

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-SIX

—  
S.P. 769 - L.D. 1962

**An Act to Increase Legislative Access to Department of Corrections Facilities  
and to Direct the Commissioner to Establish Rules Regarding Legislator  
Access to Correctional and Detention Facilities**

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

**Sec. 1. 34-A MRSA §3001-A, sub-§1**, as amended by PL 2023, c. 383, §2, is further amended to read:

**1. Appointment.** The Except as provided in paragraph H, the Governor shall appoint a board of 7 visitors for each correctional facility under the department, as authorized by Title 5, section 12004-I, subsection 5.

- A. The terms of the members of the boards of visitors are for 3 years.
- B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms.
- C. A member of the Legislature or an employee of the department may not serve on any board of visitors.
- D. At least one member of each board must be a person licensed by this State to provide mental health services.
- E. Each member of the boards of visitors must be compensated according to the provisions of Title 5, chapter 379.
- F. The Governor shall appoint a chair from the membership.
- G. At least one member of each board of visitors must have been incarcerated in a correctional facility.

H. If a vacancy occurs within a board of visitors, the commissioner shall provide notice to the Governor, the President of the Senate and the Speaker of the House of Representatives within 5 days of the vacancy. A vacancy on a board of visitors under this section must be filled by the Governor within 90 days of the notice of vacancy. If the Governor fails to appoint a member within 90 days of the notice of vacancy, the President of the Senate and the Speaker of the House of Representatives shall jointly appoint a member to fill the vacancy pursuant to this subsection.

**Sec. 2. 34-A MRSA §3001-B** is enacted to read:

**§3001-B. Legislator access to correctional facilities and detention facilities**

A Legislator may access correctional facilities and detention facilities in accordance with rules adopted by the commissioner. In accordance with section 1402, subsection 3, the commissioner shall adopt rules governing a Legislator's access to correctional facilities and detention facilities. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. Rules regarding Legislator access.** The Commissioner of Corrections shall submit major substantive rules to the Legislature pursuant to the Maine Revised Statutes, Title 34-A, section 3001-B by January 31, 2027. The rules must include provisions regarding:

1. A Legislator's access to physical areas of correctional facilities and detention facilities;
2. A Legislator's access to clients and staff; and
3. The circumstances in which a chief administrative officer may deny a Legislator access to correctional facilities and detention facilities.