

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 643 - L.D. 1626

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

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

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

§1651. Examination of jails; board of visitors

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

2. Appointment. The sheriff for each county shall appoint a board of 7 visitors for each jail or other county correctional facility under the sheriff's supervision.

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

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

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

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

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

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

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

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

C. Each board of visitors shall review the management of the jail or other county correctional facility to which it is assigned to determine whether that management is consistent with the philosophy, mission and policy goals of the sheriff's office and facility. On or before February 15th of each calendar year, each board of visitors shall prepare an annual report including its recommendations and shall provide copies of its report to the jail administrator, the county correctional facility administrator, the county commissioners and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The sheriff shall provide copies with the sheriff's response to the reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters within one month of receiving the annual reports.

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

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

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

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

A. Facilities orientation, including a tour of the jail or other county correctional facility to which the board of visitors is assigned, explanation of the facility command structure and receipt of the Department of Corrections' publication regarding detention and correctional standards for Maine counties and municipalities, facility prisoner handbooks, volunteer policies and board of visitors policies;

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

C. A list and explanation of available community resources;

D. The legal requirements of this section; and

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

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

1. Appointment. The Governor shall appoint a board of ~~5~~ 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.

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

B. Each board of visitors shall review the management of the correctional facility to which it is assigned to determine whether that management is consistent with the philosophy, mission and policy goals of the department and facility. ~~Each~~ On or before February 15th of each calendar year, each board of visitors shall prepare an annual report including its recommendations and shall provide copies of its report to the chief administrative officer of the facility, the commissioner and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The commissioner shall provide copies with the department's response to the reports to the joint standing committee of the Legislature having jurisdiction over

criminal justice and public safety matters within one month of receiving the annual reports.

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

D. Boards Each board of visitors shall meet regularly and tour the correctional facility to which it is assigned at least 4 times a year. At each meeting, a board of visitors may request and must receive information from the chief administrative officer as that the board determines will assist in the review of the management of the facility. To the extent that a board of visitors is not discussing matters made confidential by federal or state law, meetings of boards are a meeting of the board is a public proceedings proceeding and must be conducted in accordance with Title 1, section 403. Boards of visitors may meet jointly.

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

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

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

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

C. A list and explanation of available community resources;

D. The legal requirements of this section; and

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