



131st MAINE LEGISLATURE

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Legislative Document

No. 1626

S.P. 643

In Senate, April 12, 2023

**An Act to Standardize Requirements Between Boards of Visitors for
County Jails and Department of Corrections Correctional Facilities**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BEEBE-CENTER of Knox.
Cosponsored by Senators: DUSON of Cumberland, LaFOUNTAIN of Kennebec.

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

2 **Sec. 1. 30-A MRSA §1651**, as amended by PL 2021, c. 620, §3, is further amended
3 to read:

4 **§1651. Examination of jails; board of visitors**

5 **1. Examination.** At the commencement of each session required by law, the county
6 commissioners shall examine the jail in their county and take necessary precautions for the
7 security of prisoners, for the prevention of infection and sickness and for the
8 accommodations of the prisoners.

9 **2. Appointment.** The sheriff for each county shall appoint a board of 7 visitors for
10 each correctional facility under the sheriff's supervision.

11 A. Members of the boards of visitors serve for terms of ~~one year~~ 3 years.

12 B. Members of the boards of visitors are eligible for reappointment at the expiration
13 of their terms. The boards of visitors must be representative of a broad range of
14 professionals, family members and citizens interested in the well-being of prisoners,
15 including representatives of advocacy groups for human and civil rights, medical and
16 psychiatric professionals, persons who have served in corrections settings and other
17 interested citizens. One member of each board of visitors must be a person with
18 knowledge of issues related to the incarceration of women. One member of each board
19 of visitors must be a woman who has been incarcerated in the State and who has prior
20 child welfare experience with the Department of Health and Human Services, Office
21 of Child and Family Services. One member of each board of visitors must be a medical
22 or psychiatric professional.

23 C. A member of the Legislature or a former or current employee of a sheriff's
24 department may not serve on a board of visitors.

25 ~~D. The sheriffs of 2 or more counties, at their discretion, may appoint a joint board of~~
26 ~~visitors of 7 or more members.~~

27 **3. Powers.** ~~Each board of visitors shall inspect the correctional facility to which it is~~
28 ~~assigned, subject to reasonable restrictions required by the sheriff to ensure the security of~~
29 ~~the jail, and make recommendations to the sheriff with respect to inmates who are mentally~~
30 ~~ill.~~

31 **4. Duties.** Boards of visitors have the following duties.

32 A. Each board of visitors shall inspect the correctional facility to which it is assigned.
33 Each board of visitors must be provided open access to all physical areas of the
34 correctional facility, including access to areas housing prisoners. Each board of visitors
35 must be provided the opportunity to speak to prisoners and to staff. Members of the
36 board of visitors shall comply with all sheriff's department policies and procedures and
37 facility security practices regarding access to the correctional facility, shall adhere to
38 all federal and state laws regarding confidentiality and shall refer concerns or
39 complaints regarding specific individuals to the jail administrator or advocate.

40 B. Each board of visitors shall make recommendations to the sheriff regarding services
41 or treatment for prisoners who have mental health challenges or are mentally ill.

1 C. Each board of visitors shall review the management of the correctional facility to
2 which it is assigned to determine whether that management is consistent with the
3 philosophy, mission and policy goals of the sheriff's department and facility. On or
4 before the last day of the calendar year, each board of visitors shall prepare an annual
5 report including its recommendations and shall provide copies of its report to the jail
6 administrator, the county commissioners and the joint standing committee of the
7 Legislature having jurisdiction over criminal justice and public safety matters. The
8 sheriff shall provide copies with the sheriff's response to the reports to the joint standing
9 committee of the Legislature having jurisdiction over criminal justice and public safety
10 matters within one month of receiving the annual reports.

11 D. Each board of visitors shall appear before the joint standing committee of the
12 Legislature having jurisdiction over criminal justice and public safety matters upon
13 request.

14 E. Each board of visitors shall meet regularly and tour the correctional facility to which
15 it is assigned at least 4 times a year. At each meeting, a board of visitors may request
16 and must receive information from the jail administrator that the board determines will
17 assist in the review of the management of the facility. To the extent that a board of
18 visitors is not discussing matters made confidential by federal or state law, a meeting
19 of the board is a public proceeding and must be conducted in accordance with Title 1,
20 section 403. Boards of visitors may meet jointly.

21 F. Each board of visitors shall share copies of that board's annual report with the other
22 boards of visitors of that sheriff's department.

23 **5. Orientation and training.** A board of visitors must receive annual training,
24 including:

25 A. Facilities orientation, including a tour of the correctional facility to which the board
26 of visitors is assigned, explanation of the facility command structure and receipt of the
27 department's publication regarding detention and correctional standards for Maine
28 counties and municipalities, facility prisoner handbooks, volunteer policies and board
29 of visitors policies;

30 B. Review of the federal Americans with Disabilities Act of 1990 and guidance
31 concerning domestic violence, substance use disorder including opioids, behavioral
32 health and adverse childhood trauma;

33 C. A list and explanation of available community resources;

34 D. The legal requirements of this section; and

35 E. Training on any other subject as determined by the sheriff or chair of the board of
36 visitors.

37 **6. Public access.** A member of the public must have direct access to the board of
38 visitors without being required to access the board through the sheriff's department or
39 correctional facility administration. A prisoner handbook must provide the names and
40 contact information for the membership of the board of visitors. A complaint made to a
41 member of the board of visitors must be referred to the jail administrator or advocate and
42 may not be directly acted upon by the member or the board.

1 **7. Compliance.** A correctional facility or sheriff's department that fails to comply
2 with this section may be subject to withholding of state funding.

3 **Sec. 2. 34-A MRSA §3001-A, sub-§1,** as enacted by PL 2005, c. 683, Pt. B, §26,
4 is amended to read:

5 **1. Appointment.** The Governor shall appoint a board of ~~5~~ 6 visitors for each
6 correctional facility under the department, as authorized by Title 5, section 12004-I,
7 subsection 5.

8 A. The terms of the members of the boards of visitors are for 3 years.

9 B. Members of the boards of visitors are eligible for reappointment at the expiration
10 of their terms.

11 C. A member of the Legislature or ~~an~~ a former or current employee of the department
12 may not serve on any board of visitors.

13 D. At least one member of each board must be a person licensed by this State to provide
14 mental health services.

15 E. Each member of the boards of visitors must be compensated according to the
16 provisions of Title 5, chapter 379.

17 ~~F. The Governor shall appoint a chair from the membership.~~

18 G. At least one member of each board of visitors must have been incarcerated in a
19 correctional facility.

20 H. Each board of visitors shall select a chair from among its members.

21 **Sec. 3. 34-A MRSA §3001-A, sub-§2, ¶A-1** is enacted to read:

22 A-1. Each board of visitors shall make recommendations to the chief administrative
23 officer of the correctional facility to which the board is assigned regarding services or
24 treatment for clients who have mental health challenges or are mentally ill.

25 **Sec. 4. 34-A MRSA §3001-A, sub-§2, ¶B,** as enacted by PL 2005, c. 683, Pt. B,
26 §26, is amended to read:

27 B. Each board of visitors shall review the management of the correctional facility to
28 which it is assigned to determine whether that management is consistent with the
29 philosophy, mission and policy goals of the department and facility. ~~Each~~ On or before
30 the last day of the calendar year, each board of visitors shall prepare an annual report
31 including its recommendations and shall provide copies of its report to the chief
32 administrative officer of the facility, the commissioner and the joint standing
33 committee of the Legislature having jurisdiction over criminal justice and public safety
34 matters. The commissioner shall provide copies with the department's response to the
35 reports to the joint standing committee of the Legislature having jurisdiction over
36 criminal justice and public safety matters within one month of receiving the annual
37 reports.

38 **Sec. 5. 34-A MRSA §3001-A, sub-§2, ¶D,** as enacted by PL 2005, c. 683, Pt. B,
39 §26, is amended to read:

40 ~~D. Boards~~ Each board of visitors shall meet regularly and tour the correctional facility
41 to which it is assigned at least 4 times a year. At each meeting, a board of visitors may

1 request and must receive information from the chief administrative officer ~~as~~ that the
2 board determines will assist in the review of the management of the facility. To the
3 extent that a board of visitors is not discussing matters made confidential by federal or
4 state law, ~~meetings of boards are~~ a meeting of the board is a public proceedings
5 proceeding and must be conducted in accordance with Title 1, section 403. Boards of
6 visitors may meet jointly.

7 **Sec. 6. 34-A MRSA §3001-A, sub-§5** is enacted to read:

8 **5. Orientation and training.** A board of visitors must receive annual training,
9 including:

10 A. Facilities orientation, including a tour of the correctional facility to which the board
11 of visitors is assigned, explanation of the facility command structure and receipt of
12 standards of the American Correctional Association or successor organization, facility
13 client handbooks, volunteer policies and board of visitors policies;

14 B. Review of the federal Americans with Disabilities Act of 1990 and guidance
15 concerning domestic violence, substance use disorder including opioids, behavioral
16 health and adverse childhood trauma;

17 C. A list and explanation of available community resources;

18 D. The legal requirements of this section; and

19 E. Training on any other subject as determined by the commissioner or chair of the
20 board of visitors.

21 **Sec. 7. 34-A MRSA §3001-A, sub-§6** is enacted to read:

22 **6. Public access.** A member of the public must have direct access to the board of
23 visitors without being required to access the board through the department or correctional
24 facility administration. A client handbook must provide the names and contact information
25 for the membership of the board of visitors. A complaint made to a member of the board
26 of visitors must be referred to the chief administrative officer of the correctional facility or
27 advocate and may not be directly acted upon by the member or the board.

28 SUMMARY

29 This bill amends and in part standardizes requirements and duties between the boards
30 of visitors of county jails and Department of Corrections correctional facilities including
31 the appointment, duties, orientation and training and access by the public to the boards of
32 visitors.