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TESTIMONY OF

SAM PRAWER, DIRECTOR OF GOVERNMENT AFFAIRS MAINE DEPARTMENT OF CORRECTIONS

March 3, 2025

In Support of:

LD 626, An Act to Explicitly Allow the Department of Corrections to Charge Room and Board to Residents Who Perform Remote Work in Detention and Correctional Facilities and to Amend the Laws Governing Rehabilitative Programs

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Sam Prawer, Director of Government Affairs at the Maine Department of Corrections (DOC) providing testimony today in strong support of LD 626, An Act to Explicitly Allow the Department of Corrections to Charge Room and Board to Residents Who Perform Remote Work in Detention and Correctional Facilities and to Amend the Laws Governing Rehabilitative Programs. This is yet another housekeeping bill put forward by the Department this session, representing common sense management of the correctional system. The Department thanks Representative Nutting for sponsoring this bill on our behalf.

The purpose of this bill is simple. To update outdated language in Title 34-A §3035 to accurately reflect the modernized programs we've implemented under the Maine Model of Corrections. The statutory edits in this bill achieve two important goals:

1. They update language regarding the Commissioner's authority to establish rules for both adult and juvenile rehabilitative programs to make clear that such programs include, but are not limited to, education release, remote work, furlough, public service release and programs resulting in the payment of restitution.
2. They make explicitly clear that remote work is a type of work release program where a participating resident is liable for room and board.

The statutory language amended by this bill was first established in 1983, a time when the idea of remote work and the kind of education opportunities currently provided by our Department were not even a possibility. That language has been updated a few times in the years since its establishment but those changes never reconsidered the underlying scope of what a rehabilitative program could be. While the amendments provided by this bill are not strictly necessary to continue the program types that we are seeking to include in the statute, they do provide added clarity and transparency regarding what rehabilitative programs are available and when a resident with income from a community job must pay room and board.

As is clear in the statutory sections amended by the bill, residents engaged in work release programing must be charged the reasonable cost of room and board (*see* 34-A MRS §3035(1)(E) – Sec. 2. of LD 626) and may be charged the reasonable cost of transportation to their job (*see* 34-A §3035(1)(D) – Sec. 2. of LD 626). The statute is also clear that money collected pursuant to these provisions must go back to the General Fund. None of this money goes to DOC. This bill will result in no additional funds to the DOC. The goal of updating this statute is simply to provide full transparency



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about the way in which the Department applies the law and ensure consistency in state policy through future administrations.

This bill will also do nothing to change which residents are currently charged room and board. Of the rehabilitative programs added to the statute by this bill, it only adds remote workers to those who would be charged room and board. None of the other categories within the rehabilitative programs are included in those provisions. Second, those engaged in remote work are currently charged room and board because our department considers remote work to be a type of work release program. Residents participating in remote work are gainfully employed by a community employer outside DOC and making real world salaries that are often much greater than those earned by residents on traditional work release. This reasoning is also consistent with the policy underlying the original creation of these provisions, that a person who benefits from having the privilege of a real world job should also have the responsibilities that come with that privilege.

However, the Department believes that formalizing this understanding explicitly in the statute provides the highest degree of transparency about our practices and ensures consistent application of them into the future. The current room and board fee for people engaged in work release programs, including remote work, is a flat 10% of their overall income. This is a reasonable fee across the range of incomes available to residents with jobs.

It's important to emphasize how having those in our system with real world salaries be responsible for room and board fits into the Maine Model of Corrections. Normalization is a word that this committee has heard a lot from DOC in recent years, and it represents the idea that you help a person be successful upon release by providing them with the tools necessary to navigate life following incarceration. Far too many people enter the Department's custody without such skills, and a traditional institutionalized environment is not conducive to building them. Traditional corrections institutions are simply not normalized. By contrast, our Department works hard to support residents in developing that skillset both through direct interventions and programming opportunities, and through creating a system that helps a person simulate what they will be responsible for when they return to the community. Residents of DOC facilities are not generally responsible for the day to day expenses that underly the services they receive. Those who have real world jobs should have real world responsibilities. Requiring that those on work release plan to set aside a small portion of their income for room and board is a way to help them practice for the expectations put upon every person who lives in the community, while also giving back to the State. That practice is part of the principle of normalization, which is foundational to the Maine Model of Corrections.

Finally, in preparation for the public hearing on this bill, the Department realized there is a need for one minor amendment to ensure the new language is consistent with the victim notification requirements under 17-A MRSA §2106. Currently, that section requires (among several other requirements in the first block paragraph) "notification of any conditional release of the defendant from institutional confinement, including probation, supervised release for sex offenders, parole, furlough, work release, funeral or deathbed visit, supervised community confinement, home release monitoring or similar program, administrative release or release under Title 15, section 104-A;".



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The Department believes that language should be updated to make clear that the two following types of conditional release addressed by this bill explicitly require victim notification: education release and public service release. To accomplish this, and to ensure that no other types of conditional release are missed, the Department recommends that the language highlighted below be added to the first block paragraph of 17-A MRSA §2106:

§2106. Notification of defendant's release or escape

Upon complying with subsection 1, a victim of a crime of murder or of a Class A, Class B or Class C crime or of a Class D crime under chapters 9, 11 and 12 for which the defendant is committed to the Department of Corrections or to a county jail or is committed to the custody of the Commissioner of Health and Human Services either under Title 15, section 103 after having been found not criminally responsible by reason of insanity or under Title 15, section 101-D after having been found incompetent to stand trial must receive notification of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon release from commitment under Title 15, section 101-D or upon discharge under Title 15, section 104-A; must receive notification of any conditional release of the defendant from institutional confinement, including, but not limited to, probation, supervised release for sex offenders, parole, furlough, work release, education release, public service release, funeral or deathbed visit, supervised community confinement, home release monitoring or similar program, administrative release or release under Title 15, section 104-A; and must receive notification of the defendant's escape from the Department of Corrections, the custody of the Commissioner of Health and Human Services or the county jail to which the defendant is committed. For purposes of this section, "victim" also includes a person who has obtained under Title 19-A, former section 4007 or Title 19-A, section 4110 an active protection order or approved consent agreement against the defendant.

For the reasons stated above, the Department respectfully asks for the committee's support in this proposal.

This concludes my testimony.

I am happy to answer any questions.

Sam Prawer
Director of Government Affairs
Maine Department of Corrections