ~~inmate~~ resident of a jail whom the court orders to be examined or further evaluated  
 3 by the State Forensic Service under Title 15, section 101-D, subsection 1, 2, 3 or 9 if the  
 4 State Forensic Service determines that the jail where the ~~inmate~~ person is incarcerated  
 5 cannot provide an appropriate setting for the examination but that a mental health unit in a  
 6 correctional facility can provide an appropriate setting for the examination. The  
 7 commissioner shall return an ~~inmate~~ person transferred pursuant to this subsection back  
 8 to the sending facility upon the completion of the examination ordered, including any  
 9 further evaluation ordered, unless the commissioner transferred the ~~inmate~~ person for  
 10 another reason in addition to the examination.

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

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

19 **5. Discretion.** Nothing in this section or in any other provision of law requires the  
 20 commissioner to transfer an adult ~~inmate~~ resident of a jail from a jail to a correctional  
 21 facility or precludes the commissioner from transferring an adult ~~inmate~~ resident of a jail  
 22 from a jail to a correctional facility at any time for any other reason at the commissioner's  
 23 discretion.

24 **Sec. 47. 34-A MRSA §3073**, as enacted by PL 2001, c. 228, §2, is amended to read:

25 **§3073. Transportation to and from courts**

26 Notwithstanding any ~~other~~ provision of law ~~to the contrary~~, transportation of a ~~prisoner~~  
 27 resident of a correctional facility between a correctional facility and a court in connection  
 28 with the prosecution of the ~~prisoner~~ resident of a correctional facility for a crime committed  
 29 within a correctional facility is the responsibility of the department, unless the department  
 30 and the sheriff agree that the sheriff will undertake the responsibility of the transportation  
 31 at an agreed-upon rate of reimbursement to the county by the department.

32 **Sec. 48. 34-A MRSA c. 3, sub-c. 1, art. 4, headnote** is amended to read:

33 **ARTICLE 4**

34 **PREGNANT PRISONERS RESIDENTS OF A CORRECTIONAL FACILITY**  
 35 **AND PREGNANT JUVENILES**

36 **Sec. 49. 34-A MRSA §3101, sub-§5**, as enacted by PL 2015, c. 315, §4, is amended  
 37 to read:

38 **5. Restraints.** "Restraints" means any physical restraint or mechanical device used to  
 39 control the movement of a ~~prisoner's or juvenile's~~ the body or limbs of a resident of a  
 40 correctional facility or a juvenile, including, but not limited to, disposable or soft restraints,

1 handcuffs, a security restraint system that combines handcuffs with a rigid component, leg  
2 irons, belly chains, a security or tether chain and a convex shield.

3 **Sec. 50. 34-A MRSA §3102**, as enacted by PL 2015, c. 315, §4, is amended to read:

4 **§3102. Restraint of pregnant ~~prisoners~~ residents of a correctional facility and**  
5 **pregnant juveniles**

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

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

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

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

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

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

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

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

41 **Sec. 51. 34-A MRSA §3104**, as enacted by PL 2015, c. 315, §4, is amended to read:

42 **§3104. Notice**

1 A correctional facility or detention facility shall inform all female ~~prisoners~~ residents  
2 of correctional facilities and juveniles of the rules developed pursuant to section 3103 upon  
3 admission to the correctional facility or detention facility and shall include the rules in any  
4 handbook provided to female ~~prisoners~~ residents or juveniles.

5 **Sec. 52. 34-A MRSA §3231, sub-§2**, as repealed and replaced by PL 1999, c. 583,  
6 §18, is amended to read:

7 **2. Duties.** In addition to other duties set out in this Title, the warden shall supervise  
8 and control the ~~prisoners residents of the prison, pretrial detainees,~~ employees, grounds,  
9 buildings and equipment at the prison.

10 **Sec. 53. 34-A MRSA §3233, sub-§1, ¶B**, as enacted by PL 1983, c. 459, §6, is  
11 amended to read:

12 B. If a ~~prisoner~~ at resident of the prison resists the authority of any uniformed or  
13 ununiformed officer or refuses to obey ~~his~~ the officer's lawful commands, the officer  
14 shall immediately enforce obedience.

15 **Sec. 54. 34-A MRSA §3236, sub-§2, ¶C**, as enacted by PL 1983, c. 459, §6, is  
16 amended to read:

17 C. Labor diligently and faithfully for the mental, moral and religious improvement of  
18 the ~~prisoners~~ residents of the prison; and

19 **Sec. 55. 34-A MRSA §3236, sub-§2, ¶D**, as enacted by PL 1983, c. 459, §6, is  
20 amended to read:

21 D. Aid the ~~prisoners~~ residents of the prison, when practicable, in obtaining  
22 employment after their discharge.

23 **Sec. 56. 34-A MRSA c. 3, sub-c. 2, art. 3, headnote** is amended to read:

### 24 ARTICLE 3

#### 25 **PRISONERS RESIDENTS OF THE MAINE STATE PRISON**

26 **Sec. 57. 34-A MRSA §3264**, as amended by PL 1999, c. 583, §22, is further  
27 amended to read:

#### 28 **§3264. Conditions of imprisonment**

29 ~~Prisoners in the prison~~ Residents of the prison shall work at tasks normal to the  
30 maintenance, service, industrial, agricultural and other activities of the prison.

31 **Sec. 58. 34-A MRSA §3401**, as repealed and replaced by PL 1995, c. 502, Pt. F,  
32 §24, is amended to read:

#### 33 **§3401. Establishment**

34 The Maine Correctional Center in South Windham, referred to in this subchapter as  
35 "the center," is established for the confinement and rehabilitation of persons, male and  
36 female, lawfully in the custody of the department, as provided by law.



1           **Sec. 59. 34-A MRSA §3402, sub-§2**, as amended by PL 2013, c. 508, §1, is further  
2 amended to read:

3           **2. Duties.** In addition to other duties set out in this Title, the warden shall supervise  
4 and control the ~~prisoners~~ residents of the center, ~~pretrial detainees~~, employees, grounds,  
5 buildings and equipment at the center.

6           **Sec. 60. 34-A MRSA §3403**, as amended by PL 2013, c. 508, §2, is further amended  
7 by amending the section headnote to read:

8           **§3403. ~~Prisoners~~ Residents of the Maine Correctional Center generally**

9           **Sec. 61. 34-A MRSA §3403, sub-§1**, as amended by PL 2013, c. 508, §2, is further  
10 amended to read:

11           **1. Conditions of confinement.** Conditions of confinement of ~~prisoners~~ residents of  
12 the center are governed as follows.

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

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

18           **Sec. 62. 34-A MRSA §3903, sub-§2, ¶B**, as repealed and replaced by PL 2019, c.  
19 343, Pt. LLLL, §2, is amended to read:

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

22           **Sec. 63. 34-A MRSA §3904**, as amended by PL 2019, c. 343, Pt. LLLL, §3, is  
23 further amended to read:

24           **§3904. ~~Prisoners~~ Residents of the Downeast Correctional Facility generally**

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

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

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

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

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

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

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

11 **Sec. 64. 34-A MRSA §4102-B**, as enacted by PL 2017, c. 148, §12, is amended to  
12 read:

13 **§4102-B. Purposes for ~~prisoners~~ residents**

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

17 **Sec. 65. 34-A MRSA §4103, sub-§2, ¶C**, as enacted by PL 2017, c. 148, §14, is  
18 amended to read:

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

21 **Sec. 66. 34-A MRSA §4117**, as amended by PL 2017, c. 148, §26, is further  
22 amended to read:

23 **§4117. Confinement of ~~prisoners~~ residents of the Mountain View Correctional**  
24 **Facility**

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

33 **Sec. 67. 34-A MRSA §4118**, as enacted by PL 2017, c. 148, §27, is amended to  
34 read:

35 **§4118. ~~Prisoners~~ Residents of the Mountain View Correctional Facility generally**

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

39 **2. Transferred ~~prisoners~~ residents of a correctional facility.** All ~~prisoners~~ residents  
40 of a correctional facility transferred to the Mountain View Correctional Facility must be  
41 detained and confined in accordance with the sentences of the court and the rules of the  
42 department.

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

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

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

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

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

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

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

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

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

29           **Sec. 68. 34-A MRSA §4203, sub-§2, ¶B,** as enacted by PL 2013, c. 508, §7, is  
30 amended to read:

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

33           **Sec. 69. 34-A MRSA §4204,** as enacted by PL 2013, c. 508, §7, is amended to read:

34           **§4204. Prisoners Residents of the Bolduc Correctional Facility generally**

35           **1. Confinement of prisoners residents of a correctional facility transferred to**  
36 **facility the Bolduc Correctional Facility.** All ~~prisoners~~ residents of a correctional facility  
37 transferred to the ~~facility~~ Bolduc Correctional Facility must be detained and confined in  
38 accordance with the sentences of the court and the rules of the department.

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

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

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

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

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

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

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

23           **Sec. 70. 34-A MRSA §5003, sub-§1,** as amended by PL 2003, c. 706, Pt. B, §3, is  
24 further amended to read:

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

32           A. Interference with probation is a Class E crime, except that, notwithstanding Title  
33 17-A, it is punished by a fine of not more than \$500 or by imprisonment for not more  
34 than 11 months, or by both.

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

39           **Sec. 71. 34-A MRSA §5402, sub-§2, ¶B,** as amended by PL 2013, c. 491, §6, is  
40 further amended to read:

41           B. Appoint, subject to the Civil Service Law, field probation and parole officers,  
42 juvenile community corrections officers and such other employees as may be required  
43 to carry out adequate supervision of all ~~probationers~~ persons on probation, parolees

1 from the correctional facilities and other persons placed under the supervision of an  
2 employee listed in this paragraph;

3 **Sec. 72. 34-A MRSA §5402, sub-§2, ¶M**, as amended by PL 1995, c. 502, Pt. F,  
4 §34, is further amended to read:

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

10 **Sec. 73. 34-A MRSA §5402, sub-§3, ¶F**, as enacted by PL 2005, c. 265, §21, is  
11 amended to read:

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

15 **Sec. 74. 34-A MRSA c. 5, sub-c. 5, headnote** is amended to read:

16 **SUBCHAPTER 5**

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

19 **Sec. 75. 34-A MRSA §5802, first ¶**, as amended by PL 2013, c. 508, §8, is further  
20 amended to read:

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

26 **Sec. 76. 34-A MRSA §5803**, as enacted by PL 1983, c. 459, §6, is amended to read:

27 **§5803. Eligibility for hearing; Maine State Prison or Maine Correctional Center**

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

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

33 **2. Expiration of 1/2 of term in certain cases.** Prior to the expiration of 1/2 of the  
34 term of imprisonment imposed by the court, less the deduction for good behavior, when  
35 the ~~prisoner~~ resident has been convicted of an offense under Title 17, former section 1951,  
36 3151, 3152 or 3153. This subsection applies to a ~~prisoner~~ resident who has been convicted  
37 previously of an offense under Title 17, former section 1951, 3151, 3152 or 3153;

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

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

7 **Sec. 77. 34-A MRSA §5806, sub-§1**, as enacted by PL 1983, c. 459, §6, is amended  
8 to read:

9 **1. Forfeits deductions.** Upon revocation of parole by the board, ~~the prisoner~~ a resident  
10 of a correctional facility forfeits any deductions for good behavior earned while on parole.

11 **Sec. 78. 34-A MRSA §5806, sub-§2**, as enacted by PL 1983, c. 459, §6, is amended  
12 to read:

13 **2. May earn deductions.** While serving the unexpired portion of ~~his~~ a sentence after  
14 parole has been revoked, ~~the prisoner~~ a resident of a correctional facility may earn  
15 deductions for good conduct.

16 **Sec. 79. 34-A MRSA §5810**, as amended by PL 2013, c. 508, §14, is further  
17 amended to read:

18 **§5810. Records forwarded to State Police**

19 When a person who has been convicted under Title 17, former section 1951, 3151,  
20 3152 or 3153 is paroled, the warden of the institution shall forward to the State Police a  
21 copy of the person's record and a statement of facts necessary for full comprehension of  
22 the case. Whenever any ~~prisoner~~ resident of a correctional facility who has been convicted  
23 of an offense under Title 17, former section 1951, 3151, 3152 or 3153 is discharged in full  
24 execution of the ~~prisoner's~~ resident's sentence, the warden shall make and forward to the  
25 State Police a copy of the prison record of that ~~prisoner~~ resident together with a statement  
26 of any fact or facts that the warden may consider necessary for a full comprehension of the  
27 case.

28 **Sec. 80. Rules, policies, procedures, forms and publications.** To conform to  
29 the respectful terms adopted by the Legislature in this Act, the Department of Corrections,  
30 the Department of Health and Human Services and the Department of Public Safety shall  
31 amend their rules, policies and procedures as the rules, policies and procedures are  
32 amended for routine and other changes and shall reprint their forms and publications as  
33 reprinting becomes necessary.

34 **SUMMARY**

35 This bill is supported by a majority of the Joint Standing Committee on Criminal  
36 Justice and Public Safety. The bill is reported out to the Legislature pursuant to Resolve  
37 2021, chapter 120. The bill changes language in the Maine Revised Statutes, Titles 22, 25  
38 and 34-A to respectful so-called person-first language. The bill also changes "prisoner" to  
39 "resident of a correctional facility" and "probationer" to "person on probation." To conform  
40 to the respectful terms adopted by the Legislature in this Act, the Department of  
41 Corrections, the Department of Health and Human Services and the Department of Public  
42 Safety shall amend their rules, policies and procedures as the rules, policies and procedures

1 are amended for routine and other changes and shall reprint their forms and publications as  
2 reprinting becomes necessary.

3

**FISCAL NOTE REQUIRED**

4

**(See attached)**