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No. 1616

H.P. 1188

House of Representatives, December 30, 2013

An Act Regarding Appointments of Certain Positions in the Department of Corrections

Submitted by the Department of Corrections pursuant to Joint Rule 204.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DION of Portland.
Cosponsored by Senator PLUMMER of Cumberland.

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

2 **Sec. 1. 34-A MRSA §1403, sub-§2**, as amended by PL 2001, c. 386, §11, is
3 further amended to read:

4 **2. Appointments.** The commissioner's appointment powers are as follows.

5 A. The commissioner may appoint, subject to the Civil Service Law and except as
6 otherwise provided, any employees who may be necessary, including those
7 intermittent employees as defined in Title 5, section 7053 needed to offset the
8 overtime costs related to unscheduled, unanticipated overtime. These intermittent
9 positions in the institutional services unit ~~must be identified through a separate~~
10 ~~agreement with labor and~~ may be used only at preidentified posts and work sites.
11 ~~Use of intermittent employees for the purposes of overtime must be governed by an~~
12 ~~agreement between the parties.~~

13 B. The commissioner may appoint and set the salary for ~~3~~ one deputy commissioner
14 and 2 associate commissioners to assist in carrying out the responsibilities of the
15 department.

16 (1) An appointment is for an indeterminate term and until a successor is
17 appointed and qualified or during the pleasure of the commissioner.

18 (2) To be eligible for appointment as the deputy commissioner or an associate
19 commissioner, a person must have training and experience in general
20 management.

21 (3) The deputy commissioner has the powers, duties, obligations and liabilities
22 of the commissioner when the commissioner is unable to perform the duties of
23 the office.

24 ~~C. The commissioner shall appoint the following officials to serve at the pleasure of~~
25 ~~the commissioner:~~

26 (1) ~~Associate Commissioner for Adult Services;~~

27 (1 A) ~~Associate Commissioner for Juvenile Services; and~~

28 (3) ~~Associate Commissioner for Legislative and Program Services.~~

29 D. The commissioner may appoint and set the salary for a director of operations, a
30 policy development coordinator and a media and public information officer to assist
31 in carrying out the responsibilities of the department. An appointment is for an
32 indeterminate term and until a successor is appointed and qualified or during the
33 pleasure of the commissioner.

34 **Sec. 2. 34-A MRSA §1403, sub-§3**, as amended by PL 1995, c. 502, Pt. F, §19,
35 is further amended to read:

36 **3. Delegation.** The commissioner's delegation powers are as follows.

1 A. Unless a specific statute otherwise directs, the commissioner may delegate
2 powers and duties given under this Title to the deputy commissioner, associate
3 commissioners, chief administrative officers and regional correctional administrators.

4 B. The commissioner may empower the deputy commissioner, associate
5 commissioners, chief administrative officers and regional correctional administrators
6 to further delegate powers and duties delegated to them by the commissioner.

7 B-1. Unless a specific statute otherwise directs, the commissioner may empower
8 chief administrative officers to delegate powers and duties given to them by chapter 3
9 and may empower regional correctional administrators to delegate powers and duties
10 given to them by chapter 5.

11 C. ~~An~~ The deputy commissioner, an associate commissioner or associate
12 commissioners may be designated to assist in the development of community
13 correctional programs at the county level and to coordinate activities of the
14 department with each county and any county correctional advisory groups. The
15 deputy commissioner, associate commissioner or associate commissioners may
16 appoint staff to assist in carrying out this paragraph.

17 **Sec. 3. 34-A MRSA §3001, sub-§1**, as amended by PL 1999, c. 583, §5, is
18 further amended to read:

19 **1. Appointment.** The commissioner may appoint chief administrative officers as
20 necessary for the proper performance of the functions of the department, ~~subject to the~~
21 Civil Service Law. An appointment is for an indeterminate term and until a successor is
22 appointed and qualified or during the pleasure of the commissioner.

23 A. To be eligible for appointment as a chief administrative officer, a person must be
24 experienced in ~~the correctional management of the particular type of facility to which~~
25 that person is assigned.

26 B. Chief administrative officers shall report directly to the commissioner or to the
27 deputy commissioner or ~~to~~ an associate commissioner if so directed by the
28 commissioner.

29 **Sec. 4. 34-A MRSA §5402, sub-§2, ¶B**, as amended by PL 2013, c. 133, §28, is
30 further amended to read:

31 B. Appoint, subject to the Civil Service Law, ~~regional correctional administrators,~~
32 field probation and parole officers, juvenile community corrections officers and such
33 other employees as may be required to carry out adequate supervision of all
34 probationers, parolees from the correctional facilities and other persons placed under
35 the supervision of an employee listed in this paragraph;

36 **Sec. 5. 34-A MRSA §5402, sub-§3, ¶A-1** is enacted to read:

37 A-1. Appoint regional correctional administrators as necessary for the proper
38 performance of the functions of the department. An appointment is for an
39 indeterminate term and until a successor is appointed and qualified or during the
40 pleasure of the commissioner.

