

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Standardize Language and Improve Correctional Services

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

Sec. 1. 15 MRSA §3314, sub-§1, ¶H, as amended by PL 2019, c. 113, Pt. C, §48, is further amended to read:

H. The court may order the juvenile to serve a period of confinement that may not exceed 30 days, with or without an underlying suspended disposition of commitment to a Department of Corrections juvenile correctional facility, which confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date but may be served intermittently as the court may order and must be ordered served in a facility approved or operated by the Department of Corrections exclusively for juveniles. The court may order such a disposition to be served as a part of and with a period of probation that is subject to such provisions of Title 17-A, section 1807 as the court may order and that must be administered pursuant to Title 34-A, chapter 5, subchapter 4. Revocation of probation is governed by the procedure contained in subsection 2. Any disposition under this paragraph is subject to Title 17-A, section 2305 except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. ~~For purposes of calculating the commencement of the~~The period of confinement, credit is accorded only for the portion of the first day for which the juvenile is actually confined; the commences on the date on which the juvenile is received into the facility pursuant to the order and that day is counted as the first full day of the period of confinement. The juvenile may not be released until the juvenile has served the full term of hours or days imposed by the court at any time on the final day of the period of confinement. When a juvenile is committed for a period of confinement, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that reasonable efforts are not necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders a period of confinement.

Sec. 2. 34-A MRSA §3001, sub-§3 is enacted to read:

3. Director of women's services. The commissioner may appoint a director of women's services to serve, as applicable, as the chief administrative officer of any correctional facility operated by the department for female prisoners and, notwithstanding any provision of law to the contrary, of any correctional facility housing unit used by the department for female prisoners. The director of women's services has all the powers and duties of other chief administrative officers, whether described in this Title or in any other provision of statute.

Sec. 3. 34-A MRSA §3903, as repealed and replaced by PL 2019, c. 343, Pt. LLLL, §2, is amended to read:

§ 3903. Superintendent Warden

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

2. Duties. In addition to other duties set out in this Title, the superintendentwarden has the following duties.

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

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

3-A. Powers. In addition to other powers granted in this Title, the warden has the following powers.

A. The warden may, with the written approval of the commissioner, contract with the Director of the Federal Bureau of Prisons acting pursuant to 18 United States Code, Section 4002 for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States and may receive and detain such persons pursuant to the contracts.

Sec. 4. 34-A MRSA §3904, sub-§2, as amended by PL 2019, c. 343, Pt. LLLL, §3, is further amended to read:

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

Sec. 5. 34-A MRSA §3905, as amended by PL 2019, c. 343, Pt. LLLL, §4, is repealed and the following enacted in its place:

§ 3905. Downeast Correctional Facility employees

1. Power of sheriffs; weapons. Employees of the Downeast Correctional Facility:

A. Have the same power as sheriffs in their respective counties to search for and apprehend escapees from the facility, when authorized to do so by the warden; and

B. May carry weapons and other security equipment when authorized by the warden inside and outside the facility in connection with their assigned duties or training.

2. Uniforms and special clothing. Downeast Correctional Facility employee uniforms and special clothing are governed as follows.

A. Employees of the facility may be provided, at the expense of the State, with distinctive uniforms for use when required for the performance of their official duties and that remain the property of the State.

B. Employees of the facility may be provided with a clothing allowance when the private purchase of special clothing is required for the performance of their official duties.

Sec. 6. 34-A MRSA §4103, as amended by PL 2017, c. 148, §§13 and 14, is further amended to read:

§ 4103. Superintendent Warden

1. Chief administrative officer. The chief administrative officer of the Mountain View Correctional Facility is called the superintendentwarden and is responsible to the commissioner.

2. Duties. In addition to other duties set out in this Title, the superintendentwarden has the following duties.

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

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

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

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

A. The warden may appoint deputy wardens, subject to the Civil Service Law. A deputy warden has the powers, duties, obligations and liabilities of the warden when the warden is absent or unable to perform the warden's duties.

B. The warden may, with the written approval of the commissioner, contract with the Director of the Federal Bureau of Prisons acting pursuant to 18 United States Code, Section 4002 for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States and may receive and detain such persons pursuant to the contracts.

Sec. 7. 34-A MRSA §4106, as amended by PL 2017, c. 148, §17, is repealed and the following enacted in its place:

§ 4106. Mountain View Correctional Facility employees

1. Power of sheriffs; weapons. Employees of the Mountain View Correctional Facility:

A. Have the same power as sheriffs in their respective counties to search for and apprehend escapees from the facility, when authorized to do so by the warden; and

B. May carry weapons and other security equipment when authorized by the warden inside and outside the facility in connection with their assigned duties or training.

2. Uniforms and special clothing. Mountain View Correctional Facility employee uniforms and special clothing are governed as follows.

A. Employees of the facility may be provided, at the expense of the State, with distinctive uniforms for use when required for the performance of their official duties and that remain the property of the State.

B. Employees of the facility may be provided with a clothing allowance when the private purchase of special clothing is required for the performance of their official duties.

Sec. 8. 34-A MRSA §4108, sub-§2, as amended by PL 2005, c. 488, §§14 to 17, is further amended to read:

2. Conditions. Placing a juvenile under observation is subject to the following conditions.

A. Placement under observation must first be approved by the superintendentwarden.

B. The conditions under which a juvenile is placed under observation must conform with all applicable federal and state standards relating to the health and safety of clients in detention facilities.

C. Placement under observation may not exceed the period of time necessary to alleviate and prevent the reoccurrence of the behavior described in subsection 1 and it may not be used as punishment.

D. When placement under observation exceeds 12 hours, the superintendentwarden shall direct the facility physician or a member of the facility medical staff to visit the juvenile immediately and at least once in each succeeding 24-hour period the juvenile remains under observation to examine the juvenile's state of health.

(1) The superintendentwarden shall give full consideration to recommendations of the physician or medical staff member concerning the juvenile's dietary needs and the conditions of the juvenile's confinement required to maintain the juvenile's health. If the recommendations of the physician or medical staff member are not carried out, the superintendentwarden shall immediately convey the reasons and circumstances for this decision to the commissioner for review and final disposition.

(2) Placement under observation must be discontinued if the superintendentwarden, on the advice of the physician, determines that placement under observation is harmful to the mental or physical health of the juvenile, except that placement under observation may be continued if the behavior of the juvenile presents a high likelihood of imminent physical harm to that

juvenile or others and there is no less restrictive setting in which that juvenile's safety or that of others can be ensured. If placement under observation is continued, the physician or a member of the medical staff shall visit the juvenile at least once every 12 hours.

E. When placement under observation exceeds 24 hours, the ~~superintendent~~warden shall direct appropriate facility staff to develop a plan for the further care of the juvenile. The plan must be revised as needed to meet the changing needs of the juvenile.

F. Placement under observation may not exceed 72 hours without the commissioner's approval, which must:

- (1) Be in writing;
- (2) State the reasons for that approval; and
- (3) Be kept on file.

G. If the recommendations of the physician or medical staff member regarding the juvenile's dietary or other health needs while under observation are not carried out, the ~~superintendent~~warden shall send a written justification to the commissioner.

H. A juvenile held under observation must be under sight and sound supervision by facility staff, which must be constant if necessary to prevent imminent harm to the juvenile.

Sec. 9. 34-A MRSA §4118, sub-§3, as enacted by PL 2017, c. 148, §27, is amended to read:

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

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

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

SUMMARY

This bill counts as the first full day of a period of confinement the day a juvenile is received into a juvenile correctional facility, regardless of when the juvenile arrives at the facility, and allows the juvenile to be released at any time on the last day of the period of confinement, instead of requiring the juvenile to be released at an exact time dependent on when the juvenile arrived at the facility.

It allows the Commissioner of Corrections to appoint a director of women's services to oversee services and otherwise act as the chief administrative officer for female prisoners, whether housed in a correctional facility exclusively serving female prisoners or in a female prisoner housing unit in a correctional facility serving both males and females.

It renames the chief administrative officer of the Mountain View Correctional Facility and the Downeast Correctional Facility the warden. It authorizes the warden of the Mountain View Correctional Facility and the warden of the Downeast Correctional Facility, with the written approval of the commissioner, to contract with the Director of the Federal Bureau of Prisons for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States. It allows employees of the Mountain View Correctional Facility and the Downeast Correctional Facility to carry weapons and other security equipment when authorized by the warden. It includes provisions for uniforms and clothing allowances for employees of the Mountain View Correctional Facility and the Downeast Correctional Facility.