TITLE 34-A

CORRECTIONS

CHAPTER 1

GENERAL PROVISIONS

SUBCHAPTER 1

DEFINITIONS

§1001. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 459, §6 (NEW).]

1. Chief administrative officer. "Chief administrative officer" means the head of a correctional facility or a detention facility.

A. [PL 1991, c. 314, §1 (RP).]

B. [PL 1991, c. 314, §1 (RP).]

C. [PL 1991, c. 314, §1 (RP).]

D. [PL 1991, c. 314, §1 (RP).]

[PL 1991, c. 314, §1 (AMD).]

1-A. Client. "Client" means any person in the custody or under the supervision of the department, including, but not limited to, a prisoner, juvenile client, contract client, probationer, parolee, juvenile detainee and an informally adjusted juvenile.
[PL 1991, c. 314, §2 (NEW).]

1-B. Adult developmental services. "Adult developmental services" has the same meaning as in Title 34-B, section 1001, subsection 1-A.
[PL 2011, c. 542, Pt. A, §57 (NEW).]

2. Commissioner. "Commissioner" means the Commissioner of Corrections or his designee, except that, when the term "commissioner and only the commissioner" is used, the term applies only to the person appointed Commissioner of Corrections and not to any designee.
[PL 1983, c. 459, §6 (NEW).]

3. Committed offender.
[PL 1991, c. 314, §3 (RP).]

4. Contract agency. "Contract agency" means a facility or program outside the jurisdiction of the department, providing services under contract to the department.
[PL 1983, c. 459, §6 (NEW).]

5. Contract client. "Contract client" means a client residing in a facility or participating in a program outside the jurisdiction of the department under an agreement between the department and the contract agency.
[PL 1991, c. 314, §4 (AMD).]

6. Correctional facility. "Correctional facility" means any facility that falls under the jurisdiction of the department, but does not include any facility for which the department is required to establish standards pursuant to section 1208 or 1208-A.
[PL 2003, c. 410, §9 (AMD).]

7. Correctional program. "Correctional program" includes, but is not limited to, probation and parole, court intake and jail inspection.
[PL 1983, c. 459, §6 (NEW).]

8. Department. "Department" means the Department of Corrections.
[PL 1983, c. 459, §6 (NEW).]

8-A. Detention facility. "Detention facility" means the Long Creek Youth Development Center.
[PL 2023, c. 135, §1 (AMD).]

9. Holding facility. "Holding facility" means a facility or part of a building used for the detention of adult pretrial detainees prior to arraignment, release or transfer to another facility or authority for periods of up to 48 hours. "Holding facility" also means a county jail or part of a jail used for the detention of adult inmates, whether detained pending a trial or other court proceeding or sentenced for periods of up to 72 hours excluding Saturday, Sunday and legal holidays and excluding days during which the inmate is at court.

A. [PL 2009, c. 391, §8 (RP).]

B. [PL 2009, c. 391, §8 (RP).]
[PL 2009, c. 391, §8 (RPR).]

10. Informally adjusted juvenile. "Informally adjusted juvenile" means a juvenile participating in a program of informal adjustment, as defined in Title 15, section 3003, subsection 10.
[PL 1983, c. 459, §6 (NEW).]

10-A. Investigative officer. "Investigative officer" means an employee of the department designated by the commissioner as having the authority to conduct investigations of crimes or juvenile crimes relating to the security or orderly management of a facility administered by the department and engage in any other activity that is related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act or the administration of juvenile justice and who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a full-time law enforcement officer.
[PL 2021, c. 365, §31 (AMD); PL 2021, c. 365, §37 (AFF).]

11. Juvenile client. "Juvenile client" means a juvenile committed to a juvenile correctional facility who is either residing at the facility or is on community reintegration status, or ordered confined in a juvenile correctional facility pursuant to Title 15, section 3314, subsection 7.
[PL 2025, c. 431, §28 (AMD).]

11-A. Juvenile detainee. "Juvenile detainee" means a juvenile detained at a departmental juvenile facility pending a court proceeding or pursuant to Title 15, section 3312, subsection 3, paragraph D.
[PL 2005, c. 507, §19 (AMD).]

11-B. Likelihood of serious harm. "Likelihood of serious harm" means a:

A. Substantial risk of physical harm to a person, as manifested by that person's recent threats of, or attempts at, suicide or serious self-inflicted harm; [PL 2013, c. 434, §2 (NEW).]

B. Substantial risk of physical harm to other persons, as manifested by a person's recent homicidal or other violent behavior or recent conduct placing others in reasonable fear of serious physical harm; or [PL 2013, c. 434, §2 (NEW).]

C. Reasonable certainty that a person will suffer severe physical or mental harm as manifested by that person's recent behavior demonstrating an inability to avoid risk or to protect the person's self adequately from impairment or injury. [PL 2013, c. 434, §2 (NEW).]

[PL 2017, c. 147, §1 (AMD).]

12. Parking area. "Parking area" means land maintained by the State at the correctional facilities which may be designated as parking areas by the chief administrative officers of the correctional facilities.

[PL 1983, c. 459, §6 (NEW).]

12-A. Person with mental illness. "Person with mental illness" means a person who has attained 18 years of age and has been diagnosed as having a psychiatric or other illness that substantially impairs that person's mental health. An intellectual disability as defined in Title 34-B, section 5001, subsection 3 or a personality disorder is not a psychiatric or other illness for purposes of this subsection.

[PL 2017, c. 147, §2 (AMD).]

13. Prison. "Prison" means the Maine State Prison.

[PL 1983, c. 459, §6 (NEW).]

14. Prisoner. "Prisoner" means an adult person sentenced and committed to, transferred to or detained in the custody of the department, including a person on supervised community confinement.

[PL 2013, c. 133, §24 (AMD).]

15. Public way. "Public way" means a road or driveway on land maintained by the State at the correctional facilities.

[PL 1983, c. 459, §6 (NEW).]

15-A. Regional correctional administrator. "Regional correctional administrator" means the supervisor of adult probation and parole services or the supervisor of juvenile community corrections officer services for a region.

[PL 2013, c. 133, §25 (AMD).]

15-B. Restorative justice. "Restorative justice" means a practice in which offenders take responsibility for causing harm and engage in a facilitated process with victims, family members, community members, advocates and others impacted by the harm that focuses on repairing the harm, addressing needs and preventing future harm.

[PL 2021, c. 355, §1 (NEW).]

16. Segregation. "Segregation" means the separation of a prisoner from the general population of a correctional facility for administrative or punitive reasons.

[PL 1991, c. 314, §8 (AMD).]

17. Short-term detention area. "Short-term detention area" means a section of a building used for the detention of pretrial detainees for periods of up to 4 hours.

[PL 1983, c. 459, §6 (NEW).]

18. Written political material. "Written political material" means flyers, handbills or other nonperiodical publications, which are subject to the restrictions of Title 21-A, chapter 13.

[PL 1985, c. 161, §14 (AMD).]

19. Administration of criminal justice.

[PL 2015, c. 470, §15 (RP).]

20. Criminal justice agency. "Criminal justice agency" has the same meaning as in Title 16, section 703, subsection 4.

[PL 2013, c. 267, Pt. B, §26 (AMD).]

21. Administration of juvenile criminal justice.

[PL 2021, c. 365, §32 (RP); PL 2021, c. 365, §37 (AFF).]

22. Administration of juvenile justice. "Administration of juvenile justice" has the same meaning as in Title 15, section 3003, subsection 1-A.
[PL 2021, c. 365, §33 (AMD); PL 2021, c. 365, §37 (AFF).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 161, §14 (AMD). PL 1987, c. 633, §1 (AMD). PL 1991, c. 314, §§1-8 (AMD). PL 1995, c. 462, §A63 (AMD). PL 1995, c. 462, §§A64,82,83 (AFF). PL 1997, c. 102, §1 (AMD). PL 1997, c. 464, §§7,8 (AMD). PL 1997, c. 752, §§31-33 (AMD). PL 1999, c. 401, §J6 (AMD). PL 2001, c. 439, §G8 (AMD). PL 2001, c. 667, §A50 (AMD). PL 2003, c. 410, §§9-12 (AMD). PL 2005, c. 507, §§18,19 (AMD). PL 2009, c. 142, §14 (AMD). PL 2009, c. 391, §8 (AMD). PL 2011, c. 542, Pt. A, §57 (AMD). PL 2013, c. 80, §5 (AMD). PL 2013, c. 133, §§24, 25 (AMD). PL 2013, c. 267, Pt. B, §26 (AMD). PL 2013, c. 434, §§2, 3 (AMD). PL 2015, c. 470, §§14-16 (AMD). PL 2017, c. 147, §§1, 2 (AMD). PL 2017, c. 148, §§5, 6 (AMD). PL 2021, c. 355, §1 (AMD). PL 2021, c. 365, §§31-33 (AMD). PL 2021, c. 365, §37 (AFF). PL 2023, c. 135, §1 (AMD). PL 2025, c. 431, §28 (AMD).

SUBCHAPTER 2

DEPARTMENT

§1201. Legislative intent

Recognizing the need to firmly control all of the State's correctional and detention facilities, provide for the safety of staff and clients, undertake appropriate programming for the classification, education, rehabilitation and maintenance of clients and assure an effective system for the supervision of parolees and probationers, it is the intent of the Legislature to create a Department of Corrections to improve the administration of correctional facilities, programs and services for clients. [PL 1991, c. 314, §9 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §9 (AMD).

§1202. Establishment

There is established a Department of Corrections to be responsible for the direction and general administrative supervision, guidance and planning of adult and juvenile correctional facilities and programs within the State. [PL 1983, c. 459, §6 (NEW).]

1. Cabinet level. The department is a cabinet-level department.
[PL 1983, c. 459, §6 (NEW).]

2. Commissioner. The department is under the control and supervision of the Commissioner of Corrections.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§1203. Office of Advocacy

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1987, c. 744, §10 (AMD). PL 1989, c. 925, §§14-16 (AMD). PL 1991, c. 314, §§10-13 (AMD). PL 2003, c. 205, §9 (AMD). PL 2003, c. 689, §B6 (REV). PL 2009, c. 1, Pt. S, §2 (RP).

§1204. Maine Correctional Advisory Commission

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§8,59 (AMD). PL 1983, c. 812, §§256,257 (AMD). PL 1985, c. 666, §§1,2 (AMD). PL 1989, c. 503, §B158 (AMD). PL 1989, c. 808, §2 (RP).

§1204-A. Maine Correctional Advisory Commission

(REPEALED)

SECTION HISTORY

PL 1989, c. 808, §3 (NEW). PL 1991, c. 314, §14 (AMD). PL 1993, c. 225, §2 (RP).

§1205. Statewide correctional program improvement

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1987, c. 445, §1 (AMD). PL 1991, c. 314, §15 (AMD). PL 2001, c. 228, §1 (AMD). PL 2001, c. 386, §§8,9 (AMD). PL 2001, c. 667, §C19 (AMD). PL 2003, c. 510, §A31 (RP).

§1205-A. Correctional Medical Services Fund

This section establishes the Correctional Medical Services Fund to provide the means for the development, expansion, improvement and support of correctional medical services. [PL 2001, c. 386, §10 (NEW).]

1. Commissioner's powers. The commissioner may receive and use, for the purpose of this section, money appropriated by the State, grants from the United States and funds from other sources. [PL 2001, c. 386, §10 (NEW).]

2. Correctional Medical Services Fund. All funds appropriated for the purpose of this section and all grants and other funds received by the department for the purpose of this section must be credited to a special account in the department to be known as the Correctional Medical Services Fund. State funds appropriated to this special account that are unexpended at the end of the fiscal year for which the funds are appropriated do not lapse, but must carry forward into subsequent fiscal years to be expended for the purpose of this section.
[PL 2001, c. 386, §10 (NEW).]

SECTION HISTORY

PL 2001, c. 386, §10 (NEW).

§1206. Agreements with community agencies

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Agreement" means a legally binding document between 2 parties, including documents commonly referred to as accepted application, proposal, prospectus, contract, grant, joint or cooperative agreement or purchase of service. [PL 1983, c. 459, §6 (NEW).]

B. "Community agency" means a person, a public or private nonprofit organization or a firm, partnership or business corporation operated for profit, which:

(1) Operates a human service program at the community level; and

(2) Is not an administrative unit of the Federal Government or State Government. [PL 1983, c. 459, §6 (NEW).]

C. "Funds" means any and all general funds, dedicated funds, fees, special revenue funds, 3rd party reimbursements, vendor payments or other funds available for expenditure by the department in support of the provision of a human service. [PL 1983, c. 459, §6 (NEW).]

D. "Human service" means any alcoholism, children's community action, corrections, criminal justice, developmental disability, donated food, education, elderly, food stamp, income maintenance, health, juvenile, law enforcement, legal, medical care, mental health, adult developmental, poverty, public assistance, rehabilitation, social, substance use disorder, transportation, welfare or youth service operated by a community agency under an agreement financially supporting the service, wholly or in part, by funds authorized for expenditure for the department. [PL 2017, c. 407, Pt. A, §150 (AMD).]

E. "Nonprofit organization" means any agency, institution or organization which is, or is owned and operated by, one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and which has a territory of operations that may extend to a neighborhood, community, region or the State. [PL 1983, c. 459, §6 (NEW).]

F. "State agency client" means the same as set out in Title 20-A, section 1, subsection 34-B. [PL 2023, c. 449, §9 (AMD).]

[PL 2023, c. 449, §9 (AMD).]

2. Commissioner's powers. The commissioner may disburse funds to a community agency for the purpose of financially supporting a human service, only if the disbursement is covered by a written agreement between the department and the agency, specifying at least the following:

A. The human service to be provided by the community agency; [PL 1983, c. 459, §6 (NEW).]

B. The method of payment by the department to the community agency; and [PL 1983, c. 459, §6 (NEW).]

C. The criteria for monitoring and evaluating the performance of the community agency in the provision of the human service. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

3. Commissioner's duties.

[PL 2005, c. 488, §9 (RP).]

4. Payment for state agency clients. The commissioner shall authorize payment of approved board, care and mental health treatment costs for all state agency clients in the care or custody of the department who are placed for other than educational purposes in residential placements, as defined in Title 20-A, section 1, subsection 24-A, to the extent of funds appropriated by the Legislature for this purpose. In no event may those payments be authorized in excess of funds appropriated for those costs. [PL 1987, c. 376 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 789, §§5,6,9 (AMD). PL 1987, c. 376 (AMD). PL 2005, c. 488, §9 (AMD). PL 2011, c. 542, Pt. A, §58 (AMD). PL 2017, c. 407, Pt. A, §150 (AMD). PL 2023, c. 449, §9 (AMD).

§1206-A. Certification of community intervention programs

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Community agency" means a person, a public or private nonprofit organization or a firm, partnership or business corporation operated for profit that:

(1) Operates a community intervention program; and

(2) Is not an administrative unit of the Federal Government or State Government. [PL 2009, c. 92, §1 (NEW).]

B. "Community intervention program" means a program operated at the community level providing services designed to intervene in the risk factors for reoffending, including, but not limited to, mental health, sex offender treatment, social service and substance use disorder treatment programs, but not including a domestic violence intervention program under Title 19-A, section 4116. [PL 2021, c. 647, Pt. B, §64 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

C. "Nonprofit organization" means any agency, institution or organization that is, or is owned and operated by, one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and that has a territory of operations that extends to a neighborhood, community or region or the State. [PL 2009, c. 92, §1 (NEW).]

[PL 2021, c. 647, Pt. B, §64 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. Rules establishing standards and procedures for certification. The department may adopt rules in consultation with other appropriate state agencies that establish standards and procedures for certification of community intervention programs. The department may review and certify programs that meet the standards and may require certification of programs providing services to clients of the department, regardless of whether the department disburses funds to the community agency. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2009, c. 92, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 92, §1 (NEW). PL 2017, c. 407, Pt. A, §151 (AMD). PL 2021, c. 174, §13 (AMD). PL 2021, c. 647, Pt. B, §64 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF).

§1207. Out-of-state prison-made goods

1. Purpose. The purpose of this section is to prohibit the sale within the State of any goods, wares or merchandise produced in penal institutions outside of the State and transported into the State.

[PL 1983, c. 581, §§ 9 and 59 (RPR).]

2. Prohibited acts; fines. Prohibited acts and fines under this section are governed as follows.

A. A person is guilty of a civil violation of sale of out-of-state prison-made goods if that person sells within this State any goods, wares or merchandise manufactured, produced or mined, wholly or in part, by nonparoled convicts or prisoners, or in any penal or reformatory institution, in another state and transported into this State. [PL 1983, c. 581, §§ 9 and 59 (RPR).]

B. Upon conviction of a civil violation of sale of out-of-state prison-made goods, a person shall pay a fine. The fine may be any amount which does not exceed twice the monetary value of the transaction. [PL 1983, c. 581, §§ 9 and 59 (RPR).]

[PL 1983, c. 581, §§ 9 and 59 (RPR).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§9,59 (RPR).

§1208. Standards for county and municipal detention facilities

The commissioner shall establish standards, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, for county and municipal jails, holding facilities and short-term detention areas, referred to in this section as county and municipal detention facilities, as follows and shall enforce them. [PL 1983, c. 581, §§10, 59 (NEW).]

1. Establishment. The commissioner shall establish both mandatory and desirable standards for all county and municipal detention facilities, setting forth requirements for maintaining safe, healthful and secure facilities. Standards adopted pursuant to this subsection must be evidence-based, must take into consideration cost impact and must reflect best practices for the operation and administration of jails.
[PL 2021, c. 171, §1 (AMD).]

2. Inspections. Inspections of county and municipal detention facilities are governed as follows.

A. The commissioner shall conduct a comprehensive inspection of each county and municipal detention facility every 2 years, in order to provide the department with information, verified by on-site inspection, regarding compliance with all department standards. The commissioner may dispense with this inspection if, when it is due, the facility is accredited by a nationally recognized correctional accrediting body. [PL 2013, c. 27, §1 (AMD).]

B. The commissioner shall conduct every 2 years no fewer than 3 inspections of each county and municipal detention facility that are in addition to any comprehensive inspections conducted pursuant to paragraph A in order to determine continued compliance with standards. [PL 2013, c. 27, §2 (AMD).]

C. The commissioner may inspect a county or municipal detention facility at any time, without prior notice, to determine compliance with standards. [PL 1983, c. 581, §§10, 59 (NEW).]

C-1. As part of any inspection, the commissioner may access any records, including, but not limited to, the records of persons detained or committed in the facility, as considered necessary by the commissioner in order to determine compliance with standards. [PL 2007, c. 102, §6 (NEW).]

D. The commissioner shall prepare a written report of each inspection and shall send a copy of the report to appropriate county or municipal officials within 15 days after the inspection.

(1) The report shall summarize inspection findings.

(2) The report shall list the standards with which the facility does not comply and set forth the reasons for noncompliance. [PL 1983, c. 581, §§10, 59 (NEW).]

E. The commissioner shall order the noncomplying county or municipality to respond to this report in accordance with subsection 3. [PL 1983, c. 581, §§10, 59 (NEW).]
[PL 2013, c. 27, §§1, 2 (AMD).]

3. Standards compliance. Each county and municipal detention facility shall, unless granted a variance pursuant to subsection 5, comply with the mandatory standards established by the commissioner.

A. Within 60 days from the receipt of an inspection report for each mandatory standard listed in subsection 2, paragraph D, subparagraph (2), the county or municipality shall either:

(1) Correct deficiencies listed in the report and submit to the department a written response listing the corrections made; or

(2) Offer a plan to correct those deficiencies for consideration by the department. [PL 1983, c. 581, §§10, 59 (NEW).]

B. If a county or municipality fails to correct deficiencies and offers no plan of correction, or if the plan of correction offered to the department is determined inadequate by the commissioner, the commissioner shall determine an appropriate action to restrict or modify the operations of the facility, consistent with the nature of the uncorrected deficiencies, which action may include ordering an entire facility closed until the deficiencies have been corrected.

(1) Before any such action is taken, the commissioner shall notify the county or municipality in writing of the planned action and shall offer the opportunity to meet and discuss the planned action.

(2) If a meeting is not requested by the county or municipality within 15 days after the county or municipality receives notice of the planned action, or if a meeting is held and fails to produce a plan of correction acceptable to the commissioner, the commissioner shall take the planned action. [PL 1983, c. 581, §§10, 59 (NEW).]

[PL 1983, c. 581, §§10, 59 (NEW).]

4. Emergency powers. The commissioner may take immediate action in response to noncompliance with a mandatory standard, if the noncompliance is determined to endanger the safety of the staff, inmates or visitors of any county or municipal detention facility.

A. The commissioner's action under this subsection shall expire within 90 days or upon compliance with the mandatory standard. [PL 1983, c. 581, §§10, 59 (NEW).]

B. After having taken action under this section, the commissioner shall send a written inspection report to the affected facility. [PL 1983, c. 581, §§10, 59 (NEW).]

C. The commissioner shall decide what long-term action to take with respect to the affected facility on the basis of county or municipality response to the inspection report and subsequent meetings. [PL 1983, c. 581, §§10, 59 (NEW).]

[PL 1983, c. 581, §§10, 59 (NEW).]

5. Variances. The commissioner shall establish written procedures to govern the submission and consideration of requests for variances from established departmental standards, including provisions for department consideration of appeals of decisions.

A. The commissioner may grant a variance only when he determines that the variance will not result in diminishing the safety, health or security of staff, inmates or visitors of a county or municipal detention facility. [PL 1983, c. 581, §§10, 59 (NEW).]

B. The commissioner may grant variances to counties and municipalities for periods of up to 2 years. [PL 1983, c. 581, §§10, 59 (NEW).]

C. County and municipal officials may request variances from mandatory department standards if:

(1) Efforts are underway to achieve compliance and continued failure to comply is only temporary; or

(2) The intent and spirit of the standards may be attained through other means. [PL 1983, c. 581, §§10, 59 (NEW).]

D. The officials applying for a variance have the burden of showing clear justification for the variance. [PL 1983, c. 581, §§10, 59 (NEW).]

[PL 1983, c. 581, §§10, 59 (NEW).]

6. Advisory review.

[PL 2023, c. 135, §2 (RP).]

7. Technical assistance. The commissioner may provide technical assistance to county and municipal detention facilities to facilitate compliance with standards.

[PL 1983, c. 581, §§10, 59 (NEW).]

8. Standards regarding attorney-client communications. The commissioner shall establish mandatory standards:

A. By January 1, 2024, for the protection of confidential attorney-client communications by each county and municipal detention facility. The standards must include, at a minimum:

(1) Processes to protect and ensure confidentiality of attorney-client communications, including but not limited to requirements that each facility develop and maintain a registry of the names, telephone numbers and other contact information for attorneys who provide legal services to residents of the facility and that the attorneys' names, telephone numbers and other contact information on the registry are confidential, except that each facility must proactively and by request of the attorney or the attorney's client who is a resident of the facility confirm the registration of an attorney's name, telephone number and other contact information; and

(2) Processes to be followed in the event that there is a breach of attorney-client confidentiality; and [PL 2023, c. 394, Pt. A, §13 (NEW).]

B. By January 1, 2024, requiring each county and municipal detention facility to designate space within the facility for attorney-client meetings and the exchange of case materials and to make that space available to residents of the facility and their attorneys on a timely basis. [PL 2023, c. 394, Pt. A, §13 (NEW).]

[PL 2023, c. 394, Pt. A, §13 (NEW).]

SECTION HISTORY

PL 1983, c. 581, §§10,59 (NEW). PL 2007, c. 102, §6 (AMD). PL 2013, c. 27, §§1, 2 (AMD). PL 2021, c. 171, §1 (AMD). PL 2023, c. 135, §2 (AMD). PL 2023, c. 394, Pt. A, §13 (AMD).

§1208-A. Standards for additional accommodations

The commissioner shall establish standards for facilities not covered by section 1208 that are used to house county prisoners, including secure detention facilities as defined in Title 15, section 3003, subsection 24-A and temporary holding resources as defined in Title 15, section 3003, subsection 26 and has the same power to determine compliance with and enforce those standards as provided under section 1208. [PL 2007, c. 102, §7 (AMD).]

SECTION HISTORY

PL 1989, c. 321, §2 (NEW). PL 1991, c. 314, §16 (AMD). PL 2007, c. 102, §7 (AMD).

§1208-B. Standards, policies and procedures applicable to jails

1. Establishment. The commissioner shall establish mandatory standards, policies and procedures for jails. The standards, policies and procedures must be established by rule and must be evidence-based, must take into consideration cost impact and must reflect best practices for the administration and operation of jails. The rules must include policies and procedures for assisting jails to achieve compliance and for imposing penalties for noncompliance.

A. The standards, policies and procedures must address record keeping and reporting of financial data, capital improvement planning, jail staffing, administration and management of prisoners, transfer of inmates, notification to prisoners of prohibition on contact with victims and other persons, pretrial assessments and services, evidence-based programming, literacy programs, mental health and substance use disorder programs and correctional officer training. [PL 2017, c. 407, Pt. A, §152 (AMD).]

B. In administering and distributing funding to the jails pursuant to section 1210-E, subsection 5, the commissioner shall:

(1) Require reporting of data that indicates average daily population of prisoners, that excludes federal prisoners, that indicates sending and receiving jails for transferred prisoners and that is useful in calculating the distributions to the counties pursuant to section 1210-E, subsection 9; and

(2) Consider the performance of each jail in meeting the standards established pursuant to this section. The commissioner shall work with the jails to assist them in achieving compliance with the standards. The commissioner shall enforce the standards by imposition of monetary penalties upon a county for noncompliance by the county jail or regional jail. A monetary penalty imposed under this subparagraph may not in any fiscal year exceed the County Jail Operations Fund distribution payable to a county for a fiscal year pursuant to section 1210-E, subsection 5. [PL 2021, c. 732, Pt. D, §3 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

[PL 2021, c. 732, Pt. D, §3 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

2. Rulemaking. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 171, §2 (AMD); PL 2021, c. 263, §1 (AMD).]

3. Gender affirmation. The standards, policies and procedures established pursuant to this section for the county jails and regional jail must require the jails to respect and acknowledge an incarcerated person's consistently held gender identity irrespective of anatomy or physique. Housing placements and search practices must be consistent with the person's consistently held gender identity except when such placement or search would present significant management or security problems to the jail or threaten the health and safety of the person. A person must have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the person's consistently held gender identity. County and regional jail staff shall address a person in a manner that is consistent with the person's consistently held gender identity.

[PL 2021, c. 263, §2 (NEW).]

4. Requirements; rulemaking by commissioner. The jails shall operate in accordance with best practices applicable to facilities of their type and size, including the mandatory standards, policies and procedures established by rules adopted by the commissioner under subsection 1 and standards adopted under section 1208, and with the following requirements as set forth in rules adopted by the commissioner. In adopting rules and standards for the jails, the commissioner shall consider the advisory input of the County Corrections Professional Standards Council established pursuant to Title 5, section 12004-G, subsection 6-D.

A. Each jail shall participate in coordination of inmate transportation. Coordination of transportation may be provided by the jail at which the inmate resides, by another jail or correctional facility or by a person or entity working under a contract with the jail at which the inmate resides. [PL 2021, c. 732, Pt. C, §1 (NEW).]

B. Each jail shall provide access to substance use disorder screening, assessment, medication, treatment, recovery and reentry services, including at a minimum:

(1) Screening on intake using evidence-based tools to assess the risk of overdose or withdrawal and the person's history of substance use disorder and to determine initial treatment options;

(2) Medically managed withdrawal treatment consistent with evidence-based medical standards;

(3) All forms of medication for addiction treatment, including at least one of each formulation of each United States Food and Drug Administration-approved medication-assisted treatments for substance use disorder, including alcohol use disorder and opioid use disorder, to ensure that each person receives the particular formulation found to be the most effective at treating

and meeting the person's individual needs. Medication under this subparagraph must be offered for the duration of the person's incarceration;

(4) Behavioral treatment options, such as group and individual counseling, and clinical support;

(5) Peer support services;

(6) Reentry planning and transitional support such as coordination with community-based treatment and case management service providers and recovery organizations to ensure reentry and continuity of care after release, including appointments for services made prior to release; and

(7) Assistance in obtaining health insurance prior to release.

Substance use disorder services required by this paragraph may be provided at the jail at which the person resides or at another jail or correctional facility or by a service provider or entity working under a contract with the jail at which the person resides. [PL 2021, c. 732, Pt. C, §1 (NEW).]

C. Each jail shall provide mental health treatment, including at a minimum providing a licensed clinician or licensed professional organization that will be available to assist an inmate who is a person receiving mental health treatment. Mental health treatment required by this paragraph may be provided at the jail at which the person resides or at another jail or correctional facility or by a service provider or entity working under a contract with the jail at which the person resides. [PL 2021, c. 732, Pt. C, §1 (NEW).]

D. Each jail shall provide community programs and services as required by this subchapter, including at a minimum pretrial or conditional release, alternative sentencing or housing programs and electronic monitoring. [PL 2021, c. 732, Pt. C, §1 (NEW).]

E. Each jail shall provide initial and ongoing training and technical assistance for facility staff and health care practitioners on screening, assessment, medication and treatment protocols for substance use disorder. [PL 2021, c. 732, Pt. C, §1 (NEW).]

[PL 2023, c. 135, §3 (AMD).]

5. Requirements; rulemaking by the council. The jails shall operate in accordance with rules adopted pursuant to this subsection. The County Corrections Professional Standards Council, established pursuant to Title 5, section 12004-G, subsection 6-D, shall adopt rules governing the collection and reporting of data by jails as necessary to implement this section. The rules may consider the cost impacts of policy decisions by jails and the State, best practices for the operation of jails, the cost-effective delivery of services by jails, program participation, categories of inmates and reasons for detention or incarceration. In adopting data collection rules, the council shall at minimum require jails to report the following data:

A. The revenues and expenses associated with operating the jail; [PL 2021, c. 732, Pt. C, §2 (NEW).]

B. The population of persons detained or committed to the custody of the sheriff. The rules must require population reporting on a daily basis and must provide data to the department on actual daily population of persons who are detained or incarcerated and persons on all forms of community release. Population data must be reported in the format required by the rule; and [PL 2021, c. 732, Pt. C, §2 (NEW).]

C. The funds used for programs and services as required by section 1208-B, subsection 4, paragraph B. [PL 2021, c. 732, Pt. C, §2 (NEW).]

The council shall establish the rules, definitions and reporting requirements for a centralized data system for county jails.

[PL 2021, c. 732, Pt. C, §2 (NEW).]

SECTION HISTORY

PL 2015, c. 335, §22 (NEW). PL 2017, c. 407, Pt. A, §152 (AMD). RR 2019, c. 2, Pt. A, §32 (COR). PL 2021, c. 171, §2 (AMD). PL 2021, c. 263, §§1, 2 (AMD). PL 2021, c. 732, Pt. C, §§1, 2 (AMD). PL 2021, c. 732, Pt. D, §3 (AMD). PL 2021, c. 732, Pt. D, §7 (AFF). PL 2023, c. 135, §3 (AMD).

§1209. Juvenile Justice Advisory Group

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Act" means the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415. [PL 1983, c. 581, §§10, 59 (NEW).]

B. "Group" means the Juvenile Justice Advisory Group, as established by Executive Order 16 Fiscal Year 1981-82. [PL 1983, c. 581, §§10, 59 (NEW).]
[PL 1983, c. 581, §§10, 59 (NEW).]

2. Duties. The group shall:

A. Operate as the supervisory board for all planning, administrative and funding functions of the Act; [PL 1983, c. 581, §§10, 59 (NEW).]

B. Make subgrants for planning or for the improvement of juvenile justice consistent with the intent of applicable state and federal legislation; [PL 1983, c. 581, §§10, 59 (NEW).]

C. Develop, approve and implement the state's juvenile justice plan; [PL 1983, c. 581, §§10, 59 (NEW).]

D. Monitor state compliance with the requirements of the Act; [PL 1983, c. 581, §§10, 59 (NEW).]

E. Review and approve or disapprove all juvenile justice and delinquency prevention subgrant applications submitted to the group; [PL 1983, c. 581, §§10, 59 (NEW).]

F. Develop more effective education, training, research, prevention, diversion, treatment and rehabilitation programs in the area of juvenile delinquency and improvement of the juvenile justice system; [PL 1983, c. 581, §§10 and 59 (NEW).]

G. Submit to the Governor and Legislature, at least annually, recommendations with respect to matters related to its functions, including recommendations on state compliance with the requirements of the Act; [PL 1983, c. 581, §§10, 59 (NEW).]

H. Review the progress and accomplishments of juvenile justice and delinquency projects funded under the state plan; and [PL 1983, c. 581, §§10, 59 (NEW).]

I. Regularly seek comments and opinions from juveniles currently under the jurisdiction of the juvenile justice system. [PL 1983, c. 581, §§10, 59 (NEW).]
[PL 1983, c. 581, §§10, 59 (NEW).]

3. Membership. Membership of the group is governed as follows.

A. Regular membership of the group shall be in accordance with the requirements of the Act. [PL 1983, c. 581, §§10, 59 (NEW).]

B. Members are appointed by the Governor for a term of 4 years, or until a successor is appointed, and are eligible for reappointment at the discretion of the Governor. [PL 1983, c. 581, §§10, 59 (NEW).]

C. Members appointed to fill an unexpired term shall serve until the expiration date of that term or until a successor is appointed. [PL 1983, c. 581, §§10, 59 (NEW).]

D. The Commissioner of Corrections, Commissioner of Education, Commissioner of Health and Human Services and Commissioner of Public Safety are ex officio, voting members of the group. [RR 2003, c. 2, §99 (COR).]

E. Neither a majority of the members of the group, nor the chairman, may be full-time employees of the Federal Government, State Government or local government. [PL 1983, c. 581, §§10, 59 (NEW).]

F. [PL 2005, c. 328, §16 (RP).]

[PL 2005, c. 328, §16 (AMD).]

4. Departmental duties and powers. The duties and powers of the Department of Corrections are as follows.

A. The department shall have the powers necessary to an agency designated by the Governor as the sole agency responsible for supervising the group in the preparation and administration of the state plan within the meaning of the Act. [PL 1983, c. 581, §§10, 59 (NEW).]

B. The department shall serve as the fiscal agent of the group. [PL 1983, c. 581, §§10, 59 (NEW).]

C. The department may employ a full-time juvenile justice specialist, subject to the approval of the group, and such additional staff as necessary.

(1) The professional staff shall be unclassified.

(2) Clerical staff shall be employed subject to the Civil Service Law. [PL 1985, c. 785, Pt. B, §150 (AMD).]

D. The department, at the direction of the group, may make grants to state agencies, to units of general local government and to private not-for-profit organizations for the development of more effective education, training, research, prevention, diversion, treatment and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. [PL 1983, c. 581, §§10, 59 (NEW).]

E. When the group directs that a grant be made to a department or agency of State Government, the department shall send to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs:

(1) A copy of the approved grant application;

(2) Information on the expected length of programs to be funded by the grant; and

(3) Information on restrictions or limitations placed on the grant application. [PL 1983, c. 581, §§10, 59 (NEW).]

F. The department may accept funds from the Federal Government, from any political subdivision of the State, or from any individual, foundation or corporation and may expend those funds for purposes consistent with this section. [PL 1983, c. 581, §§10, 59 (NEW).]

[PL 1985, c. 785, Pt. B, §150 (AMD).]

5. Funds not to lapse. Funds appropriated to carry out the purpose of this section shall not lapse, but shall carry from year to year.

[PL 1983, c. 581, §§10, 59 (NEW).]

SECTION HISTORY

PL 1983, c. 581, §§10,59 (NEW). PL 1985, c. 785, §B150 (AMD). PL 1989, c. 700, §A160 (AMD). RR 1995, c. 2, §81 (COR). PL 2001, c. 354, §3 (AMD). RR 2003, c. 2, §99 (COR). PL 2005, c. 328, §16 (AMD).

§1209-A. State Sentencing and Corrections Practices Coordinating Council

(REPEALED)

SECTION HISTORY

PL 2007, c. 377, §8 (NEW). PL 2007, c. 653, Pt. A, §§21-24 (AMD). PL 2013, c. 533, §24 (RP).

§1210. Community corrections

(REPEALED)

SECTION HISTORY

PL 1985, c. 821, §18 (NEW). PL 1987, c. 335, §§1,2 (AMD). PL 1989, c. 127, §§1,2 (AMD). PL 1989, c. 887, §§5-9 (AMD). RR 1991, c. 2, §127 (COR). PL 1991, c. 622, §W (AMD). PL 1991, c. 690 (AMD). PL 1993, c. 410, §P1 (AMD). PL 1993, c. 431, §§1-3 (AMD). PL 1993, c. 517, §1 (AMD). PL 1995, c. 368, §K3 (AMD). PL 1995, c. 449, §1 (AMD). PL 1995, c. 449, §2 (AFF). PL 1995, c. 461, §§1,2 (AMD). PL 1995, c. 665, §§MM1,2 (AMD). PL 1995, c. 665, §MM3 (AFF). PL 1997, c. 533, §1 (AMD). PL 1997, c. 753, §1 (RP).

§1210-A. Community corrections

(REPEALED)

SECTION HISTORY

PL 1997, c. 753, §2 (NEW). PL 2001, c. 698, §§4,5 (AMD). PL 2001, c. 698, §7 (AFF). PL 2003, c. 20, §R9 (AMD). PL 2003, c. 711, §A20 (AMD). PL 2003, c. 711, §D2 (AFF). PL 2007, c. 377, §§9-11 (AMD). PL 2007, c. 653, Pt. A, §25 (AMD). MRSA T. 34-A §1210-A, sub-§11 (RP).

§1210-B. Community Corrections Fund and County Jail Prisoner Support Fund

(REPEALED)

SECTION HISTORY

PL 2007, c. 377, §12 (NEW). PL 2007, c. 377, §17 (AFF). PL 2007, c. 539, Pt. SSS, §1 (AMD). PL 2007, c. 653, Pt. A, §26 (RP).

§1210-C. Community Corrections Incentive Fund

(REPEALED)

SECTION HISTORY

PL 2007, c. 377, §13 (NEW). PL 2007, c. 653, Pt. A, §27 (RP).

§1210-D. County Jail Operations Fund

(REPEALED)

SECTION HISTORY

PL 2015, c. 335, §23 (NEW). PL 2015, c. 436, §§11, 12 (AMD). PL 2021, c. 732, Pt. A, §2 (RP). PL 2021, c. 732, Pt. A, §5 (AFF).

§1210-E. County Jail Operations Fund

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Community corrections" means the delivery of correctional services for adults in the least restrictive manner that ensures the public safety by the county or for the county under contract with a public or private entity. "Community corrections" includes, but is not limited to, preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative

sentencing or housing programs, electronic monitoring, residential treatment and halfway house programs, community correctional centers, temporary release programs from a facility for the detention or confinement of persons convicted of crimes and programs and services as required by section 1208-B, subsection 4, paragraph D. [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

B. "County Corrections Professional Standards Council" or "council" means the council established pursuant to Title 5, section 12004-G, subsection 6-D. [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

C. "Fund" means the County Jail Operations Fund established pursuant to subsection 2. [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

D. "Jail" means a county or regional jail for which the department is required to establish standards pursuant to section 1208, 1208-A or 1208-B. [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

2. County Jail Operations Fund. The County Jail Operations Fund is established to provide funding for county jails and the regional jail. State funding must be appropriated annually for the fund in the amount of $20,342,104 plus any additional amount the Legislature may appropriate. The department shall administer the fund and shall distribute funds to the jails in accordance with this section for the purposes set forth in subsections 3 and 4 and in accordance with the distribution formula set forth in subsection 9.

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

3. Community corrections; pretrial release program. At least 25% of all funding provided under this section must be used by the county jails and regional jail for establishing, providing and maintaining community corrections and programs and services required by section 1208-B, subsection 4, paragraph D. Jail programs and services must include a program, directly or through a contract with an organization, to supervise defendants subject to pretrial release conditions imposed pursuant to Title 15, section 1026, subsection 3, paragraph A, subparagraph (1) and such requirements as may be established by rule or order of the Supreme Judicial Court.

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

4. Prisoner support. The fund must be used to provide a portion of the counties' costs of the support of prisoners detained or sentenced to jail.

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

5. Quarterly payments to counties. The department shall distribute funding payable to the counties for operation of the jails quarterly if the jails have reported on a timely basis as required by subsection 6 and rules adopted pursuant to subsection 7. Failure to report as required may result in delayed payment of funds required to be paid by this section.

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

6. Required reporting. The county jails and the regional jail shall report to the department any data required by the council pursuant to section 1208-B, subsection 5, on the schedule and in the format required by the council. Failure of a jail to report as required may result in delayed quarterly payments to the counties as provided in subsection 5 and as set forth by rule.

[PL 2023, c. 646, Pt. A, §41 (AMD).]

7. Rulemaking. The council shall adopt rules to implement the financial accounting, reporting and data collection systems and requirements necessary for implementing this section, including any data required to be collected pursuant to section 1208-B, subsection 5. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

8. Surcharge. In addition to the 14% and 5% surcharges collected pursuant to Title 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, is considered a part of the fine, forfeiture or penalty. All funds collected pursuant to this subsection are nonlapsing and must be deposited monthly in the fund.
[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

9. Formula; distribution. The council shall establish a formula for the quarterly distribution described in subsection 5. The department shall distribute quarterly to each county from the fund the amount due to that county as determined according to the formula. The formula must be based on the most recent fiscal year for which data is available for the county and must:

A. Take into consideration total statewide county jail prisoner days for all jails; [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

B. Take into consideration and assign to a jail the number of county jail prisoner days attributable to each prisoner who was charged with committing a crime in that county or who was committed to the custody of or detained by the sheriff of that county; and [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

C. Determine the proportion of statewide county jail prisoner days attributable to each county. [PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]
[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

10. Annual reporting to legislative committee. By October 1st annually, the department in collaboration with a statewide association of county commissioners and a statewide association of sheriffs shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the following issues: county jail and regional jail funding through the General Fund, pursuant to Title 30-A, section 701 and from any other revenue sources; funding and operation of community corrections and programs and services required by section 1208-B, subsection 4, paragraph D and this section; distribution of funding to the county jails and regional jail; jail reporting of revenues, expenses and populations as required by this section; the experiences of the counties in setting their tax assessments for correctional services under Title 30-A, section 701; and the adoption and implementation of rules specifying best practices, including mandatory standards, policies and procedures, under section 1208-B.
[PL 2021, c. 732, Pt. A, §3 (NEW); PL 2021, c. 732, Pt. A, §5 (AFF).]

SECTION HISTORY

PL 2021, c. 732, Pt. A, §3 (NEW). PL 2021, c. 732, Pt. A, §5 (AFF). PL 2023, c. 646, Pt. A, §41 (AMD).

§1210-F. County Corrections Professional Standards Council

The County Corrections Professional Standards Council, established in Title 5, section 12004-G, subsection 6-D and referred to in this section as "the council," is established to evaluate and advise the commissioner with regard to the composition of programs and services required pursuant to section 1208-B, subsection 4; to advise the commissioner with regard to adopting rules and standards for the jails; to develop rules for reporting to the department the information required in section 1208-B, subsection 5 and, beginning July 1, 2023, as required in section 1210-E, subsection 6; to develop budget recommendations for the department related to the County Jail Operations Fund established in section 1210-E, the recommendations for which must be submitted to the commissioner and the Governor as part of the State's biennial budget process; to make supplemental county jail funding recommendations to the department related to the fund as may be needed from time to time to address shortfalls, emergencies or other needs; and to consider the need for legislation regarding required programs,

services and reporting and to submit such legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. [PL 2023, c. 135, §4 (AMD).]

1. Membership. The council consists of 7 members appointed by the commissioner as follows:

A. Two members selected from a list of nominations submitted by a statewide association of county commissioners; [PL 2021, c. 732, Pt. A, §4 (NEW).]

B. Two members selected from a list of nominations submitted by a statewide association of sheriffs; [PL 2021, c. 732, Pt. A, §4 (NEW).]

C. One member selected from a list of nominations submitted by a statewide association representing municipalities; and [PL 2021, c. 732, Pt. A, §4 (NEW).]

D. Two members appointed at the commissioner's discretion. [PL 2021, c. 732, Pt. A, §4 (NEW).]

[PL 2021, c. 732, Pt. A, §4 (NEW).]

2. Terms. Council members serve for 2-year terms and until their successors have been appointed. A vacancy must be filled in the same manner as the original appointment.
[PL 2021, c. 732, Pt. A, §4 (NEW).]

3. First meeting; chair. When all appointments have been made pursuant to subsection 1, the commissioner shall call the first meeting of the council. By a majority vote, the council shall select a chair from the members appointed under subsection 1, paragraphs A and B to serve a 2-year term.
[PL 2021, c. 732, Pt. A, §4 (NEW).]

4. Standards regarding failure to report. The council shall adopt rules specifying standards regarding reporting data as required by section 1210-E, subsection 6 to take effect beginning July 1, 2023 and shall adopt rules specifying standards for delaying payments to jails based on failure to report.
[PL 2021, c. 732, Pt. A, §4 (NEW).]

5. Rulemaking. The council shall adopt rules in accordance with this section, section 1210-E, subsection 7 and section 1208-B, subsection 5. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. Rules adopted pursuant to this subsection may not take effect before July 1, 2023.
[PL 2021, c. 732, Pt. A, §4 (NEW).]

SECTION HISTORY

PL 2021, c. 732, Pt. A, §4 (NEW). PL 2023, c. 135, §4 (AMD).

§1211. Jail Industries Authority

(REPEALED)

SECTION HISTORY

PL 1989, c. 416 (NEW). PL 1989, c. 654, §§5-9,13 (AMD). PL 1999, c. 668, §121 (RP).

§1212. Confidential information

The following information pertaining to department employees and independent contractors is confidential and that part of any record of the department containing this information is not a public record, as defined in Title 1, section 402, subsection 3: [PL 1991, c. 281 (NEW).]

1. Addresses and telephone numbers. Nonbusiness addresses and telephone numbers;
[PL 1991, c. 281 (NEW).]

2. Information regarding other persons. The existence, names, addresses and telephone numbers of family members, household members and persons to be notified in the event of an emergency; and

[PL 1991, c. 281 (NEW).]

3. Work schedules. Information pertaining to work schedules.
[PL 1991, c. 281 (NEW).]

SECTION HISTORY

PL 1991, c. 281 (NEW).

§1213. Contract to provide medical care

Any individual medical provider contracting with the department when providing medical care within a correctional or detention facility pursuant to section 3031, subsection 2 under a contract with the department is deemed for purposes of civil liability to be an employee of a governmental entity under the Maine Tort Claims Act, Title 14, chapter 741. [PL 1995, c. 248, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 248, §1 (NEW).

§1214. Office of Victim Services

1. Establishment. The Office of Victim Services, referred to in this section as the "office," is established within the department to advocate for compliance by the department, any correctional facility, any detention facility, community corrections as defined in section 1210-E, subsection 1, paragraph A or any contract agency with all laws, administrative rules and institutional and other policies relating to the rights and dignity of victims.

A. [PL 2017, c. 128, §5 (RP).]

B. [PL 2017, c. 128, §5 (RP).]
[PL 2023, c. 405, Pt. A, §121 (AMD); PL 2023, c. 405, Pt. A, §123 (AFF).]

2. Victim Services Coordinator. The Victim Services Coordinator shall direct and coordinate the office.

A. The Victim Services Coordinator shall report only to the commissioner or the commissioner's designee. [PL 2017, c. 128, §6 (AMD).]

B. The Victim Services Coordinator shall, with the approval of the commissioner or the commissioner's designee, select other victim advocates needed to carry out the intent of this section and who shall report only to the Victim Services Coordinator. [PL 2017, c. 128, §6 (AMD).]
[PL 2017, c. 128, §6 (AMD).]

3. Duties. The office, through the Victim Services Coordinator and other victim advocates, shall:

A. Receive or refer complaints made by victims; [PL 2001, c. 439, Pt. G, §1 (NEW).]

B. Intercede on behalf of victims with officials of the department, any correctional facility, any detention facility, community corrections as defined in section 1210-E, subsection 1, paragraph A or any contract agency or assist these persons in the resolution of victim-related issues; [PL 2023, c. 405, Pt. A, §122 (AMD); PL 2023, c. 405, Pt. A, §123 (AFF).]

C. Act as an information source regarding the rights of victims and keep informed about all laws, administrative rules and institutional and other policies relating to the rights and dignity of victims and about relevant legal decisions and other developments related to the field of corrections, both in this State and in other parts of the country; [PL 2001, c. 439, Pt. G, §1 (NEW).]

D. Ensure that victims who request notice of release receive it; [PL 2001, c. 439, Pt. G, §1 (NEW).]

E. Assist victims who are being harassed by persons in the custody or under the supervision of the department with obtaining protection from that harassment; [PL 2001, c. 477, §2 (AMD).]

F. Assist victims with obtaining victim compensation, restitution and other benefits of restorative justice; and [PL 2001, c. 477, §2 (AMD).]

G. Ensure the safety of clients who are also victims by advising the commissioner of information that may place a client at risk if disclosed pursuant to Title 1, section 402, subsection 3-A. [PL 2001, c. 477, §3 (NEW).]

[PL 2023, c. 405, Pt. A, §122 (AMD); PL 2023, c. 405, Pt. A, §123 (AFF).]

4. Confidentiality. Requests for action by the office must be treated confidentially and may be disclosed only to a state agency if necessary to carry out the statutory functions of that agency or to a criminal justice agency if necessary to carry out the administration of criminal justice as defined in Title 16, section 703, subsection 1 or the administration of juvenile justice. In no case may a victim's request for notice of release be disclosed outside the department and the office of the attorney for the State with which the request was filed.

[PL 2021, c. 365, §34 (AMD); PL 2021, c. 365, §37 (AFF).]

5. Report regarding domestic violence intervention programs. Beginning January 2003 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the work of domestic violence intervention programs. The report must include information regarding: meeting program benchmarks and goals, developing and implementing new programs, measuring effectiveness of existing programs and communicating and coordinating efforts with providers of substance use disorder services, literacy support and other services with whom persons ordered to complete a domestic violence intervention program may need to work in order to participate meaningfully in a domestic violence intervention program.

[PL 2021, c. 174, §14 (AMD).]

REVISOR'S NOTE: §1214. Accreditation (As enacted by PL 2001, c. 458, § 3 is REALLOCATED TO TITLE 34-A, SECTION 1215)

SECTION HISTORY

PL 2001, c. 439, §G1 (NEW). PL 2001, c. 477, §§2,3 (AMD). PL 2001, c. 686, §D1 (AMD). PL 2007, c. 377, §§14, 15 (AMD). PL 2007, c. 377, §17 (AFF). PL 2015, c. 470, §17 (AMD). PL 2017, c. 128, §§5, 6 (AMD). PL 2017, c. 407, Pt. A, §153 (AMD). PL 2021, c. 174, §14 (AMD). PL 2021, c. 365, §34 (AMD). PL 2021, c. 365, §37 (AFF). PL 2021, c. 676, Pt. B, §§4, 5 (AMD). PL 2023, c. 405, Pt. A, §§121, 122 (AMD). PL 2023, c. 405, Pt. A, §123 (AFF).

§1214-A. Elder Victims Restitution Fund

The Elder Victims Restitution Fund, referred to in this section as "the fund," is established for the purpose of compensating elder victims of financial crimes. [PL 2011, c. 241, §3 (NEW).]

1. Definition. As used in this section, unless the context otherwise indicates, the term "elder victim" means a victim of a crime who is 65 years of age or older.

[PL 2011, c. 241, §3 (NEW).]

2. Administration. The Victim Services Coordinator under section 1214 shall administer the fund. All administrative costs of the fund must be absorbed by the department.

[PL 2011, c. 241, §3 (NEW).]

3. Funding. Money collected pursuant to Title 18-C, section 2-105 must be deposited into the fund.

[PL 2017, c. 402, Pt. C, §92 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

4. Use. The fund may be used for the payment of claims of elder victims of financial crimes who are entitled to receive restitution from offenders as a result of the sentences for the crimes in cases in which those offenders are not meeting their restitution obligations.

[PL 2011, c. 241, §3 (NEW).]

5. Rules. The commissioner may adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, to carry out the purposes of this section.
[PL 2011, c. 241, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 241, §3 (NEW). PL 2017, c. 402, Pt. C, §92 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§1214-B. Setoff of victim restitution against lottery winnings

The department shall provide the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this section as "the bureau," access to an electronic database of all persons who owe victim restitution payable through the department and imposed by a court pursuant to Title 17-A, chapter 69. Before the payment of lottery winnings by the bureau, the bureau shall determine whether the lottery winner owes victim restitution payable through the department and imposed by a court pursuant to Title 17-A, chapter 69. If the winner is determined to owe victim restitution imposed by a court, the bureau must suspend payment of the winnings, provide notice to the winner of its intention to set off the winnings against the victim restitution owed and provide the winnings to the department in the amount owed by the winner. The bureau shall release any remaining winnings in accordance with state law. [PL 2023, c. 135, §5 (NEW).]

SECTION HISTORY

PL 2023, c. 135, §5 (NEW).

§1214-C. Victims' Reparative Account

The Victims' Reparative Account, referred to in this section as "the account," is established within the department for the purpose of providing a mechanism for offenders to voluntarily make reparations to the victims of their crimes. [PL 2025, c. 528, §2 (NEW).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Offender" has the same meaning as in Title 17-A, section 2002, subsection 5; and [PL 2025, c. 528, §2 (NEW).]

B. "Victim" includes an authorized claimant for restitution described in Title 17-A, section 2004, subsection 1 or 4. [PL 2025, c. 528, §2 (NEW).]
[PL 2025, c. 528, §2 (NEW).]

2. Administration. The Victim Services Coordinator under section 1214 shall administer the account. Except as otherwise provided in this section, all administrative costs of the account must be absorbed by the department.
[PL 2025, c. 528, §2 (NEW).]

3. Funding. Money donated by an offender seeking to make reparations to the offender's victims must be deposited into the account and designated to the victim for whose benefit the offender wishes to deposit the money. Money may not be donated to the account by an offender if the donation would affect the offender's ability to pay any court-ordered restitution to all victims of the offender's crimes. Once deposited in the account, an offender may not reclaim the money.
[PL 2025, c. 528, §2 (NEW).]

4. Use. The Victim Services Coordinator shall ensure that reasonable efforts are made to locate and notify the victim for whose benefit an offender has deposited money into the account. If a victim opts to claim the money deposited for that victim's benefit, a victim may use the money claimed under this section for any purpose.

[PL 2025, c. 528, §2 (NEW).]

5. Final disposition. If, within 5 years of deposit from an offender, money has not been claimed by the victim for whose benefit the offender has deposited the money, the department may deduct an amount necessary to defray administrative costs of the account and shall transfer the remaining money in the account designated for that victim to the Victims' Compensation Fund established by Title 5, section 3360-H.
[PL 2025, c. 528, §2 (NEW).]

6. Confidentiality. All records of deposits or claims in the account and the use of the money deposited in accordance with subsections 3 and 4 are confidential and may not be disclosed except by the victim. The records may also be disclosed to employees of the department as necessary for those employees in the performance of any official duty.
[PL 2025, c. 528, §2 (NEW).]

7. Participation voluntary. The deposit of money in the account by an offender is voluntary. An adverse action may not be threatened or taken against an offender for not depositing funds in the account. An offender may not be offered or given any incentive for participating in the deposit of money in the account and the decision of an offender whether to deposit funds into the account may not be used as either a mitigating or aggravating factor in any decision made by the department. An offender may not disclose the offender's donation of money to the account for any purpose, including to influence a clemency petition. If an offender violates this subsection, the chief administrative officer of the correctional facility shall prohibit the offender from donating to the account.
[PL 2025, c. 528, §2 (NEW).]

SECTION HISTORY

PL 2025, c. 528, §2 (NEW).

§1215. Accreditation

(REALLOCATED FROM TITLE 34-A, SECTION 1214)

(REPEALED)

SECTION HISTORY

PL 2001, c. 458, §3 (NEW). RR 2001, c. 1, §43 (RAL). PL 2003, c. 451, §K1 (AMD). PL 2023, c. 135, §6 (RP).

§1215-A. Operation and review

The department shall operate its correctional and detention facilities in accordance with best practices applicable to facilities of similar type and size. The department shall have the operations of its facilities reviewed at least once every 3 years by one or more nationally recognized best practices reviewing bodies, including a nationally recognized accrediting body, and shall consider any resulting recommendations made by the reviewing body in determining how to operate the correctional and detention facilities. [PL 2023, c. 135, §7 (NEW).]

SECTION HISTORY

PL 2023, c. 135, §7 (NEW).

§1216. Confidentiality of information

1. Limited disclosure. All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the department must be kept confidential and may not be disclosed by any person, except that public records must be disclosed in accordance with Title 1, section 408-A; criminal history record information may be disseminated in accordance with Title 16, chapter 7; and documents other than

those documents pertaining to information obtained by the department for the purpose of evaluating a client's ability to participate in a community-based program or from informants in a correctional or detention facility for the purpose of determining whether facility rules have been violated or pertaining to a victim's request for notice of release may, and must upon request, be disclosed:

A. To any person if the person receiving services, that person's legal guardian, if any, and, if that person is a minor, that person's parent or legal guardian give informed written consent to the disclosure of the documents referred to in this subsection after being given the opportunity to review the documents sought to be disclosed; [PL 2013, c. 588, Pt. A, §44 (RPR).]

B. To any state agency if necessary to carry out the statutory functions of that agency; [PL 2013, c. 588, Pt. A, §44 (RPR).]

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503; [PL 2013, c. 588, Pt. A, §44 (RPR).]

D. To any criminal justice agency if necessary to carry out the administration of criminal justice as defined in Title 16, section 703, subsection 1, the administration of criminal justice as defined in Title 16, section 803, subsection 2 or the administration of juvenile justice as defined in Title 15, section 3003, subsection 1-A or for criminal justice agency employment; [PL 2021, c. 365, §35 (AMD); PL 2021, c. 365, §37 (AFF).]

E. To persons engaged in research if:

(1) The research plan is first submitted to and approved by the commissioner;

(2) The disclosure is approved by the commissioner; and

(3) Neither original records nor identifying data are removed from the facility or office that prepared the records.

The commissioner and the person doing the research shall preserve the anonymity of the person receiving services from the department and may not disseminate data that refer to that person by name or number or in any other way that might lead to the person's identification; [PL 2013, c. 588, Pt. A, §44 (RPR).]

F. To persons who directly supervise or report on the health, behavior or progress of a juvenile, to the superintendent of a juvenile's school and the superintendent's designees and to agencies that are or might become responsible for the health or welfare of a juvenile if the information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation, including reintegration into the school; or [PL 2013, c. 588, Pt. A, §44 (RPR).]

G. To any state agency engaged in statistical analysis for the purpose of improving the delivery of services to persons who are or might become mutual clients if:

(1) The plan for the statistical analysis is first submitted to and approved by the commissioner; and

(2) The disclosure is approved by the commissioner.

The commissioner and the state agency requesting the information shall preserve the anonymity of the persons receiving services from the department and may not disseminate data that refer to any person by name or number or that in any other way might lead to a person's identification. [PL 2013, c. 588, Pt. A, §44 (RPR).]

Notwithstanding any other provision of law, the department may release the names, dates of birth and social security numbers of persons receiving services from the department and, if applicable, eligibility numbers and the dates on which those persons received services to any state or federal agency for the sole purpose of determining eligibility and billing for services and payments under federally funded programs administered by the agency. The department may also release to the agency information

required for and to be used solely for audit or research purposes, consistent with federal law, for those services provided by or through the department. Agency personnel shall treat this information as confidential in accordance with federal and state law and shall return the records when their purpose has been served.
[PL 2021, c. 365, §35 (AMD); PL 2021, c. 365, §37 (AFF).]

2. Release of certain information to victims. Notwithstanding subsection 1, upon the request of a person who was the victim of a crime for which a client was incarcerated, as verified by the department or the prosecuting attorney, the department shall disclose the following information to the victim:

A. Whether the client has been charged with committing any crime while incarcerated and, if so, the crime with which the client has been charged; and [PL 2003, c. 205, §10 (NEW).]

B. Whether the client has been disciplined while incarcerated and, if so, the offense for which the disciplinary action was taken and the type of disciplinary action taken. [PL 2003, c. 205, §10 (NEW).]
[PL 2003, c. 205, §10 (NEW).]

3. Civil violation. A person who discloses information in violation of this section commits a civil violation for which a fine not to exceed $1,000 may be adjudged.
[PL 2003, c. 205, §10 (NEW).]

4. Disclosure of confidential information. The disclosure of confidential information as provided by this section is also governed by Title 5, section 9057, subsection 6.
[PL 2003, c. 205, §10 (NEW).]

5. Disclosure of information. Nothing in this section permits or requires the disclosure of information to the extent it is designated confidential by another provision of law.
[PL 2003, c. 205, §10 (NEW).]

6. Assessment tools. Documents in the possession of the department used to screen or assess clients, including, but not limited to, questionnaires and test materials, are not public records for purposes of Title 1, chapter 13, subchapter 1. The department shall release these documents on request to any other state agency if necessary to carry out the statutory functions of that agency and to any committee or study commission established by the Legislature with authority to examine issues related to mental health.
[PL 2003, c. 205, §10 (NEW).]

SECTION HISTORY

PL 2003, c. 205, §10 (NEW). PL 2003, c. 689, §B6 (REV). PL 2005, c. 487, §§2-4 (AMD). PL 2011, c. 515, §2 (AMD). PL 2011, c. 662, §22 (AMD). PL 2013, c. 267, Pt. B, §27 (AMD). PL 2013, c. 424, Pt. B, §13 (AMD). PL 2013, c. 588, Pt. A, §44 (AMD). PL 2015, c. 470, §18 (AMD). PL 2017, c. 432, Pt. F, §2 (AMD). PL 2021, c. 365, §35 (AMD). PL 2021, c. 365, §37 (AFF).

§1217. Prisoner Boarding Fund

The Prisoner Boarding Fund is established in the department to provide funding for the boarding of prisoners at county jail facilities. [PL 2009, c. 213, Pt. W, §1 (NEW).]

1. Commissioner's powers. The commissioner may receive and use, for the purpose of this section, money appropriated by the State.
[PL 2009, c. 213, Pt. W, §1 (NEW).]

2. Prisoner Boarding Fund. All funds appropriated for the purpose of this section must be credited to the Prisoner Boarding Fund. State funds appropriated to the Prisoner Boarding Fund that are unexpended at the end of the fiscal year for which the funds are appropriated do not lapse, but must carry forward into subsequent fiscal years to be expended for the purpose of this section.

[PL 2009, c. 213, Pt. W, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 213, Pt. W, §1 (NEW).

§1218. Electronic Monitoring Fund

(REPEALED)

SECTION HISTORY

PL 2011, c. 655, Pt. EEE, §1 (NEW). PL 2013, c. 227, §5 (RP).

§1219. Assistance with federal law compliance

Beginning November 1, 2017, the department shall offer technical assistance and advice to county and regional jails regarding audits for the purpose of achieving and maintaining compliance with the federal Prison Rape Elimination Act of 2003, Public Law 108-79, as requested by the county and regional jails. [PL 2017, c. 214, §3 (NEW).]

SECTION HISTORY

PL 2017, c. 214, §3 (NEW).

§1220. Resident Technology Fund

The Resident Technology Fund, referred to in this section as "the fund," is established in the department as a nonlapsing fund for the purpose of offsetting the cost of technology provided to residents of correctional facilities. [PL 2025, c. 352, §1 (NEW).]

1. Funds. All funds collected from any fees established by the commissioner pursuant to section 1403, subsection 14 must be deposited into the fund. The department may accept money for deposit into the fund from other sources.
[PL 2025, c. 352, §1 (NEW).]

2. Use. The fund may be used by the department to offset the cost of buying and maintaining technology provided to residents of correctional facilities.
[PL 2025, c. 352, §1 (NEW).]

SECTION HISTORY

PL 2025, c. 352, §1 (NEW).

SUBCHAPTER 3

COMMISSIONER

§1401. Office

1. Appointment. The Governor shall appoint the Commissioner of Corrections, subject to review by the joint standing committee of the Legislature having jurisdiction over corrections matters and to confirmation by the Senate, to serve at the pleasure of the Governor.
[PL 1995, c. 3, §4 (AMD).]

2. Vacancy. Vacancies in the office of the commissioner shall be filled as follows.

A. Any vacancy in the office of commissioner shall be filled by appointment under subsection 1. [PL 1983, c. 459, §6 (NEW).]

B. If the office of the commissioner is vacant or if the commissioner is absent or disabled, the deputy commissioner or an associate commissioner shall perform the duties and have the powers provided by law for the commissioner. [PL 2025, c. 694, §7 (AMD).]

[PL 2025, c. 694, §7 (AMD).]

3. Qualifications. To qualify for appointment as commissioner, a person must have training and experience in correctional administration or satisfactory experience in the direction of work of a comparable nature.

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 3, §4 (AMD). PL 2025, c. 694, §7 (AMD).

§1402. Duties

In addition to other duties set out in this Title, the commissioner has the following duties. [PL 1983, c. 459, §6 (NEW).]

1. General. The commissioner has general supervision, management and control of the research and planning, grounds, buildings, property, officers, employees and clients of any correctional facility, detention facility or correctional program.

[PL 1991, c. 314, §17 (AMD).]

2. Enforcement of laws. The commissioner shall enforce all laws concerning correctional facilities, unless specific law enforcement duties are given by law to other persons.

[PL 1983, c. 459, §6 (NEW).]

3. Rules. Rules shall be established as follows.

A. The commissioner shall establish, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, such rules as he determines appropriate or necessary for the care and management of the property of all correctional facilities, for the production and distribution of industrial products of the correctional facilities and for the execution of the statutory purposes and functions of correctional facilities or correctional programs. [PL 1983, c. 459, §6 (NEW).]

B. The central principle underlying all rules, regulations, procedures and practices relating to clients is that the clients retain all rights of an ordinary citizen, except those expressly or by necessary implication taken from them by law. [PL 1991, c. 314, §18 (AMD).]

[PL 1991, c. 314, §18 (AMD).]

4. Career and technical education. Establishment of career and technical education shall be as follows.

A. The commissioner shall establish and maintain suitable courses for career and technical education in the correctional facilities.

(1) The commissioner shall install equipment necessary to carry out this duty.

(2) The commissioner shall employ suitable and qualified instructors necessary to carry out this duty, subject to the approval of the Department of Education. [PL 2005, c. 683, Pt. B, §25 (AMD).]

B. The expenses of carrying out this subsection shall be paid from the appropriations for the correctional facilities. [PL 1983, c. 459, §6 (NEW).]

[PL 2005, c. 683, Pt. B, §25 (AMD).]

5. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients. The commissioner shall establish a separate grievance process for addressing complaints by prisoners about their medical and mental health treatment as well as a separate grievance process for

addressing complaints regarding compliance with the standards established pursuant to sections 1208, 1208-A and 1208-B. The commissioner shall track data for all grievances filed by prisoners about their medical or mental health treatment and shall publish monthly on the department's publicly accessible website the data tracked pursuant to this subsection in a manner that does not violate the confidentiality requirements of section 1216 or any other provision of state or federal law.
[PL 2023, c. 659, §1 (AMD).]

6. County jail, holding facility and short-term detention area standards.
[PL 1983, c. 581, §§11,59 (RP).]

7. Abuse allegations in correctional and detention facilities. The commissioner is responsible for ensuring appropriate intervention and remediation in cases of substantiated abuse and neglect in correctional and detention facilities. The commissioner shall ensure, through inspection at least every 2 years, that all correctional and detention facilities meet applicable federal and state standards relating to the health and safety of clients of these facilities.
[PL 1991, c. 314, §20 (AMD).]

8. Allegations of child abuse or neglect in correctional and detention facilities. The commissioner is responsible for the investigation of all reports of suspected child abuse or neglect in correctional and detention facilities.

A. These investigations must be conducted with the Department of Health and Human Services, as appropriate, and, in cases where there are allegations or indications of criminal conduct, with the Department of the Attorney General, as appropriate. [PL 1991, c. 314, §20 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

B. The commissioner shall negotiate joint working agreements with the Department of Health and Human Services and the Department of the Attorney General concerning procedures and respective responsibilities for conducting investigations of allegations of child abuse or neglect in correctional and detention facilities. [PL 1991, c. 314, §20 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]
[PL 1991, c. 314, §20 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

9. Statement of correctional system impact. The commissioner shall prepare statements pertaining to the impact that proposed legislation has upon correctional system resources, including the cost that the correctional system would bear. The commissioner shall make inquiry of a statewide association of prosecuting attorneys, the judicial branch, a statewide association of county sheriffs and any other parties, as appropriate, in order to provide the most accurate estimates of the correctional system impact, including the number of additional probationers, the number of additional incarcerated individuals and the number of additional jail and prison beds that may reasonably be anticipated from enactment of the legislation, by fiscal year. Whenever practicable, the statements must also include the impact of such legislation in future biennia as well. For purposes of this subsection, the correctional system includes correctional facilities and services operated or funded by the State or by any county government. The statements must be furnished to the appropriate committee of the Legislature for the information of its members and to the legislative staff office designated to collect and assemble fiscal information for use of legislative committees under Title 3, section 163-A, subsection 10. The statements must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the correctional system. A statement is not required for any legislation that has no impact upon the correctional system.
[PL 2007, c. 240, Pt. YYY, §2 (AMD).]

10. Rehabilitation programs. Within the limits of available resources, the commissioner shall establish and maintain programs, inside and outside of correctional facilities, that provide rehabilitation services and opportunities for clients.
[PL 1991, c. 355, §3 (NEW).]

10-A. Culturally informed treatment and recovery programs. The commissioner shall ensure that any residential or nonresidential treatment or recovery programs established by the commissioner and serving a juvenile who has been adjudicated of a juvenile crime and who has not attained 21 years of age provide for that juvenile culturally informed treatment plans and modalities and culturally informed community reintegration services and provide language services for that juvenile and the juvenile's family and support system.
[PL 2021, c. 339, §1 (NEW).]

10-B. Culturally informed prevention, diversion and restorative justice programs. The commissioner shall ensure that any prevention, diversion or restorative justice programs established by the commissioner and serving a juvenile who has been adjudicated of a juvenile crime and who has not attained 21 years of age provide for that juvenile culturally informed services, including, but not limited to, referrals to community based services and supports, housing, case management, education and employment resources, and provide language services for that juvenile and the juvenile's family and support system, as necessary.
[PL 2021, c. 339, §2 (NEW).]

11. Report requirement. The commissioner shall report annually, no later than January 4th of each year, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding recidivism information including, but not limited to:

A. The number of juvenile offenders in the correctional facilities and their reoffending rates; [PL 2003, c. 20, Pt. N, §1 (NEW).]

B. The number of incarcerated adults who were adjudicated as having committed a juvenile offense; and [PL 2003, c. 20, Pt. N, §1 (NEW).]

C. The recidivism rates of juvenile offenders as adults. [PL 2003, c. 20, Pt. N, §1 (NEW).]
[PL 2003, c. 20, Pt. N, §1 (NEW).]

12. County and regional jails. The commissioner shall receive, administer and distribute to the county and regional jails funding provided through the General Fund, Other Special Revenue Funds and any federal and grant funds in accordance with section 1210-E and Title 30-A, section 1659-A. The department shall make distributions as required by section 1210-E, subsection 5 to each jail on a quarterly basis and as may be adjusted pursuant to section 1208-B, subsection 1, paragraph B.
[PL 2021, c. 732, Pt. D, §4 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

13. Report on jails. Beginning October 1, 2023 and annually thereafter, the department, in collaboration with a statewide association of sheriffs and a statewide association of county commissioners, shall submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the mandatory standards, policies and procedures for jails adopted pursuant to section 1208-B and the status of funding for the jails from the County Jail Operations Fund established in section 1210-E, subsection 2, county taxes and other sources. The department and representatives of the associations shall conduct a review of the funding provided to county and regional jails pursuant to subsection 12 and section 1210-E, subsection 5 and the distribution formula established pursuant to section 1210-E, subsection 9. If the department and the associations find that changes are needed to the distribution method or procedures or the level of General Fund support, the department shall report that finding to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and shall recommend changes in the formula determined pursuant to section 1210-E, subsection 9 and the level of General Fund support. After reviewing the report, the joint standing committee is authorized to submit legislation to address issues raised by the report and to improve the funding and operation of the jails.
[PL 2021, c. 732, Pt. D, §5 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

14. Standards regarding attorney-client communications. The commissioner shall establish mandatory standards:

A. By January 1, 2024, for the protection of confidential attorney-client communications by each correctional facility. The standards must include, at a minimum:

(1) Processes to protect and ensure confidentiality of attorney-client communications, including but not limited to requirements that each correctional facility develop and maintain a registry of the names, telephone numbers and other contact information for attorneys who provide legal services to persons who are residents of the correctional facility and that the attorneys' names, telephone numbers and other contact information on the registry are confidential, except that each correctional facility must proactively and by request of the attorney or the attorney's client confirm the registration of an attorney's name, telephone number and other contact information; and

(2) Processes to be followed in the event that there is a breach of attorney-client confidentiality; and [PL 2023, c. 394, Pt. A, §14 (NEW).]

B. By January 1, 2024, requiring each correctional facility to designate space within the correctional facility for attorney-client meetings and the exchange of case materials and to make that space available to residents of the correctional facility and their attorneys on a timely basis. [PL 2023, c. 394, Pt. A, §14 (NEW).]

[PL 2023, c. 394, Pt. A, §14 (NEW).]

15. Report on segregated prisoners. On or before January 15, 2026 and annually thereafter, the commissioner shall submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters that includes the following information for each correctional facility about prisoners who have been segregated and not allowed to leave their cells for a minimum of 22 hours out of a 24-hour period during the prior calendar year:

A. The total number of prisoners who were segregated; [PL 2025, c. 259, §3 (NEW).]

B. For each instance of segregation, the total amount of time a prisoner was segregated; and [PL 2025, c. 259, §3 (NEW).]

C. The reason why the prisoner was segregated. [PL 2025, c. 259, §3 (NEW).]

After reviewing the report, the joint standing committee of the Legislature having jurisdiction over criminal justice matters is authorized to submit legislation to address issues raised by the report. [PL 2025, c. 259, §3 (NEW).]

REVISOR'S NOTE: (Subsection 15 as enacted by PL 2025, c. 485, §1 is REALLOCATED TO TITLE 34-A, SECTION 1402, SUBSECTION 16)

16. (REALLOCATED FROM T. 30-A, §1402, sub-§15) Reentry services. Within the limits of available resources, the commissioner shall establish and maintain a reentry services program for residents of correctional facilities that makes available, as appropriate, reentry services in the following areas:

A. Health and wellness, including, but not limited to, accessing available MaineCare and veterans' benefits and connecting with community providers and other resources for treating and managing substance use disorder and maintaining physical and mental health; [PL 2025, c. 485, §1 (NEW); RR 2025, c. 1, Pt. A, §46 (RAL).]

B. Financial literacy and planning, including, but not limited to, information about opening a bank account, managing a budget and building and maintaining credit; [PL 2025, c. 485, §1 (NEW); RR 2025, c. 1, Pt. A, §46 (RAL).]

C. Employment preparation, including, but not limited to, writing a resume, searching for employment, information about obtaining a driver's license, information about obtaining work-related certification or licensure and locating and securing housing; [PL 2025, c. 485, §1 (NEW); RR 2025, c. 1, Pt. A, §46 (RAL).]

D. Community and family integration, including, but not limited to, voter registration information, information about services offered through the statewide 2-1-1 telephone number designated pursuant to Title 35-A, section 7108 and connecting with community support programs, including programs offering education on conflict resolution, establishing and maintaining relationships and rejection management techniques; and [PL 2025, c. 485, §1 (NEW); RR 2025, c. 1, Pt. A, §46 (RAL).]

E. Technology training, including, but not limited to, information about computer literacy programs and avoiding Internet scams. [PL 2025, c. 485, §1 (NEW); RR 2025, c. 1, Pt. A, §46 (RAL).]

[PL 2025, c. 485, §1 (NEW); RR 2025, c. 1, Pt. A, §46 (RAL).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§11,59 (AMD). PL 1987, c. 744, §11 (AMD). PL 1989, c. 925, §17 (AMD). PL 1991, c. 314, §§17-20 (AMD). PL 1991, c. 355, §3 (AMD). PL 2001, c. 659, §I1 (AMD). PL 2003, c. 20, §N1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 397, §D3 (REV). PL 2005, c. 683, §B25 (AMD). PL 2007, c. 240, Pt. YYY, §2 (AMD). PL 2009, c. 1, Pt. S, §3 (AMD). PL 2015, c. 335, §24 (AMD). PL 2021, c. 339, §§1, 2 (AMD). PL 2021, c. 620, §4 (AMD). PL 2021, c. 732, Pt. D, §§4, 5 (AMD). PL 2021, c. 732, Pt. D, §7 (AFF). PL 2023, c. 394, Pt. A, §14 (AMD). PL 2023, c. 659, §1 (AMD). PL 2025, c. 259, §3 (AMD). PL 2025, c. 485, §1 (AMD). RR 2025, c. 1, Pt. A, §46 (COR).

§1403. Powers

In addition to other powers granted in this Title, the commissioner has the following powers. [PL 1983, c. 459, §6 (NEW).]

1. General powers. The commissioner may perform any legal act relating to the care, custody, treatment, relief and improvement of clients or may purchase residential services when the department's correctional and detention facilities do not provide the appropriate services for the client.
[PL 1991, c. 314, §21 (AMD).]

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

A. The commissioner may appoint, subject to the Civil Service Law and except as otherwise provided, any employees who may be necessary, including those intermittent employees as defined in Title 5, section 7053 needed to offset the overtime costs related to unscheduled, unanticipated overtime. These intermittent positions in the institutional services unit may be used only at preidentified posts and work sites. [PL 2013, c. 491, §3 (AMD).]

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

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

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

(3) The deputy commissioner has the powers, duties, obligations and liabilities of the commissioner when the commissioner is unable to perform the duties of the office. [PL 2013, c. 491, §3 (AMD).]

C. [PL 2013, c. 491, §3 (RP).]

D. [PL 2015, c. 494, Pt. A, §37 (RP).]
[PL 2015, c. 494, Pt. A, §37 (AMD).]

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

A. Unless a specific statute otherwise directs, the commissioner may delegate powers and duties given under this Title to the deputy commissioner, associate commissioners, chief administrative officers and regional correctional administrators. [PL 2013, c. 491, §4 (AMD).]

B. The commissioner may empower the deputy commissioner, associate commissioners, chief administrative officers and regional correctional administrators to further delegate powers and duties delegated to them by the commissioner. [PL 2013, c. 491, §4 (AMD).]

B-1. Unless a specific statute otherwise directs, the commissioner may empower chief administrative officers to delegate powers and duties given to them by chapter 3 and may empower regional correctional administrators to delegate powers and duties given to them by chapter 5. [PL 1995, c. 502, Pt. F, §19 (AMD).]

C. The deputy commissioner, an associate commissioner or associate commissioners may be designated to assist in the development of community correctional programs at the county level and to coordinate activities of the department with each county and any county correctional advisory groups. The deputy commissioner, associate commissioner or associate commissioners may appoint staff to assist in carrying out this paragraph. [PL 2013, c. 491, §4 (AMD).]
[PL 2013, c. 491, §4 (AMD).]

4. Funding sources. The commissioner may use the following funding sources.

A. The commissioner may accept for the State any federal funds appropriated under federal law relating to the juvenile offender and may do whatever is necessary to carry out the federal law. [PL 1983, c. 459, §6 (NEW).]

B. The commissioner may accept, from any other agency of government, person, group or corporation, any funds which may be available in carrying out this Title. [PL 1983, c. 459, §6 (NEW).]

C. The commissioner may apply for and receive federal funds under the United States Housing Act of 1954, Public Law 560, Title 7. [PL 1983, c. 459, §6 (NEW).]
[PL 1983, c. 459, §6 (NEW).]

5. Lease of unused buildings. The commissioner may, with the approval of the Director of the Bureau of General Services, lease unused buildings at the correctional and detention facilities for the purposes of providing services to clients.

A. The leases must be for a period not to exceed 2 years and may be extended, with the approval of the Director of the Bureau of General Services, for 3 more 2-year periods. [PL 1995, c. 111, §1 (AMD).]

B. The commissioner shall submit a plan of the proposed leases and their impact on the correctional and detention facilities and clients to the joint standing committee of the Legislature having jurisdiction over corrections no later than January 31st of each year. [PL 1991, c. 314, §24 (AMD).]
[PL 1995, c. 111, §1 (AMD).]

5-A. Lease of Long Creek Youth Development Center building. Notwithstanding subsection 5 and Title 5, chapter 154, the commissioner may, with the approval of the Director of the Bureau of General Services, lease any building that the commissioner determines is no longer needed to be a part

of the Long Creek Youth Development Center for the purpose of providing services to clients under such terms as the commissioner and director determine appropriate.
[PL 1995, c. 502, Pt. F, §20 (NEW); PL 2001, c. 439, Pt. G, §6 (AMD).]

6. Acceptance or conveyance of donated personal property. The commissioner may accept donations of personal property to be used at a correctional or detention facility. If, at a later date, the donated property ceases to be useful to the correctional or detention facility, the commissioner may sell the property and use the proceeds for the benefit of the correctional or detention facility to which the property was originally donated.
[PL 1991, c. 314, §25 (AMD).]

7. Establishment of farm programs and gravel mining programs to support farm programs at correctional facilities. The commissioner may establish a farm program at each correctional facility for the purposes of producing agricultural and farm products and teaching prisoners and juvenile clients cultivation and gardening techniques. The commissioner may also establish a gravel mining program at any correctional facility sited on land that contains sufficient gravel for the purpose of supporting the farm programs.

A. Products from farm programs under this subsection must be used by correctional facilities. If a surplus exists, it may be:

(1) Sold or distributed to other state, county or local governmental entities;

(2) Exchanged with other state, county or local governmental entities for services or other goods;

(3) Sold to or exchanged with private Maine businesses; or

(4) Sold to or exchanged with community agencies as defined in section 1206, subsection 1.
[PL 2011, c. 340, §1 (AMD).]

B. The revenue generated by the sale of farm products under this subsection must be deposited in a special account. This account does not lapse at the end of a fiscal year but must be carried forward from year to year. [PL 2011, c. 340, §1 (AMD).]

C. The funds in the special account under paragraph B may be expended to implement and maintain farm programs in correctional facilities. These expenditures include, but are not limited to, the purchase of necessary materials and equipment, construction, administrative costs and employee salaries. [PL 2011, c. 340, §1 (AMD).]

D. The commissioner may establish, for the purpose of supporting farm programs at correctional facilities by generating additional revenue for the special account under paragraph B, a gravel mining program at any correctional facility sited on land that contains sufficient gravel. The commissioner shall determine the amount of gravel to be mined. Gravel not used by correctional facilities may be sold, distributed or exchanged in the same manner as farm products pursuant to paragraph A. In addition to the expenditures allowed by paragraph C, the revenue generated from a gravel mining program may be expended to implement and maintain gravel mining programs in correctional facilities. [PL 2011, c. 340, §1 (NEW).]
[PL 2011, c. 340, §1 (AMD).]

8. Receipt of United States prisoners or adjudicated juveniles. The commissioner's power to accept United States prisoners or adjudicated juveniles is as follows.

A. The commissioner may receive in any correctional facility prisoners detained by the United States or convicted of an offense against the United States and committed for a term of imprisonment to the custody of the Attorney General of the United States if:

(1) The Attorney General of the United States designates a Maine correctional facility as the place of confinement for the prisoner; and

(2) The commissioner approves and agrees to accept and keep the prisoner in a Maine correctional facility. [PL 1989, c. 127, §3 (RPR).]

B. The commissioner may receive in any juvenile facility juveniles detained by the United States or adjudicated of an offense against the United States and committed for a term of institutionalization to the custody of the Attorney General of the United States if:

(1) The Attorney General of the United States designates a Maine juvenile facility as the place of confinement for the juvenile; and

(2) The commissioner approves and agrees to accept and keep the juvenile in a Maine juvenile facility. [PL 1989, c. 127, §3 (RPR).]

C. The commissioner may contract with the Attorney General of the United States or officer designated by the Congress for the care, custody, subsistence, education, treatment and training of any prisoner or juvenile accepted under this subsection.

(1) Except as provided in subparagraph (2), all sums paid pursuant to contracts authorized by this paragraph must accrue to the General Fund.

(2) Sums paid by the United States Department of Justice, United States Marshals Service pursuant to a contract authorized by this paragraph must accrue to the department for deposit into the client benefit welfare accounts at the department's correctional facilities. Sums accrued to the department under this paragraph may not exceed $250,000 each fiscal year. Any sums paid pursuant to contracts under this subparagraph in excess of $250,000 each fiscal year must accrue to the General Fund. [PL 2025, c. 388, Pt. Z, §1 (AMD).]

[PL 2025, c. 388, Pt. Z, §1 (AMD).]

9. Industries programs. The commissioner may establish career and technical training, work and industries programs, including those permitted under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761.

A. The program may make services and goods available for use by correctional facilities or for purchase by other state, county or local governmental entities, private businesses in the State, community agencies, as defined in section 1206, subsection 1, or the public. The program may also donate services or goods to other state, county or local governmental entities for the purpose of promoting prison industries or to public or private nonprofit organizations. [PL 2011, c. 515, §3 (AMD).]

B. The commissioner may authorize any person or business entity purchasing goods manufactured at a correctional facility to resell those articles if that person or entity requests, in writing, authority from the commissioner at the time the initial purchase is made. [PL 1985, c. 821, §21 (NEW).]

C. All goods manufactured at a correctional facility for sale shall be distinctly labeled or branded with the words "Manufactured at a Maine State Correctional Facility", except those goods produced under a program certified by the United States Department of Justice under the United States Code, Title 18, Section 1761. [PL 1989, c. 127, §4 (AMD).]

D. All revenues from direct sales of goods and services produced by prisoners at correctional facilities and all amounts received from a private sector industry participating with the Department of Corrections in an industries program certified by the United States Department of Justice under the United States Code, Title 18, Section 1761, in consideration of lease of industry space, provision of utilities, trash removal and other services provided to the private industry that are related to the use of industry space at correctional facilities must be deposited into the department's industries enterprise account, which does not lapse. All revenues generated from career and technical training programs must be deposited into Other Special Revenue Funds accounts, which do not lapse and

must be used to support the costs of vocational training programs. [PL 2013, c. 368, Pt. ZZZ, §1 (AMD).]

E. Funds from these industries accounts may be used to pay for materials, supplies, equipment, salaries and other costs of establishing and operating career and technical training, work and industrial programs. For industries programs certified by the United States Department of Justice under the United States Code, Title 18, Section 1761, mandatory contributions for crime victim services must be made from these industries accounts and transferred to the control of the Office of Victim Services, as established in section 1214. [PL 2001, c. 439, Pt. G, §2 (AMD); PL 2003, c. 545, §6 (REV).]

F. The commissioner shall, in consultation with the Maine Apprenticeship Program established in Title 26, section 3202, develop policies concerning job displacement and safety and policies to develop opportunities in the prison industries programs. [PL 2011, c. 491, §16 (AMD).]

[PL 2013, c. 368, Pt. ZZZ, §1 (AMD).]

10. Client benefit welfare account. The commissioner shall provide an accounting of all client benefit welfare accounts each fiscal year to the joint select committee of the Legislature having jurisdiction over corrections matters. The annual accounting must include total income for the year, total expenditures for the year, anticipated capital and operating expenditures from these accounts in the next fiscal year and balances in the accounts. Nothing in this subsection may change the nature of these accounts as internal management tools.

[PL 1999, c. 583, §3 (AMD).]

11. Contracting agent. The chief administrative officer is the contracting agent for all sales of articles from a correctional facility and for all other contracts made on behalf of the correctional facility except those made by the Chief Procurement Officer.

A. All contracts must be made in the manner prescribed by the commissioner. [PL 1999, c. 583, §4 (NEW).]

B. A contract may not be accepted by the chief administrative officer unless the contractor gives satisfactory security for its performance. [PL 2023, c. 516, Pt. B, §45 (AMD).]

C. An employee of the correctional facility may not be directly or indirectly interested in any contract. [PL 1999, c. 583, §4 (NEW).]

[PL 2023, c. 516, Pt. B, §45 (AMD).]

12. Transfer of funds. Notwithstanding Title 5, section 1585 or any other provision of law, the commissioner, upon recommendation of the State Budget Officer and approval of the Governor, is authorized to transfer by financial order All Other funding between accounts within the same fund for the purposes of paying food, heating and utility expenses.

[PL 2011, c. 380, Pt. AA, §1 (NEW).]

13. Personal Services balances authorized to carry to Capital Expenditures. Notwithstanding any other provision of law, beginning at the close of fiscal year 2017-18, the department is authorized to carry all fiscal-year-end balances in the Personal Services line category of General Fund accounts, after the deduction of all allocations, financial commitments, other designated funds or any other transfers authorized by statute, to the Capital Expenditures line category in the Capital Construction/Repairs/Improvements - Corrections program, General Fund account in the department to be used for the purpose of making capital improvements to correctional facilities.

[PL 2017, c. 284, Pt. JJJ, §1 (NEW).]

14. Technology fee. The commissioner may establish a reasonable fee, as provided in this subsection, for the use of technology, including, but not limited to, computers, laptop computers and external storage devices, that is provided to residents of correctional facilities in connection with educational or vocational programs, remote work or other purposes. For each calendar month in which

the technology is used by a resident, as defined in section 3015, subsection 1, paragraph B, the fee charged may not exceed 7% of the resident's earnings during the month after any deductions for court-ordered or statutory obligations, including, but not limited to, child support, court filing fees, victim restitution, fines, facility restitution, facility monetary sanctions, medical and dental services fees and room and board, or $35, whichever is less. The commissioner may not charge a fee under this subsection for:

A. Technology that is provided to a resident for the purpose of research related to a criminal case or civil lawsuit in which the resident is involved; or [PL 2025, c. 352, §2 (NEW).]

B. Technology that is provided to a resident who has earnings of less than $100 during the calendar month after any deductions that are provided for in this subsection. [PL 2025, c. 352, §2 (NEW).]

Money received by the resident and directly deposited into a telephone call account established by the department under section 3039, subsection 4 for the sole purpose of paying for use of the department's client telephone system is not subject to this subsection. Money received by the resident as a credit improvement loan in accordance with section 3039, subsection 6 is not subject to this subsection.

A correctional facility shall collect any fees received under this subsection and deposit them into the Resident Technology Fund established in section 1220.
[PL 2025, c. 352, §2 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§12,59 (AMD). PL 1983, c. 724 (AMD). PL 1983, c. 729, §6 (AMD). PL 1985, c. 67, §1 (AMD). PL 1985, c. 785, §B151 (AMD). PL 1985, c. 821, §§19-21 (AMD). PL 1987, c. 589 (AMD). PL 1989, c. 127, §§3,4 (AMD). RR 1991, c. 2, §128 (COR). PL 1991, c. 314, §§21-25 (AMD). PL 1991, c. 716, §6 (AMD). PL 1993, c. 682, §1 (AMD). PL 1995, c. 111, §1 (AMD). PL 1995, c. 502, §§F18-20 (AMD). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 459, §1 (AMD). PL 1999, c. 583, §§3,4 (AMD). PL 1999, c. 731, §G2 (AMD). PL 2001, c. 386, §11 (AMD). PL 2001, c. 439, §§G2,6 (AMD). PL 2003, c. 545, §6 (REV). PL 2011, c. 340, §§1, 2 (AMD). PL 2011, c. 380, Pt. AA, §1 (AMD). PL 2011, c. 491, §16 (AMD). PL 2011, c. 515, §3 (AMD). PL 2013, c. 368, Pt. ZZZ, §1 (AMD). PL 2013, c. 491, §§3, 4 (AMD). PL 2015, c. 267, Pt. VVV, §1 (AMD). PL 2015, c. 291, §3 (AMD). PL 2015, c. 494, Pt. A, §37 (AMD). PL 2017, c. 284, Pt. JJJ, §1 (AMD). PL 2023, c. 516, Pt. B, §45 (AMD). PL 2025, c. 352, §2 (AMD). PL 2025, c. 388, Pt. Z, §1 (AMD).

§1404. Duties and powers of the commissioner in support of State Board of Corrections

(REPEALED)

SECTION HISTORY

PL 2007, c. 653, Pt. A, §28 (NEW). PL 2009, c. 391, §9 (AMD). PL 2011, c. 374, §6 (AMD). PL 2013, c. 598, §7 (AMD). PL 2015, c. 335, §25 (RP).

§1405. Transfer from county jails or correctional facilities

(REPEALED)

SECTION HISTORY

PL 2007, c. 653, Pt. A, §29 (NEW). PL 2009, c. 142, §15 (AMD). PL 2009, c. 391, §10 (AMD). PL 2015, c. 335, §26 (RP).

§1406. Authority to review financial records of counties as those records relate to corrections

1. County jail records. Notwithstanding any other provision of law to the contrary, the commissioner may inspect, review and take custody of records of the counties as those records relate to the funding and operation of the county jails. Upon the request of the commissioner, a county jail

within 15 days of the request shall supply complete and accurate information. The commissioner shall work with the jails to assist them in achieving compliance with the requirements of this subsection. The commissioner shall enforce the standards of this subsection by imposition of monetary penalties pursuant to policies and procedures under section 1208-B, subsection 1, paragraph B. This subsection must be liberally construed to effect the purpose of this section.
[PL 2017, c. 284, Pt. SSSSS, §1 (NEW).]

2. Violation. A state government agency or local government entity whose officer or employee violates subsection 1 commits a civil violation for which a fine of not more than $5,000 may be adjudged.
[PL 2017, c. 284, Pt. SSSSS, §1 (NEW).]

3. Appeal. If the commissioner is aggrieved by a refusal or denial to inspect or copy a record or a failure to allow the inspection or copying of a record under this section, the commissioner may appeal the refusal, denial or failure within 30 calendar days of the receipt of the written notice of refusal, denial or failure to the Superior Court for the county where the person refusing, failing or denying the inspection or copying resides or the agency employing that person has its principal office. The agency or official shall file a statement of position explaining the basis for denial within 14 calendar days of service of the appeal. If a court, after a review, and taking of testimony and other evidence as determined necessary, determines the refusal, denial or failure was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.
[PL 2017, c. 284, Pt. SSSSS, §1 (NEW).]

4. Proceedings not exclusive. The proceedings authorized by this section are not exclusive of any other civil remedy provided by law.
[PL 2017, c. 284, Pt. SSSSS, §1 (NEW).]

5. Attorney's fees. In an appeal under subsection 3 or another civil proceeding, the court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff who appealed pursuant to subsection 3 or in another civil proceeding if the court determines that the illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.
[PL 2017, c. 284, Pt. SSSSS, §1 (NEW).]

6. Subpoena power. The commissioner may, in connection with the performance of the commissioner's duties, apply to the Superior Court for a subpoena to compel the attendance of witnesses and the production of books, papers, records and documents of individuals, firms, associations and corporations and all officers, boards, commissions and departments of county government. The court, before issuing the subpoena, shall provide adequate opportunity for the commissioner and the party against whom the subpoena is requested to be heard. The court may issue the subpoena only on a showing by the commissioner and specific findings of fact by the court that the attendance of the witness or the production of the books, papers, records or documents is reasonably necessary to carry out specific duties of the commissioner that are related to the operations and finances of the county jails and that the commissioner has made reasonable efforts to secure the attendance or the books, papers, records or documents without recourse to compulsory process.
[PL 2017, c. 284, Pt. SSSSS, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 284, Pt. SSSSS, §1 (NEW).

SUBCHAPTER 4

NEGOTIATIONS WITH MUNICIPALITIES IN WHICH CORRECTIONAL FACILITIES ARE LOCATED

§1601. Negotiations with municipalities

The Commissioner of Corrections, or the commissioner's designee, shall negotiate with officials of the municipality in which correctional facilities for both juveniles and adults constructed after the effective date of this section are located to provide state reimbursement to that municipality for the net increased costs that a new correctional facility imposes on that municipality. Negotiations shall commence only upon request of municipal officials and only within 6 months after the net increased costs arise. As used in this section, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 591, §1 (NEW).]

1. Correctional facility. "Correctional facility" means those facilities outlined in section 1001, subsection 6.
[PL 1989, c. 591, §1 (NEW).]

2. Net increased costs. "Net increased costs" means the costs of those services rendered to the facility by the municipality and the costs of any adverse impact proximately caused by the operation of the facility, subtracted from the fair market value of those services rendered by the facility to the municipality.
[PL 1989, c. 591, §1 (NEW).]

SECTION HISTORY

PL 1989, c. 591, §1 (NEW).

SUBCHAPTER 5

STATE BOARD OF CORRECTIONS

§1801. State Board of Corrections

(REPEALED)

SECTION HISTORY

PL 2007, c. 653, Pt. A, §30 (NEW). PL 2009, c. 213, Pt. GGG, §2 (AMD). PL 2009, c. 213, Pt. GGG, §7 (AFF). PL 2011, c. 374, §§7, 8 (AMD). PL 2013, c. 598, §§8-10 (AMD). PL 2015, c. 335, §27 (RP).

§1802. Board membership

(REPEALED)

SECTION HISTORY

PL 2007, c. 653, Pt. A, §30 (NEW). PL 2009, c. 89, §1 (AMD). PL 2011, c. 374, §§9, 10 (AMD). PL 2013, c. 598, §11 (AMD). PL 2015, c. 335, §27 (RP).

§1803. Board responsibilities and duties

(REPEALED)

SECTION HISTORY

PL 2007, c. 653, Pt. A, §30 (NEW). PL 2009, c. 213, Pt. GGG, §§3, 4 (AMD). PL 2009, c. 213, Pt. GGG, §7 (AFF). PL 2009, c. 391, §§11-14 (AMD). PL 2011, c. 374, §§11-14 (AMD). PL 2013, c. 533, §25 (AMD). PL 2013, c. 598, §§12-22 (AMD). PL 2015, c. 16, Pt. I, §1 (AMD). PL 2015, c. 267, Pt. V, §1 (AMD). PL 2015, c. 335, §27 (RP).

§1803-A. Office of executive director

(REPEALED)

SECTION HISTORY

PL 2011, c. 374, §15 (NEW). PL 2013, c. 598, §§23, 24 (AMD). PL 2015, c. 335, §27 (RP).

§1804. Corrections working group

(REPEALED)

SECTION HISTORY

PL 2007, c. 653, Pt. A, §30 (NEW). PL 2011, c. 374, §16 (AMD). PL 2015, c. 335, §27 (RP).

§1805. State Board of Corrections Operational Support Fund program

(REPEALED)

SECTION HISTORY

PL 2007, c. 653, Pt. A, §30 (NEW). PL 2009, c. 213, Pt. GGG, §5 (AMD). PL 2009, c. 213, Pt. GGG, §7 (AFF). PL 2009, c. 391, §15 (AMD). RR 2013, c. 2, §41 (COR). PL 2013, c. 598, §25 (AMD). PL 2015, c. 335, §27 (RP).

§1806. Community corrections funds distributed by board

(REPEALED)

SECTION HISTORY

PL 2007, c. 653, Pt. A, §30 (NEW). PL 2009, c. 213, Pt. GGG, §6 (AMD). PL 2009, c. 213, Pt. GGG, §7 (AFF). PL 2013, c. 598, §26 (AMD). PL 2015, c. 335, §27 (RP).

§1807. Electronic Monitoring Fund

(REPEALED)

SECTION HISTORY

PL 2013, c. 227, §6 (NEW). PL 2015, c. 335, §27 (RP).

§1808. Financial data

(REPEALED)

SECTION HISTORY

PL 2013, c. 598, §27 (NEW). PL 2015, c. 335, §27 (RP).

§1809. Application for other funds

(REPEALED)

SECTION HISTORY

PL 2013, c. 598, §27 (NEW). PL 2015, c. 335, §27 (RP).

§1810. Budget format

(REPEALED)

SECTION HISTORY

PL 2013, c. 598, §27 (NEW). PL 2015, c. 335, §27 (RP).

§1811. County Corrections Capital Improvement Fund

(REPEALED)

SECTION HISTORY

PL 2013, c. 598, §27 (NEW). PL 2015, c. 335, §27 (RP).

§1812. Use of funds

(REPEALED)

SECTION HISTORY

PL 2013, c. 598, §27 (NEW). PL 2015, c. 335, §27 (RP).

§1813. Monitoring performance

(REPEALED)

SECTION HISTORY

PL 2013, c. 598, §27 (NEW). PL 2015, c. 335, §27 (RP).

§1814. Enforcement authority

(REPEALED)

SECTION HISTORY

PL 2013, c. 598, §27 (NEW). PL 2015, c. 335, §27 (RP).

§1815. Program incentives

(REPEALED)

SECTION HISTORY

PL 2013, c. 598, §27 (NEW). PL 2015, c. 335, §27 (RP).

§1816. Discharge of duties of board by commissioner

(REPEALED)

SECTION HISTORY

PL 2015, c. 16, Pt. I, §2 (NEW). PL 2015, c. 267, Pt. V, §2 (AMD). PL 2015, c. 335, §27 (RP).

CHAPTER 3

CORRECTIONAL FACILITIES

SUBCHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

ADMINISTRATIVE PROVISIONS

§3001. Chief administrative officers

1. Appointment. The commissioner may appoint chief administrative officers as necessary for the proper performance of the functions of the department, subject to the Civil Service Law.

A. To be eligible for appointment as a chief administrative officer, a person must be experienced in correctional management. [PL 2013, c. 491, §5 (AMD).]

B. Chief administrative officers shall report directly to the commissioner or to the deputy commissioner or an associate commissioner if so directed by the commissioner. [PL 2013, c. 491, §5 (AMD).]

[PL 2015, c. 291, §4 (AMD).]

2. Acting chief administrative officer. Notwithstanding any other provision of law, the commissioner may delegate any employee of the department to serve as the acting chief administrative officer of any facility, if the office of the chief administrative officer of the facility is vacant.

A. The acting chief administrative officer shall serve for a period not to exceed 180 days. [PL 1983, c. 459, §6 (NEW).]

B. Service as the acting chief administrative officer of a facility is considered a temporary additional duty for the person so delegated. [PL 1991, c. 314, §26 (AMD).]

[PL 1991, c. 314, §26 (AMD).]

3. Director of women's services. In addition to the officers appointed under subsections 1 and 2, the commissioner may appoint a director of women's services to serve as the chief administrative officer of any adult correctional facility female housing units. The director of women's services has all the powers and duties of other department chief administrative officers, whether described in this Title or in any other provision of statute.

[PL 2023, c. 135, §8 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §26 (AMD). PL 1999, c. 583, §5 (AMD). PL 2013, c. 491, §5 (AMD). PL 2015, c. 291, §4 (AMD). PL 2023, c. 135, §8 (AMD).

§3001-A. Boards of visitors

1. Appointment. Except as provided in paragraph H, the Governor shall appoint a board of 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. [PL 2005, c. 683, Pt. B, §26 (NEW).]

B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms. [PL 2005, c. 683, Pt. B, §26 (NEW).]

C. A member of the Legislature or an employee of the department may not serve on any board of visitors. [PL 2005, c. 683, Pt. B, §26 (NEW).]

D. At least one member of each board must be a person licensed by this State to provide mental health services. [PL 2005, c. 683, Pt. B, §26 (NEW).]

E. Each member of the boards of visitors must be compensated according to the provisions of Title 5, chapter 379. [PL 2005, c. 683, Pt. B, §26 (NEW).]

F. The Governor shall appoint a chair from the membership. [PL 2005, c. 683, Pt. B, §26 (NEW).]

G. At least one member of each board of visitors must have been incarcerated in a correctional facility. [PL 2023, c. 383, §2 (NEW).]

H. If a vacancy occurs within a board of visitors, the commissioner shall provide notice to the Governor, the President of the Senate and the Speaker of the House of Representatives within 5 days of the vacancy. A vacancy on a board of visitors under this section must be filled by the Governor within 90 days of the notice of vacancy. If the Governor fails to appoint a member within 90 days of the notice of vacancy, the President of the Senate and the Speaker of the House of

Representatives shall jointly appoint a member to fill the vacancy pursuant to this subsection. [PL 2025, c. 765, §1 (NEW).]

[PL 2025, c. 765, §1 (AMD).]

1-A. Boards of visitors for women's services; membership. The Governor shall appoint boards of visitors for women's services to inspect correctional facilities housing female clients and, with regard to female clients, perform the duties assigned to boards of visitors appointed pursuant to subsection 1. Boards of visitors for women's services shall ensure that the incarceration of and services provided to female clients are designed to meet their gender identity needs and reflect best practices established for such incarceration and services. Boards of visitors for women's services are otherwise subject to the same requirements and responsibilities under this section as a board of visitors appointed pursuant to subsection 1, except that, in addition to the member described in subsection 1, paragraph D, a board of visitors for women's services must include one member who was formerly incarcerated in the custody of the department and who has prior child welfare experience with the Department of Health and Human Services, Office of Child and Family Services, one member who represents a health care provider that provides sexual and reproductive health care and education, one member who is a health care practitioner who provides sexual and reproductive health care and education to women and one member who has an understanding of or experience with domestic violence.

[PL 2021, c. 620, §5 (NEW).]

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

A. Each board of visitors shall inspect the correctional facility to which it is assigned. Each board of visitors must be provided open access to all physical areas of the correctional facility, including access to areas housing clients. Each board of visitors must be provided the opportunity to speak to clients and to staff. Members of the board shall comply with all departmental policies and procedures and facility security practices regarding access to the correctional facility, shall adhere to all federal and state law regarding confidentiality and shall refer concerns or complaints regarding specific individuals to the chief administrative officer or advocate. [PL 2005, c. 683, Pt. B, §26 (NEW).]

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. 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. [PL 2023, c. 383, §3 (AMD).]

C. 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. [PL 2005, c. 683, Pt. B, §26 (NEW).]

D. 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 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, 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. [PL 2023, c. 383, §4 (AMD).]

E. Each board of visitors shall share copies of that board's annual report with the other boards. [PL 2005, c. 683, Pt. B, §26 (NEW).]

[PL 2023, c. 383, §§3, 4 (AMD).]

3. Visit to correctional facilities and communications with clients and staff. A member of a board of visitors may visit the correctional facility to which that board is assigned and may speak with clients and with staff. The member shall comply with all departmental policies and procedures and facility security practices regarding access to the correctional facility, shall adhere to all federal and state law regarding confidentiality and shall refer concerns or complaints regarding specific individuals to the chief administrative officer or advocate.
[PL 2005, c. 683, Pt. B, §26 (NEW).]

4. Volunteer activities. Volunteer activities of a member of a board of visitors may be proscribed by departmental policies regarding volunteer activities generally.
[PL 2005, c. 683, Pt. B, §26 (NEW).]

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; [PL 2023, c. 383, §5 (NEW).]

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; [PL 2023, c. 383, §5 (NEW).]

C. A list and explanation of available community resources; [PL 2023, c. 383, §5 (NEW).]

D. The legal requirements of this section; and [PL 2023, c. 383, §5 (NEW).]

E. Training on any other subject as determined by the commissioner or chair of the board of visitors. [PL 2023, c. 383, §5 (NEW).]

[PL 2023, c. 383, §5 (NEW).]

SECTION HISTORY

PL 2005, c. 683, §B26 (NEW). PL 2021, c. 620, §5 (AMD). PL 2023, c. 383, §§2-5 (AMD). PL 2025, c. 765, §1 (AMD).

§3001-B. Legislator access to correctional facilities and detention facilities

A Legislator may access correctional facilities and detention facilities in accordance with rules adopted by the commissioner. In accordance with section 1402, subsection 3, the commissioner shall adopt rules governing a Legislator's access to correctional facilities and detention facilities. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [RR 2025, c. 2, Pt. A, §149 (COR).]

SECTION HISTORY

PL 2025, c. 765, §2 (NEW). PL 2025, c. 765, §3 (AFF). RR 2025, c. 2, Pt. A, §149 (COR).

§3002. Boards of visitors

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§13,59 (AMD). PL 1983, c. 812, §258 (AMD). PL 1989, c. 503, §B159 (AMD). PL 2005, c. 216, §1 (RPR). PL 2005, c. 488, §10 (AMD). PL 2005, c. 683, §B27 (RP).

§3002-A. Policy review council

(REPEALED)

SECTION HISTORY

PL 1997, c. 752, §34 (NEW). PL 1999, c. 770, §§3-5 (AMD). PL 2011, c. 344, §32 (RP).

§3002-B. Prison Industries Advisory Council

(REPEALED)

SECTION HISTORY

PL 2007, c. 503, §2 (NEW). PL 2021, c. 36, §21 (RP).

§3003. Confidentiality of information

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§14,59 (AMD). PL 1985, c. 59 (AMD). PL 1985, c. 266, §2 (AMD). PL 1985, c. 737, §A90 (AMD). PL 1987, c. 633, §§2,3 (AMD). PL 1987, c. 714, §10 (AMD). PL 1991, c. 314, §27 (AMD). PL 1993, c. 13, §§1,2 (AMD). PL 1993, c. 354, §14 (AMD). PL 1995, c. 368, §§R8-10 (AMD). PL 1995, c. 418, §A39 (AMD). PL 1997, c. 278, §§3-5 (AMD). PL 1997, c. 464, §§9,10 (AMD). PL 1997, c. 714, §§2,3 (AMD). PL 1999, c. 583, §6 (AMD). PL 2001, c. 208, §1 (AMD). PL 2001, c. 386, §12 (AMD). PL 2001, c. 452, §15 (AMD). PL 2003, c. 205, §11 (RP).

§3004. Legal actions

1. Contract actions. Actions founded on any contract made with the Chief Procurement Officer, or with any official of the department under the authority granted by the Chief Procurement Officer, on behalf of a correctional or detention facility may be brought by the official making the contract or the official's successor in office.
[PL 2023, c. 516, Pt. B, §46 (AMD).]

2. Actions for injuries to property. Actions for injuries to the real or personal property of the State, used by any correctional or detention facility and under the management of an officer of the facility, may be prosecuted in the name of the officer or the officer's successor in office.
[PL 1991, c. 314, §28 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §28 (AMD). PL 2023, c. 516, Pt. B, §46 (AMD).

§3005. Emergencies

When emergency situations are certified by the chief administrative officer to exist at a correctional or detention facility, the commissioner may, with the approval of the Governor, assign personnel as may be necessary from another facility or division of the department to assist in controlling the emergency situation. [PL 1991, c. 314, §29 (AMD).]

1. Temporary assignment. The assignment of personnel shall be only for the period during which the emergency exists.
[PL 1983, c. 459, §6 (NEW).]

2. Compensation. Any personnel transferred are entitled to receive compensation as required by the Civil Service Law, rules and contract terms.
[PL 1985, c. 785, Pt. B, §152 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 785, §B152 (AMD). PL 1991, c. 314, §29 (AMD).

§3006. Improper conduct of correctional facility officers

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§15,59 (RP).

§3007. Posting of political material

The chief administrative officer of each correctional or detention facility shall provide in at least one accessible area in each facility an appropriate space for the posting of written political material sent for that purpose to the chief administrative officer by candidates for state office or federal office in this State. [PL 1991, c. 314, §30 (AMD).]

1. One item limit. No more than one item of written political material may be posted in one place on behalf of any one candidate.
[PL 1983, c. 459, §6 (NEW).]

2. Removal. Written political material shall be removed after the elections for which it is intended for use.
[PL 1983, c. 459, §6 (NEW).]

3. Voting place. If there is a voting place within the facility, the posting place may not be located within 250 feet of the entrance to the voting place.
[PL 1983, c. 459, §6 (NEW).]

4. Violation. The posting of written political material under this section is not a violation of Title 21-A, section 32 or Title 21-A, section 674, subsection 1, paragraph C.
[PL 1993, c. 473, §43 (AMD); PL 1993, c. 473, §46 (AFF).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 161, §15 (AMD). PL 1991, c. 314, §30 (AMD). PL 1993, c. 473, §43 (AMD). PL 1993, c. 473, §46 (AFF).

§3008. Reallocation of correctional facility appropriations

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1999, c. 583, §7 (RP).

§3009. Public ways and parking areas

1. Rules. The chief administrative officers of correctional or detention facilities may adopt and enforce rules, subject to the approval of the commissioner, governing the use of public ways and parking areas maintained by the State at the facilities.

A. The rules must be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. [PL 1991, c. 314, §31 (AMD).]

B. The Secretary of State shall forward a copy of the rules, attested under the Great Seal of the State of Maine, to the District Court in the area of jurisdiction. [PL 1983, c. 459, §6 (NEW).]
[PL 1991, c. 314, §31 (AMD).]

2. Special police officers. The chief administrative officers of correctional or detention facilities may appoint and employ, subject to the Civil Service Law, special police officers for the purpose of enforcing rules promulgated under subsection 1.

A. The special police officers shall:

(1) Patrol all the public ways and parking areas subject to this section;

(2) Enforce rules promulgated under this section; and

(3) Arrest and prosecute violators of the rules. [PL 1983, c. 459, §6 (NEW).]

B. The State Police, sheriffs, deputy sheriffs, police officers and constables who have jurisdiction over the areas in which the correctional or detention facilities are located shall, insofar as possible, cooperate with the special police officers in the enforcement of the rules promulgated under subsection 1. [PL 1991, c. 314, §32 (AMD).]

[PL 1991, c. 314, §32 (AMD).]

3. Court procedure. The District Court, in the areas in which the facilities are located, has jurisdiction in all proceedings brought under this section.

A. The District Court shall take judicial notice of all rules promulgated under subsection 1. [PL 1983, c. 459, §6 (NEW).]

B. In any prosecution for a violation of the rules, the complaint may allege the offense as in prosecutions under a general statute and need not recite the rule. [PL 1983, c. 459, §6 (NEW).]

[PL 1991, c. 314, §33 (AMD).]

4. Prohibited acts; fines. Prohibited acts and fines under this section are governed as follows.

A. A person is guilty of a public ways or parking violation if he violates any rule promulgated pursuant to this section. [PL 1983, c. 459, §6 (NEW).]

B. Upon conviction of a public ways or parking violation, a person shall pay a fine as follows:

(1) For the first offense in any calendar year, a fine of $1;

(2) For the 2nd offense in any calendar year, a fine of $2; and

(3) For each offense in excess of 2 in any calendar year, a fine of $5. [PL 1983, c. 459, §6 (NEW).]

C. Notwithstanding any other law, the fines and costs of court paid under this section shall inure to the municipality in which the proceedings take place. [PL 1983, c. 459, §6 (NEW).]

D. Offenses not covered by the rules promulgated under subsection 1 shall be dealt with as otherwise provided by law. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 785, §B153 (AMD). PL 1991, c. 314, §§31-33 (AMD).

§3010. Limit on prison population in Knox County

(REPEALED)

SECTION HISTORY

PL 1989, c. 925, §18 (NEW). PL 1997, c. 28, §1 (RP).

§3011. Investigative officers and other law enforcement officers

1. Exercise of law enforcement powers. Investigative officers and other employees of the department who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers may exercise the powers of other law enforcement officers with respect to crimes or juvenile crimes relating to the security or orderly management of a facility and engage in any other activity that is related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act or the administration of juvenile justice, if authorized to exercise these powers by the commissioner. These employees may issue administrative subpoenas, if authorized to exercise these powers by the commissioner and by the Attorney General or the Attorney General's designee. These powers are in

addition to any powers the employees may otherwise have as employees of the department. Internal investigations of employees of the department must be conducted pursuant to any applicable collective bargaining agreement.
[PL 2021, c. 365, §36 (AMD); PL 2021, c. 365, §37 (AFF).]

2. Working agreement. The commissioner shall negotiate a working agreement with the Department of the Attorney General concerning procedures and respective responsibilities for the exercise of law enforcement powers by investigative officers and other employees pursuant to subsection 1.
[PL 2013, c. 80, §6 (AMD).]

SECTION HISTORY

PL 1997, c. 102, §2 (NEW). PL 2007, c. 102, §8 (AMD). PL 2009, c. 142, §16 (AMD). PL 2013, c. 80, §6 (AMD). PL 2015, c. 470, §19 (AMD). PL 2021, c. 365, §36 (AMD). PL 2021, c. 365, §37 (AFF).

§3012. Food and food supplies

1. Operation of commissary. Notwithstanding Title 5, section 8-C, the chief administrative officer of a correctional facility or detention facility may, subject to the approval of the commissioner, permit the operation of a commissary for the sale of food and food supplies to persons residing in the facility and to facility employees.
[PL 2005, c. 488, §11 (NEW).]

2. Provision of meals to employees. Notwithstanding Title 5, section 8-C, the chief administrative officer of a correctional facility or detention facility may, subject to the approval of the commissioner, purchase meals for or otherwise provide meals without charge to any facility employee who eats such meals within the scope of employment and in so doing serves a function of employment.
[PL 2005, c. 488, §11 (NEW).]

SECTION HISTORY

PL 2005, c. 488, §11 (NEW).

§3013. Special response teams

The commissioner may establish ongoing special response teams consisting of personnel from more than one facility or division of the department to assist, as determined by the commissioner, in responding to special situations anywhere in the department. [PL 2009, c. 498, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 498, §1 (NEW).

§3014. Input into health care services

1. Input from clients. The chief administrative officer of each correctional facility housing adult clients shall seek input from the clients of that facility on at least a quarterly basis relating to the adequacy of the medical and mental health services being provided and suggestions for the development, expansion and improvement of those services.
[PL 2021, c. 359, §1 (NEW).]

2. Diversity of clients providing input. The chief administrative officer of each correctional facility shall solicit input pursuant to subsection 1 from adult clients who are representative of the diversity of adult clients housed by the facility, including diversity with respect to race, ethnicity, age and gender, as well as security classification level.
[PL 2021, c. 359, §1 (NEW).]

3. Documentation of input. The chief administrative officer of each correctional facility shall document input under this section from the facility's clients in the facility's yearly reports.
[PL 2021, c. 359, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 359, §1 (NEW).

§3015. Telephone services in Department of Corrections facilities

Beginning October 1, 2022, the department and a service provider that contracts with the department to provide telephone services for residents of a department facility shall provide telephone services in accordance with this section. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department facility" means a detention facility or correctional facility. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

B. "Resident" means a person who resides in a department facility. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

C. "Service provider" means an entity that provides telephone services by contract with the department through which a resident initiates outgoing telephone calls from a department facility. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]
[PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

2. Resident right to make telephone calls. The department shall provide a resident with a reasonable opportunity to make interstate and intrastate telephone calls in accordance with departmental policies and institutional procedures and in accordance with the following.

A. The department shall provide a resident with a reasonable opportunity to make telephone calls to relatives and friends, except that the department may restrict or prohibit telephone calls when the restriction or prohibition is necessary for the security of the department facility. The department shall provide to a resident who has less than $10 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls per week under this paragraph. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

B. The department shall provide a resident with a reasonable opportunity to make telephone calls protected by the attorney-client privilege. The department shall provide to a resident who has less than $10 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls per week under this paragraph. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

The chief administrative officer of each department facility shall draft, publish and implement guidelines governing resident access to free telephone calls as required by paragraphs A and B in that facility.
[PL 2023, c. 217, §1 (AMD).]

3. Requirements for service providers. A service provider that enters into or renews a contract on or after October 1, 2022 with the department to provide outgoing interstate and intrastate telephone services is subject to the following requirements.

A. The rates and charges that the service provider may charge for interstate and intrastate telephone calls made by residents may not exceed the rates for interstate telephone calls adopted by the Federal Communications Commission in effect on the date of the contract. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

B. A service provider may not charge a fee to a resident, the department facility or the department for providing the free outgoing telephone calls required pursuant to subsection 2, paragraphs A and B. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

C. A service provider may not charge a connection fee to a resident to initiate an outgoing telephone call. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

D. A service provider shall permit the receiving party of a telephone call to terminate the telephone call prior to connection without the resident or receiving party incurring a charge. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

E. A service provider may not block a collect telephone call to a receiving party because the service provider lacks a prior billing relationship with the receiving party's telephone service provider unless the service provider offers debit, prepaid or prepaid collect calling options. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

F. A service provider, prior to connecting a telephone call, shall identify itself to the receiving party and disclose to the receiving party how to obtain rate quotations. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

[PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

SECTION HISTORY

PL 2021, c. 615, Pt. A, §1 (NEW). PL 2021, c. 615, Pt. A, §2 (AFF). PL 2023, c. 217, §1 (AMD).

ARTICLE 2

COMMITTED OFFENDERS GENERALLY

§3031. Rights

Any person residing in a correctional or detention facility has a right to: [PL 1991, c. 314, §34 (AMD).]

1. Food. Nutritious food in adequate quantities;
[PL 1983, c. 459, §6 (NEW).]

2. Medical care. Adequate professional medical care and adequate professional mental health care, which do not include medical treatment or mental health treatment requested by the client that the facility's treating physician or treating psychiatrist or psychologist determines unnecessary. The commissioner may establish medical and dental fees not to exceed $5 for the medical and dental services that are provided pursuant to this subsection and a fee not to exceed $5 for prescriptions, medication or prosthetic devices. Except as provided in paragraph A, every client may be charged a medical or dental services fee for each medical or dental visit, prescription, medication or prosthetic device. The facility shall collect the fee. All money received by the department under this subsection is retained by the facility to offset the cost of medical and dental services, prescriptions, medication and prosthetic devices.

A. A client is exempt from payment of medical and dental services fees and fees for prescriptions, medication or prosthetic devices when the client:

(1) Receives treatment initiated by facility staff;

(2) Is a juvenile;

(3) Is pregnant;

(4) Is a person with a serious mental illness or developmental disability. For the purposes of this paragraph, "a person with a serious mental illness or developmental disability" means a client who, as a result of a mental disorder or developmental disability, exhibits emotional or behavioral functioning that is so impaired as to interfere substantially with the client's capacity to remain in the general prison population without supportive treatment or services of a long-term or indefinite duration, as determined by the facility's psychiatrist or psychologist. The exemption under this paragraph applies only to supportive treatment or services being provided to improve the client's emotional or behavioral functioning;

(5) Is an inpatient at a state-funded mental health facility or is a resident at a state-funded facility for individuals with adult developmental disabilities;

(6) Is undergoing follow-up treatment;

(7) Receives emergency treatment as determined by the facility's medical or dental staff; or

(8) Has less than $15 in the client's facility account and did not receive additional money from any source for 6 months following the medical or dental service or provision of the prescription, medication or prosthetic device. [PL 2015, c. 291, §5 (AMD).]

A-1. A client who is indigent is exempt from fees charged for requesting or obtaining records of medical, dental or mental health care provided to the client pursuant to this subsection. [PL 2021, c. 359, §2 (NEW).]

B. Notwithstanding paragraphs A and A-1, the State may bring a civil action in a court of competent jurisdiction to recover the cost of medical, dental, psychiatric or psychological expenses incurred by the State on behalf of a client incarcerated in a facility. The following assets are not subject to judgment under this paragraph:

(1) Joint ownership, if any, that the client may have in real property;

(2) Joint ownership, if any, that the client may have in any assets, earnings or other sources of income; and

(3) The income, assets, earnings or other property, both real and personal, owned by the client's spouse or family; [PL 2021, c. 359, §3 (AMD).]

C. [PL 1995, c. 201, §2 (RP).]
[PL 2021, c. 359, §§2, 3 (AMD).]

3. Living conditions. An acceptable level of sanitation, ventilation and light;
[PL 1983, c. 459, §6 (NEW).]

4. Sleeping space. A reasonable amount of space per person in any sleeping area;
[PL 1983, c. 459, §6 (NEW).]

5. Exercise and recreation. A reasonable opportunity for physical exercise;
[PL 1989, c. 127, §5 (AMD).]

6. Protection from abuse. Protection against any physical or psychological abuse;
[PL 1983, c. 459, §6 (NEW).]

7. Area for personal effects. A reasonably secure area for the maintenance of permitted personal effects;
[PL 2019, c. 139, §2 (AMD).]

8. Visitation. A reasonable opportunity to visit with relatives and friends, in accordance with departmental policies and institutional procedures, except that the department may restrict or prohibit visits when the restriction or prohibition is necessary for the security of the institution. Departmental policies and institutional procedures must provide to a person in a correctional facility or detention

facility opportunities and conditions for visits with the child of the person that provide time together in settings that allow for as positive a parent-child interaction as practicably can be achieved while protecting the emotional and physical well-being of the child, as long as such visits are not prohibited by court order, prohibited by a department policy due to the child's being a victim of the person, contrary to the wishes of the child's other parent or guardian or inconsistent with the security of the institution;
[PL 2021, c. 620, §6 (AMD).]

9. Menstrual products. Comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to a person who menstruates who resides in a correctional or detention facility; and
[PL 2021, c. 263, §4 (AMD).]

10. Gender affirmation. Have the person's consistently held gender identity respected and acknowledged, irrespective of anatomy or physique. Housing placements and search practices must be consistent with the person's consistently held gender identity except when such placement or search would present significant management or security problems to the correctional or detention facility or threaten the health and safety of the person. A person must have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the person's consistently held gender identity. Correctional or detention facility staff shall address a person in a manner that is consistent with the person's consistently held gender identity.
[PL 2021, c. 263, §5 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§16,59 (AMD). PL 1985, c. 752, §3 (AMD). PL 1987, c. 276 (AMD). PL 1989, c. 127, §5 (AMD). PL 1991, c. 314, §§34,35 (AMD). PL 1995, c. 201, §2 (AMD). PL 1995, c. 462, §D6 (AMD). PL 1999, c. 583, §8 (AMD). PL 2001, c. 458, §4 (AMD). PL 2011, c. 542, Pt. A, §59 (AMD). PL 2015, c. 291, §5 (AMD). PL 2019, c. 139, §§2, 3 (AMD). PL 2021, c. 263, §§3-5 (AMD). PL 2021, c. 359, §§2, 3 (AMD). PL 2021, c. 620, §6 (AMD).

§3031-A. Transportation outside the State for medical care

1. Transportation. A person residing in a correctional or detention facility may be transported by the department for medical care outside the State if the facility's treating physician determines the care is necessary and unavailable within the State.
[PL 2001, c. 386, §13 (NEW).]

2. Costs. The person, if able, shall pay the cost of transportation and the per diem compensation of the accompanying officers.
[PL 2001, c. 386, §13 (NEW).]

SECTION HISTORY

PL 2001, c. 386, §13 (NEW).

§3031-B. Limitation on reimbursement rate to medical service providers for services outside department facility

Effective July 1, 2004, the department or its contracted medical provider may pay to a provider of a medical service for a person residing in a correctional or detention facility an amount no greater than the reimbursement rate applicable to that provider and that service as established by rule of the Department of Human Services for the MaineCare program under Title 22. This limitation applies to all medical care services, goods, prescription drugs and medications provided to a person outside the facility. [PL 2003, c. 513, Pt. E, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 513, §E1 (NEW).

§3032. Disciplinary action

The commissioner shall adopt rules describing disciplinary offenses and punishments in facilities under the general administrative supervision of the department and establishing a fair and orderly procedure for processing disciplinary complaints. The rules must conform to the following requirements. [PL 1991, c. 314, §36 (AMD).]

1. Fairness and equity. The rules shall ensure the maintenance of a high standard of fairness and equity.
[PL 1983, c. 459, §6 (NEW).]

2. Corporal punishment. Corporal punishment may not be imposed.
[PL 1983, c. 459, §6 (NEW).]

3. Segregation. The imposition of segregation at all correctional facilities, except juvenile correctional facilities, is subject to the following conditions.

A. All punishments involving segregation shall be first approved by the chief administrative officer of the correctional facility. [PL 1983, c. 459, §6 (NEW).]

B. The prisoner shall be provided with a sufficient quantity of wholesome and nutritious food. [PL 1983, c. 459, §6 (NEW).]

C. Adequate sanitary and other conditions required for the health of the prisoner shall be maintained. [PL 1983, c. 459, §6 (NEW).]

D. When segregation exceeds 24 hours, the chief administrative officer of the correctional facility shall cause the facility's physician or a member of the facility's medical staff to visit the person immediately and, at least once in each succeeding 24-hour period of confinement, to examine the person's state of health. When no physician or medical staff member is available within the facility to visit as required by this paragraph, a staff person who has received in-service training appropriate for the duties required by this section from a licensed health professional shall visit in lieu of the visit by the physician or medical staff member the person in confinement. The staff person making the visit shall immediately contact the physician or medical staff member on call if there is reasonable cause to believe the action is necessary.

(1) The chief administrative officer shall give full consideration to recommendations of the physician or medical staff member as to the person's dietary needs and the conditions of the person's confinement required to maintain that person's health.

(2) If the recommendations of the physician or medical staff member regarding a person's dietary or other health needs while in segregation are not carried out, the chief administrative officer shall immediately convey the reasons and circumstances for this decision to the commissioner for review and final disposition. [PL 1989, c. 127, §6 (AMD).]

E. If a person is held in segregation or solitary confinement for more than 5 days, the chief administrative officer shall send a report of the confinement to the commissioner, giving the reasons for the confinement. [PL 1983, c. 459, §6 (NEW).]
[PL 1999, c. 583, §9 (AMD).]

4. Withdrawal of deductions. All punishments involving deductions subject to being withdrawn must be first approved by the chief administrative officer.
[PL 2019, c. 113, Pt. C, §87 (AMD).]

5. Specific facilities. Punishment at specific correctional facilities is governed as follows.

A. Punishment at all correctional facilities, except juvenile correctional facilities, may consist of warnings, loss of privileges, restitution, monetary sanctions, labor at any lawful work, confinement to a cell, segregation or a combination of these. [PL 2005, c. 329, §7 (AMD).]

B. Punishment at juvenile correctional facilities and any detention facility may consist of warnings, restitution, labor at any lawful work and loss of privileges. [PL 1999, c. 583, §11 (AMD).]

[PL 2005, c. 329, §7 (AMD).]

5-A. Restitution. The imposition of restitution at all facilities is subject to the following conditions.

A. Restitution may be imposed for the purpose of replacing or repairing property destroyed or damaged by the prisoner or juvenile while the prisoner or juvenile is at the institution. When restitution is imposed at a facility, a prisoner or a juvenile who is subject to that restitution and who receives money from any source shall pay 25% of that money to the facility where the destruction or damage occurred. The facility shall collect that money and apply it to defray the cost of replacement or repair of the items destroyed or damaged. Money received by the prisoner or juvenile and directly deposited into a telephone call account established by the department for the sole purpose of paying for use of the department's client telephone system is not subject to this paragraph, except that 25% of any money received by the prisoner or juvenile and transferred from the telephone call account to the department's general client account at the time of the prisoner's or juvenile's discharge or transfer to supervised community confinement or community reintegration status must be collected and disbursed as provided in this paragraph. Money received by the prisoner or juvenile as a credit improvement loan in accordance with section 3039, subsection 6 is not subject to this paragraph. [PL 2025, c. 6, §2 (AMD).]

A-1. Restitution may be imposed for the purpose of paying the cost of medical care incurred as a result of the conduct of a prisoner or juvenile while the prisoner or juvenile is at the institution. When restitution is imposed at a facility, a prisoner or a juvenile who is subject to that restitution and who receives money from any source shall pay 25% of that money to the facility where the medical care was provided. The facility shall collect that money and apply it to defray the cost of medical care. Money received by the prisoner or juvenile and directly deposited into a telephone call account established by the department for the sole purpose of paying for use of the department's client telephone system is not subject to this paragraph, except that 25% of any money received by the prisoner or juvenile and transferred from the telephone call account to the department's general client account at the time of the prisoner's or juvenile's discharge or transfer to supervised community confinement or community reintegration status must be collected and disbursed as provided in this paragraph. Money received by the prisoner or juvenile as a credit improvement loan in accordance with section 3039, subsection 6 is not subject to this paragraph. [PL 2025, c. 6, §3 (AMD).]

B. A prisoner or juvenile who is transferred to another facility remains liable for any restitution authorized under this chapter. The facility receiving the prisoner or juvenile shall collect the restitution and transfer it to the facility where the damage occurred or where the medical care was provided. [PL 1995, c. 197, §2 (AMD).]

B-1. A prisoner or juvenile who is discharged from the facility remains liable for any restitution authorized under this chapter. If the prisoner or juvenile is returned to the custody of the department, any facility in which the prisoner or juvenile resides shall collect the restitution and ensure that it is used to defray the costs as set out in this chapter. [PL 2003, c. 706, Pt. A, §9 (NEW).]

C. Restitution is not authorized if its imposition would create an excessive financial hardship, as determined by the department, on the dependents of the prisoner. Any payments made for the support of the dependents that are required by the Department of Health and Human Services may not be used for restitution payments. [PL 1995, c. 197, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

[PL 2025, c. 6, §§2, 3 (AMD).]

5-B. Monetary sanctions. The imposition of monetary sanctions at adult correctional facilities is subject to the following conditions.

A. When a monetary sanction is imposed at a facility, a prisoner who is subject to that monetary sanction and who receives money from any source shall pay 25% of that money to the facility where the monetary sanction was imposed. The facility shall collect that money and apply it to defray the cost of holding disciplinary hearings. Money received by the prisoner and directly deposited into a telephone call account established by the department for the sole purpose of paying for use of the department's client telephone system is not subject to this paragraph, except that 25% of any money received by the prisoner and transferred from the telephone call account to the department's general client account at the time of the prisoner's discharge or transfer to supervised community confinement must be collected and disbursed as provided in this paragraph. Money received by the prisoner as a credit improvement loan in accordance with section 3039, subsection 6 is not subject to this paragraph. [PL 2025, c. 6, §4 (AMD).]

B. A prisoner who is transferred to another facility remains liable for any monetary sanction authorized under this chapter. The facility receiving the prisoner shall collect the monetary sanction and transfer it to the facility where the monetary sanction was imposed. [PL 2005, c. 329, §8 (NEW).]

C. A prisoner who is discharged from a facility remains liable for any monetary sanction authorized under this chapter. If the prisoner is returned to the custody of the department, any facility in which the prisoner resides shall collect the monetary sanction and ensure that it is used to defray costs as set out in this chapter. [PL 2005, c. 329, §8 (NEW).]

D. A monetary sanction is not authorized if its imposition would create an excessive financial hardship, as determined by the department, on the dependents of the prisoner. Any payments made for the support of the dependents that are required by the Department of Health and Human Services may not be used for monetary sanction payments. [PL 2005, c. 329, §8 (NEW).]

[PL 2025, c. 6, §4 (AMD).]

6. Impartial hearing. If the punishment may affect the term of commitment, sentence or parole eligibility or may involve restitution, monetary sanctions, labor at any lawful work or segregation, the chief administrative officer of the facility shall, before imposing punishment, provide an impartial hearing at which the client has the following rights.

A. The client is entitled to be informed in writing of the specific nature of the alleged misconduct. [PL 1991, c. 314, §39 (AMD).]

B. The client is entitled to the right to be present at the hearing, except that the client may be prevented from attending or be removed if the client's behavior indicates that the client is in danger of self-injury or a danger to other persons or property. [PL 1991, c. 314, §39 (AMD).]

C. The client is entitled to present evidence on the client's behalf. [PL 1991, c. 314, §39 (AMD).]

D. The client is entitled to call one or more witnesses, which right may not be unreasonably withheld or restricted. [PL 1991, c. 314, §39 (AMD).]

E. The client is entitled to question any witness who testifies at the hearing, which right may not be unreasonably withheld or restricted. [PL 1991, c. 314, §39 (AMD).]

F. The client is entitled to be represented by counsel substitute as prescribed in the rules. [PL 1991, c. 314, §39 (AMD).]

G. A record must be maintained of all disciplinary complaints, hearings, proceedings and dispositions. [PL 1991, c. 314, §39 (AMD).]

H. The client is entitled to appeal the final disposition, before imposition of punishment, to the chief administrative officer of the facility. [PL 1991, c. 314, §39 (AMD).]

I. If, at any stage of the proceedings, the client is cleared of the charges in a complaint, or the complaint is withdrawn, all documentation relating to the complaint must be expunged. [PL 1991, c. 314, §39 (AMD).]

[PL 2005, c. 329, §9 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§17,59 (AMD). PL 1985, c. 352, §§3-5 (AMD). PL 1987, c. 299 (AMD). PL 1989, c. 127, §6 (AMD). PL 1991, c. 314, §§36-39 (AMD). PL 1995, c. 197, §2 (AMD). PL 1997, c. 464, §11 (AMD). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 583, §§9-11 (AMD). PL 2003, c. 689, §B6 (REV). PL 2003, c. 706, §A9 (AMD). PL 2005, c. 329, §§7-9 (AMD). PL 2005, c. 506, §§4-6 (AMD). PL 2019, c. 113, Pt. C, §87 (AMD). PL 2025, c. 6, §§2-4 (AMD).

§3033. Work assignments

1. Public works. The commissioner may authorize the employment of able-bodied prisoners in the construction and improvement of highways or other public works within the State under such arrangements as may be made with the Department of Transportation or with another department or commission of the State, county or municipality in charge of these public works, and the commissioner may prescribe whatever rules and conditions the commissioner considers expedient to ensure the proper care and treatment of the prisoners while so employed and to ensure their safekeeping and return.

[PL 1989, c. 127, §7 (AMD).]

2. Fire or disaster. The commissioner may authorize the training and use of able-bodied prisoners by the Bureau of Forestry or the Maine Emergency Management Agency, to fight fires or provide assistance during or after a civil disaster.

[PL 1989, c. 127, §8 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

3. Charitable property improvement. The commissioner may authorize the use of able-bodied prisoners to provide assistance in the improvement of property owned by charitable, nonprofit organizations.

A. The commissioner shall promulgate such rules as he deems proper to ensure the care and treatment of the prisoners and the safe working conditions of prisoners and departmental employees. [PL 1983, c. 581, §§ 18, 59 (NEW).]

B. The commissioner may request that charitable, nonprofit organizations pay for the transportation of the prisoners and pay the per diem compensation of guards, correctional officers or instructors who must accompany the prisoners or oversee the work to be performed. [PL 1983, c. 581, §§ 18, 59 (NEW).]

[PL 1983, c. 581, §§ 18, 59 (RPR).]

4. Prohibited act. A person is guilty of escape under Title 17-A, section 755, if that person is a prisoner and escapes from any assignments described in this section or from any other assignment beyond the walls or other security restraints surrounding a correctional facility or otherwise off the grounds of an assigned location.

[PL 1989, c. 127, §9 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§18, 59 (AMD). PL 1987, c. 370, §7 (AMD). PL 1989, c. 127, §§7-9 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§3034. Prisoner labor

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§19,59 (RP).

§3035. Rehabilitative programs

The commissioner may adopt, implement and establish rules for rehabilitative programs, including, but not limited to, work release, education release, remote work, furlough, public service release and programs resulting in the payment of restitution, as described by Title 17-A, section 2016, for residents of the facilities under the commissioner's control. [PL 2025, c. 234, §1 (AMD).]

1. Work release, education release, remote work and public service release. The chief administrative officer may permit any resident under sentence to the department and any juvenile client residing at a facility under the commissioner's control considered to be worthy of trust to participate in activities outside the facility, including, but not limited to, work release, education release and public service release, or remote work activities within the facility under the following conditions.

A. Activities may include training and employment. [PL 1983, c. 459, §6 (NEW).]

B. Activities are subject to rules adopted by the commissioner. [PL 2025, c. 234, §2 (AMD).]

C. Activities must, in the judgment of the chief administrative officer, contribute to the reformation of the resident and assist in preparing the resident for eventual release. [PL 2025, c. 234, §2 (AMD).]

D. Transportation to sites in the community must be approved by the chief administrative officer.

(1) Residents participating in the work release program may be assessed an equitable share of the cost of the transportation, not to exceed 10% of a resident's work release earnings.

(2) Funds received from residents for work release transportation must be placed in the General Fund. [PL 2025, c. 234, §2 (AMD).]

E. Every resident participating in the work release program or in remote work activities is liable for the cost of room and board in the facility.

(1) The reasonable cost of room and board for a resident in a facility is fixed by the commissioner. In fixing the reasonable cost of the room and board to be paid, the commissioner shall take into consideration other state laws or judicial determinations that affect the resident's income. The cost of room and board may not exceed 10% of the resident's work release or remote work earnings.

(2) Funds received from residents for the room and board must be placed in the General Fund. [PL 2025, c. 234, §2 (AMD).]

[PL 2025, c. 234, §2 (AMD).]

2. Furlough. Subject to subsection 5, the commissioner may grant to a client under sentence to the department and a juvenile client furlough from the facility in which the client is confined under the following conditions.

A. Furlough may only be granted subject to rules adopted by the commissioner. [PL 1983, c. 459, §6 (NEW).]

B. Furlough may be granted for not more than 10 days at one time for a visit to a dying relative, for attendance at the funeral of a relative, for the contacting of prospective employers or for any other reason consistent with the rehabilitation of a client. [PL 1991, c. 314, §40 (AMD).]

C. Furlough may be granted for the obtaining of medical services for a period longer than 10 days if medically required. [PL 1983, c. 459, §6 (NEW).]

[PL 1991, c. 314, §40 (AMD).]

3. Copy of rules. Copies of rules must be provided to clients as follows.

A. The chief administrative office of a facility adopting a rehabilitative program under this section shall provide to any client permitted outside a facility under this section a copy of the rules of the commissioner applicable to the program in which the client is permitted to participate or to the client's furlough. [PL 1991, c. 314, §40 (AMD).]

B. The client shall attest to the receipt of the copy of the rules. [PL 1991, c. 314, §40 (AMD).]
[PL 1991, c. 314, §40 (AMD).]

4. Prohibited acts. Prohibited acts under this section are governed as follows.

A. A person who is 17 years of age or older is guilty of interference with a rehabilitative program or furlough if the person willfully obstructs, intimidates or otherwise abets any client participating in a program, or on furlough, under this section, and thereby contributes or causes the client to violate the terms of the client's program participation or furlough, after having been warned by the chief administrative officer of the facility to end the relationship or association with the client. [PL 1991, c. 314, §40 (AMD).]

B. Interference with a rehabilitative program or furlough is a Class E crime, except that, notwithstanding Title 17-A, section 1604, subsection 1, paragraph E, the court may sentence a person to imprisonment for not more than 11 months. [PL 2019, c. 113, Pt. C, §89 (AMD).]
[PL 2019, c. 113, Pt. C, §89 (AMD).]

5. Time served before furlough. No furlough may be granted until the client has served 50% of the original sentence imposed, after consideration of any deductions that the client has received and retained under Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311. This section does not apply to furloughs granted under subsection 2, paragraph B or C.
[PL 2019, c. 113, Pt. C, §90 (AMD).]

6. Notification of law enforcement agencies. A prisoner may not participate in a furlough under subsection 2 unless, in advance of the chief administrative officer's consideration of the request for that furlough, the department notifies:

A. The district attorney for the district in which the prisoner will reside; [PL 1997, c. 714, §4 (NEW).]

B. The sheriff for the county in which the prisoner will reside; [PL 1997, c. 714, §4 (NEW).]

C. The chief of police of any municipality in which the prisoner will reside; [PL 1997, c. 714, §4 (NEW).]

D. The Department of Public Safety; and [PL 1997, c. 714, §4 (NEW).]

E. The district attorney for the district where the prisoner's underlying commitment to the department originated. [PL 1997, c. 714, §4 (NEW).]

If the department grants a prisoner furlough request, the department shall again notify those listed in paragraphs A to E.

A furlough may be granted in an emergency without any prior notification as long as notification is given as soon as practicable.
[PL 1997, c. 714, §4 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§20,59 (AMD). PL 1983, c. 734 (AMD). PL 1987, c. 729, §§1,2 (AMD). PL 1991, c. 314, §40 (AMD). PL 1997, c. 714, §4 (AMD). RR 2009, c. 2, §93 (COR). PL 2013, c. 80, §7 (AMD). PL 2019, c. 113, Pt. C, §§88-90 (AMD). PL 2025, c. 234, §§1, 2 (AMD).

§3035-A. Solid waste recycling program

(REPEALED)

SECTION HISTORY

PL 1989, c. 587, §1 (NEW). PL 1999, c. 583, §12 (RP).

§3036. Halfway house program

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §41 (AMD). PL 1995, c. 502, §F21 (AMD). PL 1999, c. 583, §13 (AMD). PL 2003, c. 205, §12 (RP).

§3036-A. Supervised community confinement program

1. Establishment. The commissioner shall adopt rules establishing and governing a supervised community confinement program for certain prisoners committed to the department. [PL 2021, c. 376, §1 (AMD).]

2. Participation and eligibility. The commissioner may transfer any prisoner committed to the department from a correctional facility to supervised community confinement subject to the following restrictions.

A. A transfer to supervised community confinement may be granted only subject to rules adopted by the commissioner. [PL 2021, c. 376, §2 (AMD).]

B. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 2/3 of the term of imprisonment imposed or, in the case of a split sentence, at least 2/3 of the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is more than 5 years. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 1/2 of the term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended portion after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is 5 years or less. [PL 2019, c. 113, Pt. C, §91 (AMD).]

C. Except as provided in paragraph C-1, a prisoner may not be transferred to supervised community confinement unless the prisoner has no more than 2 years remaining on the term of imprisonment or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311. [PL 2021, c. 376, §2 (AMD).]

C-1. If the commissioner determines that the average statewide probation case load is no more than 90 probationers to one probation officer, then a prisoner may be transferred to supervised community confinement if that prisoner has no more than 30 months remaining on the term of imprisonment or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311. [PL 2021, c. 376, §2 (AMD).]

D. A prisoner may not be transferred to supervised community confinement if the prisoner has a custody classification level higher than minimum. [PL 2021, c. 376, §2 (AMD).]

[PL 2021, c. 376, §2 (AMD).]

2-A. Criteria and process. The commissioner shall establish criteria and a process for determining whether a prisoner eligible for transfer to supervised community confinement as provided in subsection 2 is approved for transfer. The primary determining factor for approval must be the prisoner's likelihood of completion of supervised community confinement if transferred.

A. The criteria must be evidence-based and designed to evaluate the likelihood of a prisoner's completion of supervised community confinement if transferred. The criteria must be specific and include, but may not be limited to, fulfillment of expectations as to conduct, fulfillment of expectations as to work, education and rehabilitation programs assigned in the case plan, other rehabilitative efforts and accomplishments, arrangements for suitable housing in the community, taking into consideration the proximity of this housing to the victim, and the existence of support systems and resources in the community. [PL 2021, c. 376, §3 (NEW).]

B. The process must reflect best practices for evaluating the likelihood of a prisoner's completion of supervised community confinement if transferred and must provide guidance to department staff as to how to apply the established criteria when conducting the evaluation. The process must require, when information is obtained by the department from persons in the community for the purpose of determining whether to approve a prisoner for transfer to supervised community confinement, that those persons be informed of the prisoner's fulfillment of expectations as to conduct, fulfillment of expectations as to work, education and rehabilitation programs assigned in the case plan and other rehabilitative efforts and accomplishments. The process must include consideration of any information provided by the Office of Victim Services, as established in section 1214, and, if requested by the office, allow for an extension of time necessary for the office to make additional good faith efforts to contact any victims of the crimes for which the prisoner is incarcerated. The process must include an evaluation of whether the proposed supervised community confinement plan is responsive to reasonable safety concerns raised by persons in the community, including any victims of the crimes for which the prisoner is incarcerated. The process must also include the right of a prisoner who is eligible for transfer to supervised community confinement as provided in subsection 2 but who has not been approved for transfer to appeal that determination to the commissioner. [PL 2025, c. 360, §1 (AMD).]

[PL 2025, c. 360, §1 (AMD).]

2-B. Additional process for prisoners incarcerated for crime committed against family or household member or dating partner. In addition to the process required by subsection 2-A, in determining whether a prisoner incarcerated for a crime that was committed against a family or household member, as defined in Title 19-A, section 4102, subsection 6, or dating partner, as defined in Title 19-A, section 4102, subsection 4, is approved for transfer, the process under this subsection must provide for the following:

A. Review and consideration of the results of any validated, evidence-based domestic violence risk assessment, including one that has been completed by a law enforcement officer in accordance with Title 19-A, section 4114, subsection 6, paragraph E as part of the criminal case for which the prisoner is incarcerated; and [PL 2025, c. 360, §2 (NEW).]

B. Notification of the application for transfer to supervised community confinement to the district attorney of the county in which the conviction was entered as well as a local domestic violence resource center. [PL 2025, c. 360, §2 (NEW).]

[PL 2025, c. 360, §2 (NEW).]

3. Mandatory conditions for supervised community confinement. Prisoners transferred to supervised community confinement are subject to the following mandatory conditions.

A. The prisoner must be involved in a program of work or education that is approved by the commissioner together with any treatment program that the commissioner might require. The

commissioner may waive the requirement of involvement in a program of work or education for a prisoner who is involved in an approved full-time treatment program. [PL 2007, c. 536, §4 (AMD).]

B. The prisoner must live in a residence that is approved by the commissioner. [PL 1991, c. 845, §4 (NEW).]

C. The prisoner must be subject to a curfew set by the commissioner during which time the prisoner must be at the approved residence. [PL 1991, c. 845, §4 (NEW).]

D. The prisoner must be subject to travel or movement restrictions set by the commissioner limiting the prisoner's travel to times and places directly related to approved employment, education, treatment or such other specific purposes as are approved in advance by the commissioner. [PL 1991, c. 845, §4 (NEW).]

E. The prisoner must be subject to searches of the prisoner's person, residence, papers and effects without a warrant and without probable cause, for items prohibited by law or by the conditions of supervised community confinement or otherwise subject to seizure, upon the request of the commissioner. The commissioner may prohibit the prisoner from residing with anyone who does not consent to a search of the residence to the extent necessary to search the prisoner's person, residence, papers and effects. [PL 1991, c. 845, §4 (NEW).]

F. The prisoner may not possess or use illegal drugs or other illegal substances, may not possess or use alcohol and may not misuse any other legal substance. [PL 2017, c. 407, Pt. A, §154 (AMD).]

G. The prisoner must submit to urinalysis, breath testing or other chemical tests without probable cause at the request of the commissioner. [PL 1991, c. 845, §4 (NEW).]

H. The prisoner must notify any law enforcement officer, if stopped, of the prisoner's status as a prisoner on supervised community confinement and notify the commissioner within 8 hours of any such contact with any law enforcement officer. [PL 1991, c. 845, §4 (NEW).]

I. The prisoner may not violate state or federal criminal law. [PL 1991, c. 845, §4 (NEW).]

J. When required by the commissioner and to the extent that the commissioner determines that the prisoner has the financial resources, the prisoner must pay part or all of the costs of the prisoner's participation in the supervised community confinement program. [PL 1991, c. 845, §4 (NEW).]

K. When required by the commissioner and to the extent that the commissioner determines that the prisoner has the financial resources, the prisoner shall continue to pay any outstanding victim restitution at a level similar to what the prisoner would have had to pay if the prisoner had remained incarcerated at a department correctional facility. [PL 2025, c. 360, §3 (NEW).]

[PL 2025, c. 360, §3 (AMD).]

4. Additional conditions. In addition to the mandatory conditions, the conditions of supervised community confinement that may be imposed on a prisoner at any time include:

A. Any condition that may be imposed as a condition of probation pursuant to Title 17-A, section 1807; and [PL 2019, c. 113, Pt. C, §94 (AMD).]

B. Any condition that would be appropriate for the prisoner and the supervised community confinement program. The conditions imposed may be as stringent or restrictive as, but not more stringent or restrictive than, those that may be constitutionally imposed if the prisoner were actually housed at a maximum security institution. [PL 1991, c. 845, §4 (NEW).]

[PL 2019, c. 113, Pt. C, §94 (AMD).]

5. Copy of rules. Copies of rules must be provided to prisoners as follows.

A. The commissioner shall provide to any prisoner permitted to participate in the supervised community confinement program under this section a copy of the rules applicable to the program. [PL 1991, c. 845, §4 (NEW).]

B. The prisoner shall attest to the receipt of the copy of the rules. [PL 1991, c. 845, §4 (NEW).]
[PL 1991, c. 845, §4 (NEW).]

6. Prohibited acts. Prohibited acts under this section are governed as follows.

A. A person 18 years of age or older is guilty of interference with supervised community confinement if that person intentionally or knowingly obstructs, intimidates or otherwise abets any prisoner participating in the supervised community confinement program under this section and intentionally contributes or causes the prisoner to violate any term of supervised community confinement program participation, after having been warned by the commissioner to end the offending activity. [PL 1991, c. 845, §4 (NEW).]

B. Interference with supervised community confinement is a Class D crime. [PL 1991, c. 845, §4 (NEW).]
[PL 1991, c. 845, §4 (NEW).]

7. Investigation of compliance. The commissioner, at any time and in any manner the commissioner determines appropriate, may investigate compliance with the conditions imposed. The means of investigation may include, but are not limited to, the following:

A. Personal contact with the prisoner at the prisoner's residence, place of employment or any other place; [PL 1991, c. 845, §4 (NEW).]

B. Direct inquiry of the prisoner's employer, school or any other person or entity; [PL 1991, c. 845, §4 (NEW).]

C. Criminal, court and law enforcement agency investigations; and [PL 2021, c. 376, §4 (AMD).]

D. Credit and other financial inquiries. [PL 1991, c. 845, §4 (NEW).]
[PL 2021, c. 376, §4 (AMD).]

8. Funding. Funds generated pursuant to this section must be deposited into the Supervised Community Confinement Account established by the department, except that where authorized by the department, a person participating in the supervised community confinement program may be required to pay fees directly to a provider of electronic monitoring, drug testing or other services. Funds from this account, which may not lapse, must be used to pay for the costs of the supervised community confinement program.
[PL 1993, c. 503, §1 (AMD).]

9. Probation violation; revocation. If a prisoner on supervised community confinement violates a condition of supervised community confinement imposed on the prisoner and if the violation conduct is also a violation of a condition of probation imposed as part of the sentence the prisoner is serving while on supervised community confinement, a probation officer may file with any court a motion for revocation of probation and the court may revoke probation as specified in Title 17-A, section 1812.
[PL 2019, c. 113, Pt. C, §95 (AMD).]

10. Terminally ill or incapacitated prisoner. With the consent of the prisoner, the commissioner may transfer a prisoner committed to the department from a correctional facility to supervised community confinement without meeting the eligibility requirements of subsection 2, paragraphs B and C and without meeting the criteria or fulfilling the process provided for under subsections 2-A and 2-B if the department's director of medical care has determined that the prisoner has a terminal or severely incapacitating medical condition or has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition and that care outside a correctional facility is medically appropriate. Except as set out in this subsection, the prisoner must live in a hospital or other appropriate

care facility, such as a nursing facility, residential care facility or a facility that is a licensed hospice program pursuant to Title 22, section 8622, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services provided by an entity approved by the commissioner and, subject to approval by the commissioner, may live at home while receiving these services. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable. The prisoner shall provide any information pertaining to the prisoner's medical condition or care that is requested by the commissioner at any time while the prisoner is on supervised community confinement. If the commissioner determines that the prisoner has failed to fully comply with a request or if at any time the department's director of medical care determines that the prisoner does not have a terminal or severely incapacitating medical condition or a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition or that care outside a correctional facility is not medically appropriate, the commissioner shall revoke the transfer to supervised community confinement.
[PL 2025, c. 360, §4 (AMD).]

11. Revocation of transfer. The commissioner may revoke a transfer to supervised community confinement at any time for any reason in the commissioner's discretion.
[PL 2009, c. 391, §17 (NEW).]

12. Information for prisoners. The department shall make available to all prisoners written information about supervised community confinement, including eligibility requirements, the application process and the criteria and process for determining whether a prisoner eligible for transfer to supervised community confinement may be approved for transfer. The department shall include information about the determination and approval process for prisoners who have a terminal or severely incapacitating medical condition or have a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition and for whom care outside a correctional facility is medically appropriate. The department shall publish this information on its publicly accessible website.
[PL 2023, c. 659, §3 (AMD).]

13. Data tracking. The department shall track data for all prisoners who apply for supervised community confinement and approval, denial and, if approved, completion of the program. The department also shall track data for all prisoners who are transferred to supervised community confinement under subsection 10. Such data must include, but is not limited to, demographic data regarding race and ethnicity, gender, age and convictions leading to the prisoner's current incarceration. The department shall publish monthly on its publicly accessible website the data tracked pursuant to this subsection in a manner that does not violate the confidentiality requirements of section 1216 or any other provision of state or federal law.
[PL 2023, c. 659, §4 (AMD).]

SECTION HISTORY

PL 1991, c. 845, §4 (NEW). PL 1993, c. 170, §1 (AMD). PL 1993, c. 503, §1 (AMD). PL 1997, c. 464, §12 (AMD). PL 2001, c. 141, §§1,2 (AMD). PL 2003, c. 205, §13 (AMD). PL 2003, c. 711, §§A21,22 (AMD). PL 2003, c. 711, §D2 (AFF). PL 2005, c. 68, §2 (AMD). PL 2007, c. 240, Pt. ZZZ, §2 (AMD). PL 2007, c. 536, §4 (AMD). PL 2009, c. 391, §§16, 17 (AMD). PL 2017, c. 407, Pt. A, §154 (AMD). PL 2019, c. 113, Pt. C, §§91-95 (AMD). PL 2021, c. 376, §§1-7 (AMD). PL 2023, c. 399, §§1, 2 (AMD). PL 2023, c. 659, §§2-4 (AMD). PL 2025, c. 360, §§1-4 (AMD).

§3036-B. Reentry houses

1. Reentry house defined; requirement. For purposes of this section, "reentry house" means a correctional program provided by the department through a written contract with one or more private

employers under which the employers provide and maintain housing for specified prisoners, employ those prisoners and provide to those prisoners all meals, laundry facilities and transportation to and from job sites. A reentry house is not a correctional facility. A reentry house must meet all state and local building and life safety codes for the type of building in which the reentry house is located.
[PL 2019, c. 396, §1 (NEW).]

2. Contract. The commissioner may enter into contracts for the establishment of reentry houses for the purpose of providing housing and other assistance to prisoners transferred to supervised community confinement under section 3036-A.
[PL 2019, c. 396, §1 (NEW).]

3. Other assistance. The department shall employ, or contract for, program staff to provide other assistance to prisoners housed at a reentry house, including, but not limited to, assistance with reentry planning.
[PL 2019, c. 396, §1 (NEW).]

4. Transfer. A prisoner may be transferred to supervised community confinement to be housed in a reentry house only if the prisoner meets all of the eligibility requirements of section 3036-A and the rules adopted by the commissioner pursuant to section 3036-A, has successfully participated in a work release program at a department facility and has the skills necessary to perform a job available from a private employer with which the department has contracted.
[PL 2019, c. 396, §1 (NEW).]

5. Supervision. All of the provisions of section 3036-A and the rules adopted by the commissioner pursuant to section 3036-A apply to a prisoner housed at a reentry house, and supervision of the prisoner must be conducted by a probation officer in the same manner as for any other prisoner transferred to supervised community confinement.
[PL 2019, c. 396, §1 (NEW).]

6. Escape. A prisoner who is transferred to supervised community confinement who intentionally violates a requirement to reside at a reentry house or otherwise escapes is guilty of escape under Title 17-A, section 755.
[PL 2019, c. 396, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 396, §1 (NEW).

§3037. Physical and mental examination

1. Requirement. The commissioner may require a physical and mental examination of any client.
[PL 1991, c. 314, §42 (AMD).]

2. Examiners. The commissioner shall designate competent examiners.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §42 (AMD).

§3038. Administration of medication

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §43 (AMD). PL 2005, c. 329, §10 (RP).

§3038-A. Care of children of committed offenders

1. Commitment of child. If a client, at the time of commitment to the custody of the Department of Corrections, is the parent of and is providing exclusive care for any child who might otherwise be

left without proper care or guardianship, the judge committing that client shall cause the child to be committed to:

A. A children's home provided by law for the child's care or guardianship; [PL 1983, c. 459, §6 (NEW).]

B. The care and custody of some relative or proper person willing to assume the care; or [PL 1983, c. 459, §6 (NEW).]

C. The custody of the Department of Health and Human Services. [PL 1983, c. 459, §6 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

[PL 1991, c. 314, §44 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

2. Controlling statute. Any commitment of a child under this section is subject to Title 22, sections 4006, 4037, 4038, 4061 and 4063.

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1989, c. 127, §10 (AMD). PL 1991, c. 314, §44 (AMD). PL 2003, c. 689, §B6 (REV).

§3039. Clients' money

When any client confined in a correctional or detention facility receives money from any source, including compensation for work authorized under other sections of Maine law or by a policy of the department, the money must be deposited in the department's general client account or, as provided in subsection 4, in the department's telephone call account. Money deposited in either account must be credited to the client receiving it. [PL 2005, c. 506, §7 (AMD).]

1. General client account. The commissioner shall adopt rules for use of the general client account. These rules must include a provision allowing a client to remove that client's money from the general client account and place it in any type of investment outside the facility chosen by the client. The commissioner shall keep a record of all money in the general client account and is responsible for safekeeping of the client's money while the client is in the custody of the department and for the delivery of that money to the client, subject to any collections provided for by statute or rule, upon the client's discharge or transfer to supervised community confinement or community reintegration status.

[PL 2005, c. 506, §7 (AMD).]

2. Interest. Any interest accruing as a result of the deposit of money in the general client account may, after first being used to defray expenses of the account, be expended by the commissioner for the general welfare of clients confined in the department's correctional and detention facilities in accordance with rules adopted by the commissioner.

[PL 2005, c. 506, §7 (AMD).]

3. Use. During the client's confinement, any client may use that client's money in the general client account by authorizing the commissioner to disburse the money in accordance with the rules governing the general client account.

[PL 2005, c. 506, §7 (AMD).]

4. Telephone call account. The commissioner may establish a telephone call account for the sole purpose of paying for use of the department's client telephone system and into which money received by clients may be deposited. Money received by a client and clearly designated by the sender for paying for telephone calls must be directly deposited into the telephone call account. In addition, a client may remove the client's money from the general client account and deposit it into the telephone call account. Once deposited into the telephone call account, the client may use the money only for paying for the client's telephone calls. Any money received by a client and not used for paying for the client's telephone calls must be transferred from the telephone call account to the department's general client

account at the time of the client's discharge or transfer to supervised community confinement or community reintegration status and is subject to any collections provided for by statute or rule prior to delivery to the client. The commissioner shall keep a record of all money in the telephone call account and is responsible for safekeeping of the client's money while the client is in the custody of the department and for the transfer of that money to the general client account and delivery to the client as set out in this section.
[PL 2005, c. 506, §7 (NEW).]

5. Billing. A correctional facility or detention facility may not bill an indigent client for future payment of services and medications.
[PL 2021, c. 620, §7 (NEW).]

6. Credit improvement loan. The commissioner may allow a client, in accordance with rules adopted by the commissioner, to receive a loan from a financial institution without the loan money being deposited in the department's general client account or the department's telephone call account if:

A. The loan is designed to improve the client's credit score; [PL 2025, c. 6, §5 (NEW).]

B. The loan money is deposited in the client's savings account at the financial institution; [PL 2025, c. 6, §5 (NEW).]

C. The loan is secured in full by money disbursed by the client from the department's general client account to the client's savings account at the financial institution after any collections provided for by statute or rule; and [PL 2025, c. 6, §5 (NEW).]

D. The loan is required to be repaid in full from the secured money under paragraph C or from other money disbursed by the client from the department's general client account after collections provided for by statute or rule. [PL 2025, c. 6, §5 (NEW).]

As used in this subsection, "financial institution" has the same meaning as in Title 9-B, section 131, subsection 17 and includes a credit union as defined in Title 9-B, section 131, subsection 12.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 6, §5 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§21,59 (RPR). PL 1991, c. 314, §45 (AMD). PL 2005, c. 329, §11 (AMD). PL 2005, c. 506, §7 (AMD). PL 2021, c. 620, §7 (AMD). PL 2025, c. 6, §5 (AMD).

§3039-A. Family support

A prisoner may not participate in an industry program under section 1403, a work program under section 3035 or any other program administered by the department by which a prisoner is able to generate money unless the prisoner consents to pay at least 25% of that money for the support of any dependent child if the parent, legal guardian or legal custodian of the child requests that payment. Upon the written request of a parent, legal guardian or legal custodian, the chief administrative officer of the correctional facility where the prisoner is incarcerated shall collect and disburse to the parent, legal guardian or legal custodian that portion of the prisoner's money to be paid for the support of the dependent child. This section does not apply to any prisoner making payments for the support of a dependent child pursuant to a support order issued by a court or by the Department of Health and Human Services. [PL 1997, c. 358, §4 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1997, c. 358, §4 (NEW). PL 2003, c. 689, §B6 (REV).

§3040. Clients' property presumed abandoned

Any property abandoned or unclaimed by a client in a correctional or detention facility must be disposed of according to Title 33, chapter 45. [PL 2019, c. 498, §23 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §46 (AMD). PL 2003, c. 20, §T32 (AMD). PL 2019, c. 498, §23 (AMD).

§3040-A. Property of deceased clients

Property remaining in a correctional or detention facility as a result of a client's death is governed as follows. [PL 1991, c. 314, §47 (AMD).]

1. Payment. Except as provided in subsection 4, if any client in the custody of the department dies, and no personal representative of the client's estate is appointed, the chief administrative officer may pay the balance of the deposits in the client's general client account and telephone call account, up to a maximum of $1,000, to the surviving spouse or next of kin in accordance with Title 18-C, sections 2-101 to 2-113, to the funeral director having any bill outstanding for the burial of the decedent or to any other preferred creditor or creditors who may appear to be entitled thereto, and shall deliver personal property in the chief administrative officer's custody to the surviving spouse or next of kin in accordance with Title 18-C, sections 2-101 to 2-113.
[PL 2017, c. 402, Pt. C, §93 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Time of payment. Payments or delivery pursuant to subsection 1 may not be made until 60 days have elapsed following the date of death of the client.
[PL 1991, c. 314, §47 (AMD).]

3. Liability of payment. For any payment or delivery made pursuant to subsections 1 and 2, the chief administrative officer or the chief administrative officer's designee acting under this section may not be held liable to the decedent's personal representative thereafter appointed, or to the decedent's heirs, successors or assigns.
[PL 1991, c. 314, §47 (AMD).]

4. Alternative payment. Notwithstanding subsection 1, upon presentation of an affidavit under Title 18-C, section 3-1201, the chief administrative officer shall pay the balance of any deposit left by a decedent in the department's general client account or telephone call account and deliver the decedent's personal property to the decedent's successor under Title 18-C, sections 3-1201 and 3-1202. The payments under this subsection take precedence over payments under subsection 1 to the extent of the balance of the deposits in the accounts and the personal property remaining in the custody of the chief administrative officer at the time the affidavit is presented.
[PL 2017, c. 402, Pt. C, §94 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 1983, c. 581, §§22,59 (NEW). PL 1991, c. 314, §47 (AMD). PL 1991, c. 824, §A69 (AMD). PL 2005, c. 506, §§8,9 (AMD). PL 2013, c. 80, §8 (AMD). PL 2017, c. 402, Pt. C, §§93, 94 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

§3041. Reduction of sentence

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§23,59 (RP).

§3042. Disposition of detainers

1. Notice to prisoner. The commissioner, chief administrative officer or other official having custody of a prisoner serving a term of imprisonment in a correctional facility in this State shall promptly inform the prisoner in writing of:

A. The source and contents of any untried indictment, information or complaint pending in this State against the prisoner of which the commissioner, warden or other official has knowledge; and [PL 1983, c. 459, §6 (NEW).]

B. The prisoner's right to request a final disposition of the untried indictment, information or complaint. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

2. Right to trial. A prisoner serving a term of imprisonment in a correctional facility in this State is entitled to be brought to trial on any untried indictment, information or complaint pending in this State against him within 180 days after giving proper notice in accordance with subsections 3 and 4. [PL 1983, c. 459, §6 (NEW).]

3. Proper notice. To constitute proper notice under subsection 2, the prisoner must send to the prosecuting official of the county in which the indictment, information or complaint is pending, and to the appropriate court, the following:

A. Written notice of the place of imprisonment; [PL 1983, c. 459, §6 (NEW).]

B. Written notice of the request for final disposition to be made of the untried indictment, information or complaint; and [PL 1983, c. 459, §6 (NEW).]

C. A certificate of the commissioner, warden or other official having custody of the prisoner stating:

(1) The term of commitment under which the prisoner is held;

(2) The time already served on the sentence;

(3) The time remaining to be served;

(4) The total of deductions received and retained;

(5) The time of parole eligibility of the prisoner; and

(6) Any decisions of the State Parole Board relating to the prisoner. [PL 2019, c. 113, Pt. C, §96 (AMD).]

[PL 2019, c. 113, Pt. C, §96 (AMD).]

4. Manner of giving proper notice. The manner of giving proper notice under subsection 2 is as follows.

A. The prisoner shall give or send the written notice of place of imprisonment and the written notice of request for final disposition to the commissioner, warden or other official having custody of him. [PL 1983, c. 459, §6 (NEW).]

B. The commissioner, warden or other official having custody of the prisoner shall promptly forward the written notices, together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

5. Continuance. For good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. [PL 1987, c. 167, §1 (RPR).]

6. Time limitation. If the prisoner is not brought to trial on the untried indictment, information or complaint within 180 days after the prisoner gave or sent proper notice under subsection 2:

A. The untried indictment, information or complaint is no longer of any force or effect; [PL 1987, c. 167, §2 (AMD).]

B. No court has jurisdiction over it; and [PL 1983, c. 459, §6 (NEW).]

C. The appropriate court shall enter an order dismissing it with prejudice. [PL 1983, c. 459, §6 (NEW).]

[PL 1987, c. 167, §2 (AMD).]

7. Effect of escape. If a prisoner escapes from custody after his execution of the request for final disposition, his request is voided.

[PL 1983, c. 459, §6 (NEW).]

8. Exception. This section does not apply to any person adjudged to be mentally ill.

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1987, c. 167, §§1,2 (AMD). PL 2019, c. 113, Pt. C, §96 (AMD).

§3043. Aliens

1. Notification of immigration officer. When a person is admitted or committed to a correctional facility, a county jail or any other state, county, city or private institution which is supported wholly or in part by public funds, the chief administrative officer of the facility, jail or institution shall inquire at once into the nationality of the person and, if it appears that the person is an alien, the chief administrative officer shall notify immediately the United States immigration officer in charge of the district in which the facility, jail or institution is located, of:

A. The date of and the reason for the alien's admission or commitment; [PL 1983, c. 459, §6 (NEW).]

B. The length of time for which the alien is admitted or committed; [PL 1983, c. 459, §6 (NEW).]

C. The country of which the alien is a citizen; and [PL 1983, c. 459, §6 (NEW).]

D. The date on which and the port at which the alien last entered the United States. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

2. Copy of record to immigration officer. Upon the official request of the United States immigration officer in charge of the territory or district in which is located any court committing an alien to a correctional facility, a county jail or any other state, county, city or private institution which is supported wholly or in part by public funds, the clerk of the court shall furnish without charge a certified copy of:

A. The complaint, information or indictment; [PL 1983, c. 459, §6 (NEW).]

B. The judgment and sentence; and [PL 1983, c. 459, §6 (NEW).]

C. Any other record pertaining to the alien's case. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§3044. Escapees; fugitives; apprehension

1. Escapees. The commissioner shall take all proper measures for, and may, with the approval of the Governor, offer a reward for the apprehension and return of any client in any correctional or detention facility who has escaped from the control of the department.

A. The reward may not exceed $1,000. [PL 1983, c. 581, §§24, 59 (RPR).]

B. Upon satisfactory proof that the terms of the reward offer have been complied with, the Governor may draw a warrant upon the Treasurer of State for the payment of the reward. [PL 1991, c. 314, §48 (AMD).]

[PL 1991, c. 314, §48 (AMD).]

2. Fugitives. When there is reasonable cause to believe that a person charged with a crime and unapprehended for it cannot be arrested and secured in the ordinary course of proceedings, the Governor may, upon application in writing of the Attorney General or district attorney for the county in which the crime was committed, and upon terms which he deems expedient and proper, offer a suitable reward for the arrest, return and delivery into custody of the fugitive from justice.

A. The reward may not exceed $1,000. [PL 1983, c. 581, §§24, 59 (RPR).]

B. Upon satisfactory proof that the terms of the reward offer have been complied with, the Governor may draw his warrant upon the Treasurer of State for the payment of the reward. [PL 1983, c. 581, §§24, 59 (RPR).]

[PL 1983, c. 581, §§24, 59 (RPR).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§24,59 (RPR). PL 1991, c. 314, §48 (AMD).

§3045. Death of client

When any client in custody dies, an examination and inquest must be held, and the commissioner or the chief administrative officer of the facility shall cause a medical examiner to be immediately notified for that purpose pursuant to Title 22, section 3025. For purposes of this section, "custody" means confinement in a state correctional or detention facility or when the client is on the way to or from a state correctional or detention facility while in the custody of a state corrections official. The medical examiner shall also review the case file and relevant medical records and determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed. [PL 2011, c. 420, Pt. D, §5 (AMD); PL 2011, c. 420, Pt. D, §6 (AFF).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §49 (AMD). PL 2011, c. 60, §4 (AMD). PL 2011, c. 420, Pt. D, §5 (AMD). PL 2011, c. 420, Pt. D, §6 (AFF).

§3046. Funeral and deathbed visits

(REPEALED)

SECTION HISTORY

PL 1983, c. 581, §§25,59 (NEW). PL 1991, c. 314, §§50,51 (AMD). PL 2001, c. 386, §14 (AMD). PL 2007, c. 536, §5 (RP).

§3046-A. Funeral and deathbed visits

1. Family member. At the discretion of and under conditions prescribed by the commissioner, a client confined in a correctional or detention facility may attend the funeral of the client's spouse or domestic partner or the client's parent, child, sibling, grandparent or grandchild, whether the relationship is natural, adoptive, foster or through marriage, and may be permitted deathbed visits to any of those persons if the funeral or visit is held within the State.

[PL 2007, c. 536, §6 (NEW).]

2. Another person. At the discretion of and under conditions prescribed by the commissioner, a client confined in a correctional or detention facility may attend the funeral of or be permitted a

deathbed visit to another person if the funeral or visit is held within the State. The commissioner may not delegate this authority.
[PL 2007, c. 536, §6 (NEW).]

3. Certification of terminal illness. Before a deathbed visit is permitted under this section, terminal illness must be certified to the commissioner by the attending physician.
[PL 2007, c. 536, §6 (NEW).]

4. Costs. The client, if able, shall pay the cost of transportation under this section and the per diem compensation of the accompanying officers if the officers are required by the commissioner.
[PL 2007, c. 536, §6 (NEW).]

SECTION HISTORY

PL 2007, c. 536, §6 (NEW).

§3047. Discharge or parole

When any prisoner sentenced to the department is paroled or discharged, the commissioner: [PL 1991, c. 314, §52 (AMD).]

1. Clothing. Shall ensure that the prisoner is provided with decent clothing;
[PL 1991, c. 314, §52 (AMD).]

2. Money. May give the prisoner an amount equal to the net salary of a single wage earner with no dependents for 40 hours of work at the state minimum wage less all applicable state and federal deductions except that any amount in excess of $50 may not be provided by the General Fund, except that the commissioner may not give money to a prisoner who:

A. Has, within the 6 months prior to the date of parole or discharge, transferred from the department's general client account to any person more than $500, excluding any money transferred for the support of dependents or a credit improvement loan in accordance with section 3039, subsection 6; or [PL 2025, c. 6, §6 (AMD).]

B. Has, on the date of parole or discharge, more than $500 in personal assets not including a credit improvement loan in accordance with section 3039, subsection 6. [PL 2025, c. 6, §7 (AMD).]

Money received by the prisoner under this subsection is not subject to section 3032, subsection 5-A or 5-B or Title 17-A, section 2016, subsection 2;
[PL 2025, c. 6, §§6, 7 (AMD).]

3. Transportation. Shall furnish transportation to the place where the prisoner was convicted, except that:

A. If the prisoner's home is within the State, transportation must be furnished to the prisoner's home; [PL 1991, c. 314, §52 (AMD).]

B. If the prisoner has secured employment within the State, transportation must be furnished to the place of employment; [PL 1991, c. 314, §52 (AMD).]

C. If the prisoner's home is outside the State, or if the prisoner has secured employment outside the State, transportation must be furnished to the place on the Maine border nearest the place of employment; or [PL 1991, c. 314, §52 (AMD).]

D. If the prisoner requests a reasonable place nearer the place of incarceration than any of the foregoing, transportation must be furnished to that place; or [PL 1991, c. 314, §52 (AMD).]
[PL 1991, c. 314, §52 (AMD).]

4. Extreme circumstances. May, in extreme circumstances, if the prisoner's home is outside the State, or if the prisoner has secured employment outside the State, furnish transportation to the prisoner's home or place of employment.

[PL 1991, c. 314, §52 (AMD).]

SECTION HISTORY

PL 1983, c. 581, §§25,59 (NEW). RR 1991, c. 1, §48 (COR). PL 1991, c. 314, §52 (AMD). PL 1993, c. 682, §2 (AMD). PL 2005, c. 506, §10 (AMD). PL 2007, c. 102, §9 (AMD). PL 2019, c. 113, Pt. C, §97 (AMD). PL 2025, c. 6, §§6, 7 (AMD).

§3048. Religious services

The commissioner shall adopt rules that provide for the accommodation of any prisoner who expresses a desire to practice a religion of the prisoner's choice as long as the practice does not present a threat to the safety, security or orderly management of the facility in which the prisoner is housed. The rules must be consistent with all federal requirements. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 546, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 546, §1 (NEW).

§3049. Involuntary medication of person with mental illness

1. Grounds for involuntary medication. A person with mental illness residing in a mental health unit of a correctional facility that provides intensive mental health care and treatment may be given medication for the mental illness without the consent of the person if, upon application by the chief administrative officer of the facility, the Superior Court of the county in which the correctional facility is located finds by clear and convincing evidence that:

A. The person is a person with mental illness; [PL 2013, c. 434, §4 (NEW).]

B. As a result of the mental illness, the person poses a likelihood of serious harm; [PL 2013, c. 434, §4 (NEW).]

C. The medication has been recommended by the facility's treating psychiatrist as treatment for the person's mental illness; [PL 2013, c. 434, §4 (NEW).]

D. The recommendation for the medication has been supported by a professional who is qualified to prescribe the medication and who does not provide direct care to the person; [PL 2013, c. 434, §4 (NEW).]

E. The person lacks the capacity to make an informed decision regarding medication; [PL 2013, c. 434, §4 (NEW).]

F. The person is unable or unwilling to consent to the recommended medication; [PL 2013, c. 434, §4 (NEW).]

G. The need for the recommended medication outweighs the risks and side effects; and [PL 2013, c. 434, §4 (NEW).]

H. The recommended medication is the least intrusive appropriate treatment option. [PL 2013, c. 434, §4 (NEW).]

For purposes of this subsection, "intensive mental health care and treatment" means daily on-site psychiatric treatment services, daily on-site group and individual mental health treatment and other therapeutic programs and 24-hour on-call psychiatric coverage and includes, as authorized in accordance with this section, the ability to order and administer involuntary medication for treatment purposes.
[PL 2013, c. 434, §4 (NEW).]

2. Rights prior to involuntary medication. Except as provided in this section, a person who is the subject of an application for an order permitting involuntary medication pursuant to this section must be provided, before being medicated, a court hearing at which the person has the following rights.

A. The person is entitled, at least 7 days before the hearing, to written notice of the hearing and a copy of the application for an order permitting involuntary medication, including the specific factual basis for each of the grounds set out in subsection 1. [PL 2013, c. 434, §4 (NEW).]

B. The person is entitled to be present at the hearing. [PL 2013, c. 434, §4 (NEW).]

C. The person is entitled to be represented by counsel. [PL 2013, c. 434, §4 (NEW).]

D. The person is entitled to present evidence, including by calling one or more witnesses. [PL 2013, c. 434, §4 (NEW).]

E. The person is entitled to cross-examine any witness who testifies at the hearing. [PL 2013, c. 434, §4 (NEW).]

F. The person is entitled to appeal to the Supreme Judicial Court any order by the Superior Court permitting involuntary medication. [PL 2013, c. 434, §4 (NEW).]

[PL 2013, c. 434, §4 (NEW).]

3. Court hearing. Except as provided in this section, the following applies to the court hearing.

A. The Superior Court may, in its discretion, grant a continuation of the hearing for up to 10 days for good cause shown. [PL 2013, c. 434, §4 (NEW).]

B. The Maine Rules of Evidence apply. [PL 2013, c. 434, §4 (NEW).]

C. The Supreme Judicial Court may adopt such rules of court procedure as it determines appropriate. [PL 2013, c. 434, §4 (NEW).]

D. If the person is indigent, costs of counsel and all other costs, including all costs on appeal, must be provided by the Maine Commission on Public Defense Services as in other civil cases. [PL 2023, c. 558, §10 (AMD).]

E. The Superior Court may, in its discretion, subpoena any witness and, if the person is indigent, the witness fees must be provided by the Department of Health and Human Services. [PL 2013, c. 434, §4 (NEW).]

F. The hearing must be electronically recorded and, if an appeal is brought and the person is indigent, the transcript fee must be provided by the Department of Health and Human Services. [PL 2013, c. 434, §4 (NEW).]

G. The order and the application for the order, the hearing, the record of the hearing and all notes, exhibits and other evidence are confidential. [PL 2013, c. 434, §4 (NEW).]

[PL 2023, c. 558, §10 (AMD).]

4. Ex parte order. When there exists an imminent likelihood of serious harm, the Superior Court may enter an ex parte order permitting involuntary medication. An application for the ex parte order must include all the information otherwise required under this section, as well as the specific factual basis for the belief that the likelihood of serious harm is imminent. The ex parte order and the application for the ex parte order, the proceeding, any record of the proceeding and all notes, exhibits and other evidence are confidential. If the court enters an ex parte order permitting involuntary medication, a hearing conforming with the requirements of subsections 2 and 3 must be held within 10 days.

[PL 2013, c. 434, §4 (NEW).]

5. Court order. If the Superior Court finds by clear and convincing evidence that each of the grounds set out in subsection 1 has been met, the court may grant the application for involuntary medication, as requested or as may be modified based upon the evidence, and may authorize the correctional facility's chief administrative officer to permit qualified health care staff to order and administer medication for treatment of the mental illness, as well as laboratory testing and medication for the monitoring and management of side effects.

[PL 2013, c. 434, §4 (NEW).]

6. Periodic review. Involuntary medication of a person under this section may continue only with periodic reviews consisting of subsequent hearings conforming with the requirements of subsections 2 and 3 to take place at least once every 120 days.
[PL 2013, c. 434, §4 (NEW).]

7. Medication by consent. This section does not preclude giving medication for a mental illness when either the person to receive the medication or the person's legal guardian, if any, consents to the medication.
[PL 2013, c. 434, §4 (NEW).]

8. Repeal.
[PL 2017, c. 147, §3 (RP).]

SECTION HISTORY

PL 2013, c. 434, §4 (NEW). PL 2017, c. 147, §3 (AMD). PL 2023, c. 558, §10 (AMD).

§3050. Report regarding juveniles in custody

By February 1, 2023 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the number of juveniles in the custody of the department as juvenile detainees or juvenile clients or under department supervision on probation whose parents or primary caregivers are known to the department to be in the custody of the department or under the supervision of the department. [PL 2021, c. 620, §8 (NEW).]

REVISOR'S NOTE: §3050. Comprehensive substance use disorder treatment program (As enacted by PL 2021, c. 706, §1 is REALLOCATED TO TITLE 34-A, SECTION 3052)

SECTION HISTORY

PL 2021, c. 620, §8 (NEW).

§3051. Transportation of female clients to and from medical appointments

A correctional facility or detention facility housing female clients shall ensure to the greatest extent practicable the presence of a female corrections officer during the transportation of a female client to and from a medical appointment and shall ensure that the client is afforded the greatest amount of privacy practicable during the appointment consistent with safety and security considerations. [PL 2021, c. 620, §9 (NEW).]

SECTION HISTORY

PL 2021, c. 620, §9 (NEW).

§3052. Comprehensive substance use disorder treatment program

(REALLOCATED FROM TITLE 34-A, SECTION 3050)

The commissioner shall maintain a comprehensive substance use disorder treatment program, referred to in this section as "the program," in all correctional facilities. The program must include, but is not limited to, screening, assessment and treatment of persons residing in correctional facilities for substance use disorder, including alcohol use disorder. [PL 2021, c. 706, §1 (NEW); RR 2021, c. 2, Pt. A, §120 (RAL).]

1. Screening, assessment and treatment. The program must include screening, assessment and treatment, including, but not limited to, screening during the intake process, medically managed withdrawal, medication-assisted treatment, individual and group counseling and other behavioral treatment options. Medication-assisted treatment must use medications approved or authorized by the United States Food and Drug Administration for the treatment of substance use disorder, including

alcohol use disorder, including at least one of each formulation of all United States Food and Drug Administration-approved medication-assisted treatments for those disorders.
[PL 2021, c. 706, §1 (NEW); RR 2021, c. 2, Pt. A, §120 (RAL).]

2. Training and technical assistance. The program must provide initial and ongoing training and technical assistance for correctional facility staff and health care practitioners in each correctional facility.
[PL 2021, c. 706, §1 (NEW); RR 2021, c. 2, Pt. A, §120 (RAL).]

3. Program coordination. The program must include coordination with community-based treatment and recovery organizations to facilitate supportive reentry and continuity of care after release.
[PL 2021, c. 706, §1 (NEW); RR 2021, c. 2, Pt. A, §120 (RAL).]

4. Report. The department shall provide an annual report regarding the program to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15th.
[PL 2021, c. 706, §1 (NEW); RR 2021, c. 2, Pt. A, §120 (RAL).]

SECTION HISTORY

PL 2021, c. 706, §1 (NEW). RR 2021, c. 2, Pt. A, §120 (RAL).

ARTICLE 3

TRANSFER AND REMOVAL OF COMMITTED OFFENDERS

§3061. Transfer to correctional facilities

1. Transfer. The commissioner may transfer any client from one correctional or detention facility or program, including prerelease centers, work release centers, halfway houses, supervised community confinement or specialized treatment facilities, to another. A juvenile may not be transferred to another facility or program for adult offenders and an adult offender may not be transferred to another facility or program for juveniles, except that an adult offender may be housed in the Long Creek Youth Development Center pursuant to Title 17-A, section 1611.
[PL 2023, c. 135, §9 (AMD).]

2. Applicable rules. Any person transferred under this section shall be subject to the general rules of the facility or program to which he is transferred, except that:

A. The term of his original sentence or commitment remains the same unless altered by the court; and [PL 1983, c. 581, §§26, 59 (RPR).]

B. The person becomes eligible for release and discharge as provided in Title 17-A, section 2314. [PL 2019, c. 113, Pt. C, §99 (AMD).]

[PL 2019, c. 113, Pt. C, §99 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§26,59 (RPR). PL 1991, c. 314, §53 (AMD). PL 1991, c. 845, §5 (AMD). PL 2013, c. 28, §10 (AMD). PL 2017, c. 148, §7 (AMD). PL 2019, c. 113, Pt. C, §§98, 99 (AMD). PL 2023, c. 135, §9 (AMD).

§3062. Transfer from the prison to a federal correctional institution

1. Requirements. The commissioner may transfer any prisoner sentenced to the department to a federal penal or correctional institution if the United States Bureau of Prisons accepts the commissioner's application for transfer of the prisoner.
[PL 1991, c. 314, §54 (AMD).]

2. Contract. The commissioner may contract with the Attorney General of the United States, or such officer as the Congress may designate under the United States Code, Title 18, Section 5003 and acts supplementing and amending it, in each individual case for the care, custody, subsistence, education, treatment and training of any person transferred under this section.

A. The contract must provide for the reimbursement of the United States in full for all costs or other expenses involved, the costs and expenses to be paid from the appropriation for the operation of the correctional facility. [PL 1991, c. 314, §55 (AMD).]

B. The chief administrative officer shall affix to the contract a copy of the mittimus or mittimuses under which the prisoner is held. [PL 1991, c. 314, §55 (AMD).]

C. The contract and mittimus or mittimuses are sufficient authority for the United States to hold the prisoner on behalf of the State. [PL 1983, c. 459, §6 (NEW).]

[PL 1991, c. 314, §55 (AMD).]

3. Effect on prisoner. The rights of transferred prisoners are governed as follows.

A. A prisoner transferred under this section is subject to the terms of his original sentence or sentences as if he were serving the sentence or sentences within the confines of the prison. [PL 1983, c. 459, §6 (NEW).]

B. Nothing in this section deprives a prisoner transferred under this section of his rights to parole or his rights to legal process in the courts of this State. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§27,59 (AMD). PL 1991, c. 314, §§54,55 (AMD).

§3063. Transfer to jails

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§28,59 (RPR). PL 1991, c. 314, §56 (AMD). PL 1995, c. 368, §R11 (RPR). PL 1999, c. 583, §14 (AMD). PL 2007, c. 653, Pt. A, §31 (RP).

§3063-A. Transfer from jails

(REPEALED)

SECTION HISTORY

PL 1995, c. 368, §R12 (NEW). PL 1995, c. 647, §6 (AMD). PL 1997, c. 464, §13 (AMD). PL 2007, c. 653, Pt. A, §32 (RP).

§3063-B. Transfer from jails

The commissioner may accept custody of prisoners transferred to the department from county jails under Title 30-A, section 1557-B. [PL 2015, c. 335, §28 (NEW).]

SECTION HISTORY

PL 2015, c. 335, §28 (NEW).

§3063-C. Transfer to jails

1. Transfer of prisoner. The commissioner may transfer a prisoner serving a sentence in a correctional facility to a county jail, upon the request of the chief administrative officer and the approval of the sheriff of the jail.

[PL 2015, c. 335, §28 (NEW).]

2. Cost of transfer. The department shall pay the cost of the transfer or the return of the prisoner.

[PL 2015, c. 335, §28 (NEW).]

3. Reimbursement. By agreement between the commissioner and the sheriff of the receiving jail pursuant to this section, the department shall pay directly to the jail reimbursement in accordance with this subsection.

A. During a state fiscal year in which the funding required by section 1210-E, subsection 2 has been appropriated to the County Jail Operations Fund and disbursements have been made equal to the amount due to the counties as required by section 1210-E, the receiving jail may charge the department for the transferred prisoner a rate to be negotiated between the sheriff of the jail and the department that is no higher than $25 per diem per prisoner. [PL 2021, c. 732, Pt. D, §6 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

B. During a state fiscal year in which less than the funding required by section 1210-E, subsection 2 has been appropriated to the County Jail Operations Fund or disbursements have not been made equal to the amount due to the counties as required by section 1210-E, the receiving jail may charge the department for the transferred prisoner a rate to be negotiated between the sheriff of the county jail and the department that is no higher than $108 per diem per prisoner. [PL 2021, c. 732, Pt. D, §6 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

C. The department shall reimburse the receiving jail for any costs incurred in the provision of extraordinary medical or surgical treatment for conditions of the prisoner that existed prior to transfer. [PL 2015, c. 335, §28 (NEW).]

D. Payment amounts provided for in this section may be adjusted or dispensed with upon terms mutually agreeable to the commissioner and the sheriff of the receiving jail. [PL 2015, c. 335, §28 (NEW).]

[PL 2021, c. 732, Pt. D, §6 (AMD); PL 2021, c. 732, Pt. D, §7 (AFF).]

4. Transferee subject to rules. A prisoner transferred under this section is subject to the general rules of the facility to which the prisoner is transferred, except that for a prisoner who has been sentenced:

A. The term of the original sentence remains the same unless altered by the court; [PL 2015, c. 335, §28 (NEW).]

B. The prisoner becomes eligible for deductions as provided in Title 17-A, section 2302, subsection 1; section 2305; section 2307; section 2308; section 2309; section 2310; or section 2311 for a prisoner committed to the department; [PL 2019, c. 113, Pt. C, §100 (AMD).]

C. The prisoner becomes eligible for release and discharge as provided in Title 17-A, section 2314, subsection 1 for a prisoner committed to the department; [PL 2019, c. 113, Pt. C, §100 (AMD).]

D. The prisoner is entitled to have the time served in the jail under this section deducted from the sentence; and [PL 2015, c. 335, §28 (NEW).]

E. The prisoner becomes eligible for furloughs, work or other release programs, and supervised community confinement as authorized by sections 3035 and 3036-A and may apply pursuant to the rules governing the correctional facility from which the prisoner was transferred. [PL 2015, c. 335, §28 (NEW).]

[PL 2019, c. 113, Pt. C, §100 (AMD).]

5. Return of prisoner. A prisoner transferred pursuant to this section must be returned to the department upon the request of the commissioner or the sheriff.

[PL 2015, c. 335, §28 (NEW).]

SECTION HISTORY

PL 2015, c. 335, §28 (NEW). PL 2019, c. 113, Pt. C, §100 (AMD). PL 2021, c. 732, Pt. D, §6 (AMD). PL 2021, c. 732, Pt. D, §7 (AFF).

§3064. Transfer from the prison to the minimum security unit

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§29,59 (RP).

§3065. Transfer from the prison to jails

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§29,59 (RP).

§3066. Transfer from the Maine Correctional Center

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§29,59 (RP).

§3067. Transfer from the Charleston Correctional Facility

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§29,59 (RP).

§3068. Transfer from jails

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§29,59 (RP).

§3069. Hospitalization for mental illness

1. Involuntary. When a prisoner of a correctional facility has been determined by a competent medical authority to require inpatient treatment for mental illness, the chief administrative officer of that facility shall make application in accordance with Title 34-B, section 3863.

A. Any person with respect to whom an application and certification under Title 34-B, section 3863 are made may be admitted to either state mental health institute. [PL 1983, c. 459, §6 (NEW).]

B. Except as otherwise specifically provided in this section, Title 34-B, chapter 3, subchapter 4, Article 3 is applicable to the person as if the admission of the person were applied for under Title 34-B, section 3863. [PL 2005, c. 329, §12 (AMD).]

C. A copy of the document by which the person is held in the facility must accompany the application for admission. [PL 1991, c. 314, §57 (AMD).]

D. If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the time the person is ready for discharge from hospitalization, the person must be returned by the appropriate officers of the correctional facility. [PL 2005, c. 329, §12 (AMD).]

E. Admission to a mental health institute under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment

remains in force, unless terminated in accordance with law. While the sentence or commitment is in effect, the person may not receive a privilege, including, but not limited to, a furlough or its equivalent, a funeral or deathbed visit or the use of tobacco, unless the chief administrative officer of the correctional facility approves the receipt of the privilege. [PL 2007, c. 102, §10 (AMD).]

[PL 2007, c. 102, §10 (AMD).]

2. Voluntary. The chief administrative officer of a correctional or detention facility may permit a person confined in the facility to apply for informal admission to a state mental health institute under Title 34-B, section 3831.

A. Except as otherwise provided in this section, the provisions of law applicable to persons admitted to a state mental health institute under Title 34-B, chapter 3, subchapter IV, Article II, apply to any person confined in a correctional or detention facility who is admitted to a state mental health institute under that section. [PL 1991, c. 314, §57 (AMD).]

B. A copy of the document by which the person is held in the facility must accompany the application for admission. [PL 1991, c. 314, §57 (AMD).]

C. If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the time the person is ready for discharge from hospitalization, the person must be returned by the appropriate officers of the correctional or detention facility. [PL 1991, c. 314, §57 (AMD).]

D. Admission to a mental health institute under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law. While the sentence or commitment is in effect, the person may not receive a privilege, including, but not limited to, a furlough or its equivalent, a funeral or deathbed visit or the use of tobacco, unless the chief administrative officer of the correctional facility approves the receipt of the privilege. [PL 2007, c. 102, §11 (AMD).]

[PL 2007, c. 102, §11 (AMD).]

3. Reincarceration planning. For each person hospitalized pursuant to this section, the Department of Health and Human Services, in consultation with the chief administrative officer of the correctional facility and before the person is transferred back to the correctional facility, shall develop a written treatment plan describing the recommended treatment to be provided to the person.

[PL 2001, c. 659, Pt. D, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

4. Review use of seclusion and restraint with prisoners with major mental illness; report. Beginning October 1, 2003, the Department of Health and Human Services, utilizing its medical directors and forensic psychiatrists, shall review the use of seclusion and restraint with prisoners with major mental illness in all adult correctional facilities. The department and the Department of Health and Human Services shall agree to the design and scope of this review. This review must include, but not be limited to, a case review of the rates of and duration of such practices with prisoners with major mental illness, whether the use of seclusion and restraint is appropriate and whether there is a pattern of restraint and seclusion with any particular prisoners with major mental illness. Beginning December 30, 2004 and annually thereafter, the Department of Health and Human Services shall issue a written report that includes its findings and recommendations for improvements determined to be necessary. That report must be forwarded to the commissioner and to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

[PL 2003, c. 482, Pt. C, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §57 (AMD). PL 2001, c. 659, §D2 (AMD). PL 2003, c. 482, §§B1,C1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 329, §12 (AMD). PL 2007, c. 102, §§ 10, 11 (AMD).

§3069-A. Transfer of jail inmates for mental health services

1. Eligible inmates. The commissioner may transfer from a jail to a correctional facility an adult inmate who the chief administrative officer of the Riverview Psychiatric Center confirms is eligible for admission to a state mental health institute under Title 34-B, section 3863, but for whom no suitable bed is available, for the purpose of providing to the inmate mental health services in a mental health unit of a correctional facility that provides intensive mental health care and treatment. The commissioner may not transfer pursuant to this section a person who has been found not criminally responsible by reason of insanity. The commissioner may return an inmate transferred pursuant to this subsection back to the sending facility.

For purposes of this subsection, "intensive mental health care and treatment" has the same meaning as in section 3049, subsection 1.
[PL 2013, c. 434, §5 (NEW).]

2. Evaluation. The commissioner may transfer from a jail to a correctional facility an adult inmate whom the court orders to be examined or further evaluated by the State Forensic Service under Title 15, section 101-D, subsection 1, 2, 3 or 9 if the State Forensic Service determines that the jail where the inmate is incarcerated cannot provide an appropriate setting for the examination but that a mental health unit in a correctional facility can provide an appropriate setting for the examination. The commissioner shall return an inmate transferred pursuant to this subsection back to the sending facility upon the completion of the examination ordered, including any further evaluation ordered, unless the commissioner transferred the inmate for another reason in addition to the examination.
[PL 2013, c. 434, §5 (NEW).]

3. Disclosure of information. With respect to an adult inmate who has previously been hospitalized under Title 34-B, chapter 3, subchapter 4, the commissioner may make it a prerequisite to a transfer of the inmate under this section that necessary information be disclosed to the department pursuant to Title 34-B, section 1207, subsection 1, paragraph B.
[PL 2013, c. 434, §5 (NEW).]

4. Application of other laws. All other applicable provisions of law governing inmates, whether detained pending a trial or other court proceeding or sentenced, apply to inmates transferred under this section.
[PL 2013, c. 434, §5 (NEW).]

5. Discretion. Nothing in this section or in any other provision of law requires the commissioner to transfer an adult inmate from a jail to a correctional facility or precludes the commissioner from transferring an adult inmate from a jail to a correctional facility at any time for any other reason at the commissioner's discretion.
[PL 2013, c. 434, §5 (NEW).]

6. Repeal.
[PL 2017, c. 147, §4 (RP).]

SECTION HISTORY

PL 2013, c. 434, §5 (NEW). PL 2017, c. 147, §4 (AMD).

§3069-B. Placement of defendants for observation

1. Acceptance of placement. The commissioner may accept the placement of an adult defendant in a mental health unit of a correctional facility that provides intensive mental health care and treatment for observation whom a court commits to the custody of the Commissioner of Health and Human Services under Title 15, section 101-D, subsection 4 if, in addition to the findings required under Title 15, section 101-D, subsection 4, the court, after hearing, finds by clear and convincing evidence that:

A. The defendant is a person with mental illness and, as a result of the defendant's mental illness, the defendant poses a likelihood of serious harm to others; [PL 2013, c. 434, §6 (NEW).]

B. There is not sufficient security at a state mental health institute to address the likelihood of serious harm; and [PL 2013, c. 434, §6 (NEW).]

C. There is no other less restrictive alternative to placement in a mental health unit of a correctional facility. [PL 2013, c. 434, §6 (NEW).]

The commissioner may not accept the placement of a person who has been found not criminally responsible by reason of insanity.

For purposes of this subsection, "intensive mental health care and treatment" has the same meaning as in section 3049, subsection 1.
[PL 2013, c. 434, §6 (NEW).]

2. Termination of placement. The commissioner may terminate the placement of a defendant accepted pursuant to this section if the commissioner determines that the likelihood of serious harm posed by the defendant has decreased or the security at a state mental health institute has increased or for any other reason.
[PL 2013, c. 434, §6 (NEW).]

3. Disclosure of information. With respect to an adult defendant who has previously been hospitalized under Title 34-B, chapter 3, subchapter 4, the commissioner may make it a prerequisite to accepting placement of the defendant under this section that necessary information be disclosed to the department pursuant to Title 34-B, section 1207, subsection 1, paragraph B.
[PL 2013, c. 434, §6 (NEW).]

4. Application of other laws. All other applicable provisions of law governing defendants committed for observation apply to defendants accepted for placement under this section.
[PL 2013, c. 434, §6 (NEW).]

5. Discretion. Nothing in this section or in any other provision of law requires the commissioner to accept the placement of a defendant who is committed for observation.
[PL 2013, c. 434, §6 (NEW).]

6. Repeal.
[PL 2017, c. 147, §5 (RP).]

SECTION HISTORY

PL 2013, c. 434, §6 (NEW). PL 2017, c. 147, §5 (AMD).

§3069-C. Placement of defendants found incompetent to stand trial

(REPEALED)

SECTION HISTORY

PL 2021, c. 259, §1 (NEW). MRSA T. 34-A §3069-C, sub-§6 (RP).

§3069-D. Placement of defendants found incompetent to stand trial

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 11/1/27)

(WHOLE SECTION TEXT REPEALED 11/1/27)

1. Acceptance of placement. The commissioner may accept the placement of an adult defendant, referred to in this section as "the defendant," in a mental health unit of a correctional facility whom a court, after hearing, finds by clear and convincing evidence is incompetent to stand trial and whom the court commits to the custody of the Commissioner of Health and Human Services under Title 15,

section 101-D, subsection 5 if, in addition to the findings required under Title 15, section 101-D, subsection 5, the court finds that:

A. The defendant is at risk of causing serious harm by engaging in interpersonal violence that is not primarily driven by symptoms of a major mental illness or other disability; [PL 2023, c. 600, §1 (NEW).]

B. There is not sufficient security at a state mental health institute to address the likelihood of serious harm; and [PL 2023, c. 600, §1 (NEW).]

C. There is no other less restrictive alternative to placement in a mental health unit of a correctional facility. [PL 2023, c. 600, §1 (NEW).]

[PL 2023, c. 600, §1 (NEW).]

2. Treatment; transfer. The department shall provide services and treatment consistent with the requirements of Title 15, section 101-D, subsection 5 to a defendant accepted for treatment in a mental health unit of a correctional facility under subsection 1. The department may not transfer to another unit of a correctional facility a defendant accepted for treatment in a mental health unit of a correctional facility under subsection 1.

[PL 2023, c. 600, §1 (NEW).]

3. Termination of placement. Termination of placement is governed by this subsection.

A. The commissioner may terminate the placement of a defendant accepted pursuant to this section if the commissioner determines that the likelihood of serious harm posed by the defendant has decreased or the security at a state mental health institute has increased or for any other reason. [PL 2023, c. 600, §1 (NEW).]

B. At any time after 90 days of placement in a mental health unit of a correctional facility, except not within 60 days of resolution of a prior petition under this paragraph, the defendant may petition the court for return to placement in a less restrictive setting on the grounds that the criteria for placement under subsection 1 no longer exist. If a petition is filed under this paragraph, the court shall hold a hearing and issue a decision maintaining or terminating the placement. [PL 2023, c. 600, §1 (NEW).]

[PL 2023, c. 600, §1 (NEW).]

4. Disclosure of information. With respect to a defendant who has previously been hospitalized under Title 34-B, chapter 3, subchapter 4, the commissioner may make it a prerequisite to accepting placement of the defendant under this section that necessary information be disclosed to the department pursuant to Title 34-B, section 1207, subsection 1, paragraph B.

[PL 2023, c. 600, §1 (NEW).]

5. Application of other laws. All other applicable provisions of law governing defendants found incompetent to stand trial apply to defendants accepted for placement under this section.

[PL 2023, c. 600, §1 (NEW).]

6. Repeal. This section is repealed November 1, 2027.

[PL 2023, c. 600, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 600, §1 (NEW).

§3070. Hospitalization for mental retardation

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §58 (AMD). PL 1995, c. 395, §G9 (RP). PL 1995, c. 395, §G20 (AFF).

§3071. Removal for disease

1. Dangerous diseases.

[PL 1983, c. 581, §§30, 59 (RP).]

2. Contagious diseases. If a client in any correctional or detention facility requires medical care outside the facility, the commissioner may:

A. Cause the client to be removed to some suitable place of security where the client will receive all necessary care and medical attention; and [PL 1999, c. 583, §15 (AMD).]

B. Cause the client to be returned as soon as possible to the facility to be confined according to the sentence, if unexpired. [PL 1999, c. 583, §15 (AMD).]

[PL 1999, c. 583, §15 (AMD).]

3. Tuberculosis.

[PL 1991, c. 314, §60 (RP).]

4. Civil action to recover certain costs. The State may bring a civil action in any court of competent jurisdiction to recover the cost of any medical, dental, psychiatric or psychological expenses incurred by the State on behalf of a client under this section. The following assets are not subject to judgment under this subsection:

A. Joint ownership, if any, that the client may have in real property; [PL 1991, c. 314, §61 (AMD).]

B. Joint ownership, if any, that the client may have in any assets, earnings or other sources of income; and [PL 1991, c. 314, §61 (AMD).]

C. The income, assets, earnings or other property, both real and personal, owned by the client's spouse or family. [PL 1991, c. 314, §61 (AMD).]

[PL 1991, c. 314, §61 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§30,59 (AMD). PL 1985, c. 752, §4 (AMD). PL 1991, c. 314, §§59-61 (AMD). PL 1999, c. 583, §15 (AMD).

§3072. Treaty; transfer of noncitizens of the United States

If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the Governor may, on behalf of the State and subject to the terms of the treaty, authorize the Commissioner of Corrections to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of this State in the treaty. [PL 1985, c. 821, §22 (NEW).]

SECTION HISTORY

PL 1985, c. 821, §22 (NEW).

§3073. Transportation to and from courts

Notwithstanding any other provision of law, transportation of a prisoner between a correctional facility and a court in connection with the prosecution of the prisoner for a crime committed within a correctional facility is the responsibility of the department, unless the department and the sheriff agree that the sheriff will undertake the responsibility of the transportation at an agreed-upon rate of reimbursement to the county by the department. [PL 2001, c. 228, §2 (NEW).]

SECTION HISTORY

PL 2001, c. 228, §2 (NEW).

ARTICLE 4

PREGNANT PRISONERS AND PREGNANT JUVENILES

§3101. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [PL 2015, c. 315, §4 (NEW).]

1. Corrections officer. "Corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.
[PL 2015, c. 315, §4 (NEW).]

2. Juvenile. "Juvenile" means juvenile client or juvenile detainee.
[PL 2015, c. 315, §4 (NEW).]

3. Labor. "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity and duration to bring about effacement and progressive dilation of the cervix.
[PL 2015, c. 315, §4 (NEW).]

4. Postpartum recovery. "Postpartum recovery" means, as determined by a woman's physician, the period immediately following delivery, including the entire period the woman is in the hospital or infirmary after giving birth.
[PL 2015, c. 315, §4 (NEW).]

5. Restraints. "Restraints" means any physical restraint or mechanical device used to control the movement of a prisoner's or juvenile's body or limbs, including, but not limited to, disposable or soft restraints, handcuffs, a security restraint system that combines handcuffs with a rigid component, leg irons, belly chains, a security or tether chain and a convex shield.
[PL 2015, c. 315, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 315, §4 (NEW).

§3102. Restraint of pregnant prisoners and pregnant juveniles

1. Restraints prohibited. A correctional facility or a detention facility may not use restraints on a prisoner or juvenile known to be pregnant, including during transport to a medical facility or birthing center, labor, delivery and postpartum recovery, unless the chief administrative officer or the designee of the chief administrative officer makes a determination that the prisoner or juvenile presents an extraordinary circumstance as described in subsection 2.
[PL 2015, c. 315, §4 (NEW).]

2. Exceptions. Use of restraints on a pregnant prisoner or a pregnant juvenile for an extraordinary circumstance is permitted only if the chief administrative officer or the designee of the chief administrative officer makes a determination that there is a substantial flight risk or other extraordinary medical or security circumstance that requires restraints to be used to ensure the safety and security of the pregnant prisoner or pregnant juvenile, the staff of the correctional facility, detention facility or medical facility, other prisoners or juveniles or the public, except that:

A. If a doctor, nurse or other health professional treating the prisoner or juvenile requests that restraints not be used, the corrections officer accompanying the prisoner or juvenile shall immediately remove all restraints; and [PL 2015, c. 315, §4 (NEW).]

B. Notwithstanding this subsection, leg or waist restraints may not be used at any time, and restraints may not be used on a prisoner or juvenile in labor or childbirth. [PL 2015, c. 315, §4 (NEW).]

[PL 2015, c. 315, §4 (NEW).]

3. Procedures. If restraints are used on a pregnant prisoner or pregnant juvenile pursuant to subsection 2:

A. The corrections officer must apply the least restrictive type of restraints in the least restrictive manner necessary; and [PL 2015, c. 315, §4 (NEW).]

B. The chief administrative officer or the designee of the chief administrative officer shall make written findings within 10 days as to the extraordinary circumstance that required the use of the restraints. These findings must be kept on file by the correctional facility or detention facility for at least 5 years and must be made available for public inspection, except that individually identifying information of any prisoner or juvenile may not be made public under this paragraph without the prior written consent of the prisoner or juvenile. [PL 2015, c. 315, §4 (NEW).]

[PL 2015, c. 315, §4 (NEW).]

4. Privacy. When a prisoner or juvenile is admitted to a medical facility or birthing center for labor or childbirth, a corrections officer may not be present in the room during labor or childbirth unless specifically requested by medical personnel. If a corrections officer's presence is requested by medical personnel, the corrections officer must be female if practicable.

[PL 2015, c. 315, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 315, §4 (NEW).

§3103. Rulemaking

The department shall adopt rules necessary to implement this article. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 315, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 315, §4 (NEW).

§3104. Notice

A correctional facility or detention facility shall inform all female prisoners and juveniles of the rules developed pursuant to section 3103 upon admission to the correctional facility or detention facility and shall include the rules in any handbook provided to female prisoners or juveniles. [PL 2015, c. 315, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 315, §4 (NEW).

SUBCHAPTER 2

MAINE STATE PRISON

ARTICLE 1

GENERAL PROVISIONS

§3201. Maintenance

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §62 (AMD). PL 1991, c. 656 (AMD). PL 1995, c. 502, §F22 (AMD). PL 1997, c. 752, §35 (AMD). PL 1999, c. 583, §16 (RP).

§3201-A. Establishment

The Maine State Prison in Knox County is established for the confinement and rehabilitation of persons lawfully in the custody of the department, as provided by law. [PL 1999, c. 583, §17 (NEW).]

SECTION HISTORY

PL 1999, c. 583, §17 (NEW).

ARTICLE 2

PRISON OFFICIALS AND PERSONNEL

§3231. Warden

1. Chief administrative officer. The chief administrative officer of the Maine State Prison is called the warden.

A. [PL 1999, c. 583, §18 (RP).]

B. [PL 1999, c. 583, §18 (RP).]
[PL 1999, c. 583, §18 (RPR).]

2. Duties. In addition to other duties set out in this Title, the warden shall supervise and control the prisoners, pretrial detainees, employees, grounds, buildings and equipment at the prison.
[PL 1999, c. 583, §18 (RPR).]

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

A. The warden may appoint deputy wardens, subject to the Civil Service Law. A deputy warden designated by the warden has the powers, duties, obligations and liabilities of the warden when the warden is absent or is unable to perform the duties of the office. [PL 2025, c. 4, §1 (AMD).]

B. The warden may, with the written approval of the commissioner, contract with the Director of the Federal Bureau of Prisons acting pursuant to the United States Code, Title 18, 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. [PL 1999, c. 583, §18 (RPR).]

C. [PL 1999, c. 583, §18 (RP).]

D. [PL 1999, c. 583, §18 (RP).]

E. [PL 1999, c. 583, §18 (RP).]

F. [PL 1999, c. 583, §18 (RP).]

G. [PL 1999, c. 583, §18 (RP).]

H. [PL 1999, c. 583, §18 (RP).]

I. [PL 1999, c. 583, §18 (RP).]

J. [PL 1999, c. 583, §18 (RP).]

K. [PL 1999, c. 583, §18 (RP).]

L. [PL 1999, c. 583, §18 (RP).]

M. [PL 1985, c. 821, §23 (RP).]

N. [PL 1983, c. 581, §35 (RP); PL 1983, c. 581, §59 (AFF).]
[PL 2025, c. 4, §1 (AMD).]

4. Powers.
[PL 1999, c. 583, §18 (RP).]

5. Civil process or execution.
[PL 1983, c. 581, §§37, 59 (RP).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§31-37,59 (AMD). PL 1985, c. 752, §5 (AMD). PL 1985, c. 785, §B154 (AMD). PL 1985, c. 821, §23 (AMD). PL 1991, c. 310 (AMD). PL 1999, c. 583, §18 (RPR). PL 2025, c. 4, §1 (AMD).

§3232. Deputy warden

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 785, §B155 (AMD). PL 1999, c. 583, §19 (RP).

§3233. Prison employees

1. Duties. Prison employees have the following duties.

A. Prison officers shall perform the services in the managing, superintending and guarding of the prison as prescribed by the rules or as directed by the warden. [PL 1983, c. 459, §6 (NEW).]

B. If a prisoner at the prison resists the authority of any uniformed or ununiformed officer or refuses to obey his lawful commands, the officer shall immediately enforce obedience. [PL 1983, c. 459, §6 (NEW).]
[PL 1983, c. 459, §6 (NEW).]

2. Powers. Prison employees have the following powers.

A. Employees of the prison have the same power as sheriffs in their respective counties to search for and apprehend escapees from the prison, when authorized to do so by the warden. [PL 1983, c. 459, §6 (NEW).]

B. Employees of the prison, when authorized by the warden, may carry weapons inside and outside the prison in connection with their assigned duties or training. [PL 1983, c. 459, §6 (NEW).]
[PL 1983, c. 459, §6 (NEW).]

3. Uniforms. Prison employee uniforms are governed as follows.

A. Employees of the prison may be provided, at the expense of the State, with distinctive uniforms for use when required for the performance of their official duties and which shall remain the property of the State. [PL 1983, c. 459, §6 (NEW).]

B. Employees of the prison may be provided with an equivalent clothing allowance when the private purchase of special clothing is similarly required for the performance of their official duties. [PL 1983, c. 459, §6 (NEW).]
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§3234. Overseers

1. Employment. When practicable, the warden shall employ persons having suitable knowledge and skill in the fields of labor and manufacture carried on in the prison to supervise activities in those fields assigned to them by the warden.
[PL 1983, c. 459, §6 (NEW).]

2. Services. Persons employed under subsection 1 shall perform the services in the managing, supervising and guarding of the prison as prescribed by the prison rules or as directed by the warden.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§3235. Physician

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1999, c. 583, §20 (RP).

§3236. Chaplain

1. Appointment. The warden shall appoint suitable persons as chaplains. Notwithstanding Title 5, section 902, subsection 3, any part-time chaplain position at the Maine State Prison may be a job-sharing position.
[PL 1991, c. 74 (AMD).]

2. Duties. The prison chaplains shall, in accordance with the rules of the prison:

A. Conduct religious services; [PL 1983, c. 459, §6 (NEW).]

B. Visit the sick; [PL 1983, c. 459, §6 (NEW).]

C. Labor diligently and faithfully for the mental, moral and religious improvement of the prisoners; and [PL 1983, c. 459, §6 (NEW).]

D. Aid the prisoners, when practicable, in obtaining employment after their discharge. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

3. Powers. The chaplains may, with the assent of the warden, establish a religious educational program and may admit persons of proper character from outside the prison to assist in it.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 74 (AMD).

ARTICLE 3

PRISONERS

§3261. Delivery to the prison

When a person is convicted and sentenced to the department and is to be transported to the prison from any county: [PL 1999, c. 583, §21 (AMD).]

1. Duties of commissioner. The commissioner shall immediately notify the warden and the sheriff of the county in which the sentencing court is located;
[PL 1983, c. 581, §§38, 59 (RPR).]

2. Duties of the sheriff. The sheriff of the county in which the sentencing court is located shall:

A. Transport the person to the prison, using a sufficient number of the sheriff's appointed deputies when necessary; and [PL 1999, c. 583, §21 (AMD).]

B. Deliver the person to the officer in charge of the prison between the hours of 8 a.m. and 4 p.m. Monday to Friday, except for holidays, unless prior arrangements for an alternative time have been made with the warden, accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707; [PL 1999, c. 583, §21 (AMD).]
[PL 1999, c. 583, §21 (AMD).]

3. Duties of the jail keeper. When, during the conveyance of a person to the prison in pursuance of that person's sentence, it is necessary or convenient to lodge the person for safekeeping in a jail until the remainder of the conveyance can be conveniently performed, the keeper of the jail shall:

A. Receive and safely keep and provide for the person, reasonable charges and expenses for this service to be paid from the State Treasury; and [PL 1999, c. 583, §21 (AMD).]

B. Deliver the person to the custody of the deputy employed to convey the person, when that deputy calls for the person; and [PL 1999, c. 583, §21 (AMD).]
[PL 1999, c. 583, §21 (AMD).]

4. Duties of the warden. The warden shall:

A. File the record, as provided by Title 15, section 1707 in the warden's office. [PL 2009, c. 391, §18 (AMD).]

B. [PL 2009, c. 391, §18 (RP).]
[PL 2009, c. 391, §18 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§38,59 (RPR). PL 1993, c. 337, §1 (AMD). PL 1999, c. 583, §21 (AMD). PL 2009, c. 391, §18 (AMD).

§3262. Receipt of United States prisoners

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 67, §2 (RP).

§3263. Sentence duration

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 821, §24 (RP).

§3264. Conditions of imprisonment

Prisoners in the prison shall work at tasks normal to the maintenance, service, industrial, agricultural and other activities of the prison. [PL 1999, c. 583, §22 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1999, c. 583, §22 (AMD).

§3265. Disciplinary action

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1999, c. 583, §23 (RP).

§3266. Prisoner employment and training

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, §F23 (AMD). PL 1999, c. 583, §§24,25 (AMD). PL 2015, c. 48, §1 (RP).

§3267. Funerals and deathbed visits

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§39,59 (RP).

§3268. Discharge or parole

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§39,59 (RP).

SUBCHAPTER 3

MAINE CORRECTIONAL CENTER

§3401. Establishment

The Maine Correctional Center in South Windham is established for the confinement and rehabilitation of persons, male and female, lawfully in the custody of the department, as provided by law. [PL 1995, c. 502, Pt. F, §24 (RPR).]

1. Men.
[PL 1995, c. 502, Pt. F, §24 (RP).]

2. Women.
[PL 1995, c. 502, Pt. F, §24 (RP).]

3. Adult pretrial detainees.
[PL 1995, c. 502, Pt. F, §24 (RP).]

4. Juvenile pretrial detainees.
[PL 1995, c. 502, Pt. F, §24 (RP).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§40,59 (AMD). PL 1983, c. 816, §A41 (AMD). PL 1995, c. 502, §F24 (RPR).

§3402. Warden

1. Chief administrative officer. The chief administrative officer of the Maine Correctional Center is called the warden.
[PL 2013, c. 508, §1 (AMD).]

2. Duties. In addition to other duties set out in this Title, the warden shall supervise and control the prisoners, pretrial detainees, employees, grounds, buildings and equipment at the center.
[PL 2013, c. 508, §1 (AMD).]

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

A. The warden may appoint deputy wardens, subject to the Civil Service Law. A deputy warden designated by the warden has the powers, duties, obligations and liabilities of the warden when the warden is absent from the center location or is unable to perform the duties of the office. [PL 2013, c. 508, §1 (AMD).]

B. The warden may, with the written approval of the commissioner, contract with the Director of the Federal Bureau of Prisons acting pursuant to the United States Code, Title 18, 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. [PL 2013, c. 508, §1 (AMD).]
[PL 2013, c. 508, §1 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 785, §B156 (AMD). PL 2013, c. 508, §1 (AMD).

§3403. Prisoners generally

1. Conditions of confinement. Conditions of confinement of prisoners are governed as follows.

A. The warden shall detain and confine all persons committed to the department in accordance with the sentences of the courts and with the rules of the department. [PL 2013, c. 508, §2 (AMD).]

B. The warden shall provide for the safekeeping or employment of persons committed to the department in order to teach them a useful trade or profession and to improve their mental and moral condition, which may include work involving public restitution. [PL 2013, c. 508, §2 (AMD).]
[PL 2013, c. 508, §2 (AMD).]

2. Housing. The warden shall maintain separate housing facilities for men and women.
[PL 2013, c. 508, §2 (AMD).]

3. Convicted boundover juveniles.
[PL 1995, c. 502, Pt. F, §26 (RP).]

4. Industries program.
[PL 1985, c. 821, §25 (RP).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§41,59 (AMD). PL 1983, c. 816, §A42 (AMD). PL 1985, c. 821, §25 (AMD). PL 1991, c. 314, §63 (AMD). PL 1995, c. 502, §§F25,26 (AMD). PL 2013, c. 508, §2 (AMD).

§3404. Pregnant women

If any woman is, at the time of her commitment to the center, pregnant with a child which will be born after her commitment, the custody of the child, at the instance of the commissioner, shall be determined in accordance with Title 22, chapter 1071. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§3405. Maine Correctional Center employees

1. Powers. Employees of the center:

A. Have the same power as sheriffs in their respective counties to search for and apprehend escapees from the center when authorized to do so by the warden; and [PL 2013, c. 508, §3 (AMD).]

B. May carry weapons and other security equipment when authorized by the warden inside and outside the center in connection with their assigned duties or training. [PL 2013, c. 508, §3 (AMD).]

[PL 2013, c. 508, §3 (AMD).]

2. Uniforms. Maine Correctional Center employee uniforms are governed as follows.

A. Employees of the center may be provided, at the expense of the State, with distinctive uniforms for use when required for the performance of their official duties and which shall remain the property of the State. [PL 1983, c. 459, §6 (NEW).]

B. Employees of the center may be provided with an equivalent clothing allowance when the private purchase of special clothing is similarly required for the performance of their official duties. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§42,59 (AMD). PL 2013, c. 508, §3 (AMD).

§3406. Land grants to the Department of Agriculture, Conservation and Forestry

The following lands of the former Women's Correctional Center at Skowhegan are granted to the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands as follows: [PL 2015, c. 329, Pt. A, §19 (AMD).]

1. Land grant to Bureau of Parks and Lands. All of the open land and timberland north of Norridgewock Avenue, excluding the land immediately adjacent to the institutional buildings, is transferred to the Bureau of Parks and Lands, which shall actively manage the timberlands as a working forest; and

[PL 2015, c. 329, Pt. A, §19 (AMD).]

2. Land grant to Bureau of Parks and Lands. All the land lying between Norridgewock Avenue and the Kennebec River, with the exception of the sewage treatment plant and access thereto, is transferred to the Bureau of Parks and Lands to be managed by the bureau.

[PL 2015, c. 329, Pt. A, §19 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, Pt. E, §30 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2015, c. 329, Pt. A, §19 (AMD).

§3407. Delivery to the center

When a person is convicted and sentenced to the department and is to be transported to the center from any county: [PL 1983, c. 581, §§43, 59 (NEW).]

1. Duties of commissioner. The commissioner shall immediately notify the warden and the sheriff of the county in which the sentencing court is located;

[PL 2013, c. 508, §4 (AMD).]

2. Duties of the sheriff. The sheriff of the county in which the sentencing court is located shall:

A. Transport the person to the center, using a sufficient number of the sheriff's appointed deputies when necessary; and [PL 1999, c. 583, §26 (AMD).]

B. Deliver the person to the officer in charge of the center between the hours of 8 a.m. and 4 p.m. Monday to Friday, except for holidays, unless prior arrangements are made and approved by the warden, accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707; [PL 2013, c. 508, §5 (AMD).]

[PL 2013, c. 508, §5 (AMD).]

3. Duties of the jail keeper. When, during the conveyance of a person to the center pursuant to the person's sentence, it is necessary or convenient to lodge the person for safekeeping in a jail until the remainder of the conveyance can be conveniently performed, the keeper of the jail shall:

A. Receive and safely keep and provide for the person reasonable charges and expenses for this service to be paid from the State Treasury; and [PL 1999, c. 583, §26 (AMD).]

B. Deliver the person to the custody of the deputy employed to convey the person, when that deputy calls for the person; and [PL 1999, c. 583, §26 (AMD).]

[PL 1999, c. 583, §26 (AMD).]

4. Duties of the warden. The warden shall:

A. File the record, as provided by Title 15, section 1707, in the warden's office. [PL 2013, c. 508, §6 (AMD).]

B. [PL 2009, c. 391, §19 (RP).]

[PL 2013, c. 508, §6 (AMD).]

SECTION HISTORY

PL 1983, c. 581, §§43,59 (NEW). PL 1993, c. 337, §2 (AMD). PL 1999, c. 583, §26 (AMD). PL 2009, c. 391, §19 (AMD). PL 2013, c. 508, §§4-6 (AMD).

SUBCHAPTER 4

CHARLESTON CORRECTIONAL FACILITY

§3601. Establishment

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§44,59 (RPR). PL 2017, c. 148, §8 (RP).

§3602. Purposes

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1999, c. 583, §27 (AMD). PL 2017, c. 148, §8 (RP).

§3603. Director

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 785, §B157 (AMD). PL 2017, c. 148, §8 (RP).

§3604. Prisoners generally

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1989, c. 127, §11 (AMD). PL 1989, c. 700, §A161 (AMD). PL 2005, c. 397, §D3 (REV). PL 2017, c. 148, §8 (RP).

§3605. Charleston Correctional Facility employees

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 148, §8 (RP).

SUBCHAPTER 5

SOUTHERN MAINE JUVENILE FACILITY

§3801. Establishment

The State shall maintain the Long Creek Youth Development Center, referred to in this subchapter as the "facility," located at South Portland. [PL 1999, c. 583, §29 (AMD); PL 2001, c. 439, Pt. G, §6 (AMD).]

1. Coeducational. The facility must be coeducational.
[PL 1999, c. 583, §30 (AMD).]

2. Separate housing. The facility must fully separate the housing facilities for boys and girls.
[PL 1999, c. 583, §30 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 583, §§29,30 (AMD). PL 2001, c. 439, §G6 (AMD).

§3802. Purposes

1. Statement. The purposes of the Long Creek Youth Development Center are:

A. To detain juveniles pending a court proceeding; [PL 2003, c. 410, §13 (AMD).]

B. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A, and court-ordered examinations pursuant to Title 15, section 3318-A; [PL 2011, c. 282, §6 (AMD).]

C. To rehabilitate juveniles committed to a juvenile correctional facility pursuant to Title 15, section 3314, subsection 1, paragraph F; [PL 1999, c. 463, §1 (AMD).]

D. To protect the public from dangerous juveniles; [PL 1999, c. 624, Pt. B, §22 (AMD).]

E. To confine juveniles ordered confined pursuant to Title 15, section 3314, subsection 1, paragraph H; [PL 2005, c. 507, §20 (AMD).]

F. To confine juveniles ordered detained pursuant to Title 15, section 3312, subsection 3, paragraph D; [PL 2007, c. 196, §7 (AMD).]

G. [PL 2025, c. 431, §29 (RP).]

H. To confine juveniles ordered confined pursuant to Title 15, section 3314, subsection 7; and [PL 2007, c. 686, §3 (AMD).]

I. To confine juveniles committed to a juvenile correctional facility pursuant to Title 17-A, section 1611. [PL 2019, c. 113, Pt. C, §101 (AMD).]
[PL 2025, c. 431, §29 (AMD).]

2. Accomplishment. To accomplish the purposes set out in subsection 1, the disciplines of education, casework, group work, psychology, psychiatry, medicine, nursing, vocational training and

religion as they are related to human relations and personality development must be employed. Security measures, whether in the form of physically restrictive construction or intensive staff supervision, when appropriate, may be taken to accomplish these purposes.
[PL 1991, c. 311, §1 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1991, c. 311, §1 (AMD). PL 1995, c. 502, §§F27,28 (AMD). PL 1997, c. 752, §§36,37 (AMD). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 463, §§1-3 (AMD). PL 1999, c. 624, §§B22-24 (AMD). PL 2001, c. 439, §G6 (AMD). PL 2003, c. 410, §13 (AMD). PL 2005, c. 328, §§17-19 (AMD). PL 2005, c. 507, §§20,21 (AMD). PL 2007, c. 196, §7 (AMD). PL 2007, c. 686, §§2-4 (AMD). PL 2011, c. 282, §6 (AMD). PL 2019, c. 113, Pt. C, §101 (AMD). PL 2025, c. 431, §29 (AMD).

§3803. Superintendent

The chief administrative officer of the Long Creek Youth Development Center is called the superintendent. [PL 1983, c. 459, §6 (NEW); PL 2001, c. 439, Pt. G, §6 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1999, c. 401, §J4 (AMD). PL 2001, c. 439, §G6 (AMD).

§3804. Superintendent's powers

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§45,59 (RP).

§3804-A. Superintendent's appointment powers

The superintendent may appoint 2 assistant superintendents, subject to the Civil Service Law. [PL 1985, c. 785, Pt. B, §158 (AMD).]

1. Assistant superintendent. An assistant superintendent designated by the superintendent has the powers, duties, obligations and liabilities of the superintendent when the superintendent is absent from the center or unable to perform the duties of the office.
[PL 1983, c. 581, §§ 46 and 59 (NEW).]

2. Designee. If there are no assistant superintendents, another employee designated by the superintendent has the powers, duties, obligations and liabilities of the superintendent in the circumstances described in subsection 1.
[PL 1983, c. 581, §§ 46 and 59 (NEW).]

SECTION HISTORY

PL 1983, c. 581, §§46,59 (NEW). PL 1985, c. 785, §B158 (AMD).

§3805. Commitment

1. Eligibility.

[PL 2021, c. 326, §17 (AMD); MRSA T. 34-A §3805, sub-§1 (RP).]

1-A. Eligibility. Beginning October 1, 2021, only a juvenile, as defined in Title 15, section 3003, subsection 14, who is 12 years of age or older at the time of commitment may be committed to the facility pursuant to this subchapter and Title 15, Part 6.
[PL 2021, c. 326, §18 (NEW).]

2. Limitations. A person may not be detained or confined in or committed to the facility if, upon petition by the commissioner or the commissioner's designee and after hearing, the court finds by a

preponderance of the evidence that the person is more appropriately a subject for intensive treatment services that are available and provided by or through the Department of Health and Human Services. Prior to the hearing, the court shall provide notice of the hearing in writing or orally to the juvenile, the juvenile's parents, the juvenile's guardian or legal custodian, the attorney for the State and the Department of Health and Human Services.
[PL 2007, c. 536, §7 (AMD).]

3. Certification. When a person is detained or confined in or committed to the facility, the court making the detention, confinement or commitment shall certify on the mittimus the person's birthplace, parentage and legal residence.
[PL 2005, c. 507, §23 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§47,59 (AMD). PL 1991, c. 311, §2 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1999, c. 583, §31 (AMD). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2003, c. 706, §A10 (AMD). PL 2005, c. 507, §§22,23 (AMD). PL 2007, c. 536, §7 (AMD). PL 2021, c. 326, §§17, 18 (AMD).

§3806. Federal juvenile offenders

The commissioner may contract with the Attorney General of the United States for the confinement and support in the Long Creek Youth Development Center of juvenile offenders against the laws of the United States in accordance with the United States Code, Title 18, Sections 706 and 707. [PL 1983, c. 459, §6 (NEW); PL 2001, c. 439, Pt. G, §6 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1999, c. 401, §J4 (AMD). PL 2001, c. 439, §G6 (AMD).

§3807. Human services' custody

1. Suspension. When the custody of a child at the time of commitment is in the Department of Health and Human Services, that custody shall be temporarily suspended while the child is in the Long Creek Youth Development Center.
[PL 1983, c. 459, §6 (NEW); PL 2001, c. 439, Pt. G, §6 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

2. Reversion. Upon discharge or placement on community reintegration status from the Long Creek Youth Development Center, the custody of the child reverts to the Department of Health and Human Services, if the child is still under 18 years of age.
[PL 2003, c. 410, §14 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§48,59 (AMD). PL 1999, c. 401, §J4 (AMD). PL 2001, c. 439, §G6 (AMD). PL 2003, c. 410, §14 (AMD). PL 2003, c. 689, §B6 (REV).

§3808. Overcrowding

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§49,59 (RP).

§3809. Observation

1. Generally. When the behavior of a juvenile residing at the Long Creek Youth Development Center presents a high likelihood of imminent harm to that juvenile or to others, presents a substantial and imminent threat of destruction of property or demonstrates a proclivity to be absent from the facility without leave as evidenced by a stated intention to escape from the facility or by a recent attempted or

actual escape from any detention or correctional facility, the juvenile may be placed under observation if the juvenile demonstrates that anything less restrictive would be ineffectual for the control of the juvenile's behavior.
[PL 1991, c. 314, §64 (RPR); PL 2001, c. 439, Pt. G, §6 (AMD).]

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

A. Placement under observation must first be approved by the superintendent. [PL 1991, c. 314, §64 (RPR).]

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 correctional facilities. [PL 1991, c. 314, §64 (RPR).]

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. [PL 1991, c. 314, §64 (RPR).]

D. When placement under observation exceeds 12 hours, the superintendent 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 superintendent 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 superintendent 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 superintendent 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. [PL 1991, c. 314, §64 (RPR).]

E. When placement under observation exceeds 24 hours, the superintendent 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. [PL 1991, c. 314, §64 (RPR).]

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. [PL 1991, c. 314, §64 (RPR).]

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 shall send a written justification to the commissioner. [PL 1991, c. 314, §64 (RPR).]

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. [PL 1995, c. 163, §1 (AMD).]

[PL 1995, c. 163, §1 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§50,59 (AMD). PL 1991, c. 314, §64 (RPR). PL 1995, c. 163, §1 (AMD). PL 1999, c. 401, §J4 (AMD). PL 2001, c. 439, §G6 (AMD).

§3809-A. Commissioner's guardianship powers

1. Juvenile client. The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to person, allowable property that the juvenile client has at the Long Creek Youth Development Center, earnings that the juvenile client receives during the juvenile client's stay at the Long Creek Youth Development Center and the rehabilitation of every juvenile client. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner, staff and rules of the facility until the expiration of the period of commitment or until discharge from the facility.
[PL 1999, c. 583, §32 (AMD); PL 2001, c. 439, Pt. G, §6 (AMD).]

2. Juvenile detainee. The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care and necessary mental health care. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner, staff and rules of the facility until release from the facility.
[PL 2019, c. 155, §1 (AMD).]

3. Psychiatric hospitalization. The commissioner has all the power over a juvenile client or juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary psychiatric hospitalization, including hospitalization in a nonstate mental health institution or hospital for the mentally ill. If a juvenile client or juvenile detainee is or becomes 18 years of age while still under commitment or while still detained, the statutory guardianship of the commissioner over the juvenile client or juvenile detainee terminates, but the juvenile client or juvenile detainee remains subject to the control of the commissioner and staff and rules of the facility until the expiration of the period of commitment or until release or discharge from the facility. Nothing in this subsection may be construed to override the requirement to make application for psychiatric hospitalization in accordance with Title 34-B, section 3863, unless hospitalization is made with the juvenile client's or juvenile detainee's consent in accordance with Title 34-B, section 3831. If placement in a licensed residential care facility providing a mental health treatment program is an appropriate alternative to psychiatric hospitalization, that placement may be made by the commissioner with the juvenile client's or juvenile detainee's consent.
[PL 2005, c. 328, §20 (AMD).]

SECTION HISTORY

PL 1983, c. 581, §§51,59 (NEW). PL 1997, c. 752, §38 (RPR). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 510, §5 (AMD). PL 1999, c. 583, §32 (AMD). PL 2001, c. 439, §G6 (AMD). PL 2001, c. 517, §1 (AMD). PL 2003, c. 410, §15 (AMD). PL 2003, c. 706, §A11 (AMD). PL 2005, c. 328, §20 (AMD). PL 2019, c. 155, §1 (AMD).

§3810. Community reintegration status

1. Commissioner's powers. During a juvenile client's commitment to the facility, the commissioner may, at the commissioner's discretion:

A. Keep the juvenile client at the facility; or [PL 1999, c. 583, §33 (AMD).]

B. Place the juvenile client on community reintegration status for a period not exceeding the term of the juvenile's commitment. [PL 2003, c. 410, §16 (AMD).]

[PL 2003, c. 410, §16 (AMD).]

2. Reports. As often as the commissioner requires, the person or agency caring for the juvenile client while on community reintegration status shall report to the commissioner:

A. The progress and behavior of the juvenile client, whether or not the juvenile client remains under the care of the person or agency; and [PL 1983, c. 459, §6 (NEW).]

B. If the juvenile client is not under the care of the person or agency, where the client is. [PL 1983, c. 459, §6 (NEW).]

[PL 2003, c. 410, §16 (AMD).]

3. Center services. The commissioner shall provide community reintegration services to juvenile clients.

[PL 2003, c. 410, §16 (AMD).]

4. Cancellation. If the commissioner is satisfied at any time that the welfare of the juvenile client will be promoted by return to the facility, the commissioner may cancel the community reintegration status and resume charge of the client with the same powers as before the placement on community reintegration status was made.

[PL 2003, c. 410, §16 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§52,59 (AMD). PL 1989, c. 591, §2 (AMD). PL 1997, c. 464, §14 (AMD). PL 1999, c. 583, §§33,34 (AMD). PL 2003, c. 410, §16 (AMD).

§3811. Return to facility

When a juvenile client who has been placed on community reintegration status, who has been granted a furlough or work or education release or who has been absent from the facility without leave is taken into custody for the purpose of return to the facility by an officer or employee of the facility, at the direction of the commissioner, or by a law enforcement officer, at the request of the commissioner, and because of the juvenile client's distance from the facility at the time of being taken into custody, it becomes necessary to detain the client overnight: [PL 2003, c. 410, §17 (AMD).]

1. Temporary detention. The juvenile client may be temporarily detained in a county jail; and

[PL 1983, c. 459, §6 (NEW).]

2. Return. The juvenile client must be returned to the facility on the day after being taken into custody, except that, if traveling conditions are unsafe, the client must be returned to the facility at the earliest possible time.

[PL 1999, c. 583, §35 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§53,59 (AMD). PL 1997, c. 464, §15 (AMD). PL 1999, c. 583, §35 (AMD). PL 2003, c. 410, §17 (AMD).

§3812. Discharge

1. Duty. The superintendent shall cause a juvenile client to be discharged from the facility:

A. When the client becomes 21 years of age or otherwise reaches the end of the period of the Juvenile Court's commitment. [PL 1995, c. 502, Pt. F, §29 (AMD).]

B. [PL 1995, c. 502, Pt. F, §29 (RP).]

[PL 1999, c. 583, §36 (AMD).]

2. Power. The superintendent may cause a juvenile client to be discharged from the facility when the superintendent determines that discharge is in the best interest of the client or that the client has benefited optimally from the services and facilities of the facility.

[PL 1999, c. 583, §36 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, §F29 (AMD). PL 1999, c. 583, §36 (AMD).

§3813. Power of facility employees

The Long Creek Youth Development Center employees 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 superintendent. [PL 1999, c. 583, §37 (AMD); PL 2001, c. 439, Pt. G, §6 (AMD).]

SECTION HISTORY

PL 1987, c. 585 (NEW). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 583, §37 (AMD). PL 2001, c. 439, §G6 (AMD).

§3814. Transportation

All court-ordered and court-related transportation of juvenile detainees to and from the Long Creek Youth Development Center is the responsibility of the sheriff of the county in which the court is located. [PL 1991, c. 314, §65 (NEW); PL 2001, c. 439, Pt. G, §6 (AMD).]

SECTION HISTORY

PL 1991, c. 314, §65 (NEW). PL 1999, c. 401, §J4 (AMD). PL 2001, c. 439, §G6 (AMD).

§3815. Arthur R. Gould School

1. Purpose. The Arthur R. Gould School, located at the Long Creek Youth Development Center, is devoted to the education and instruction of persons residing at the facility.
[PL 1999, c. 583, §38 (AMD); PL 2001, c. 439, Pt. G, §6 (AMD).]

2. Responsibility for maintaining school. The State, through the Department of Corrections, has the responsibility and expense of maintaining the school in compliance with all elementary and secondary state education requirements for public schools and private schools approved for tuition purposes established in Title 20-A.
[PL 1991, c. 764, §2 (NEW).]

3. School privileges. A person residing at the Long Creek Youth Development Center is eligible to attend the Arthur R. Gould School and receive education, career and technical education, special education and alternative education services in accordance with all state and federal requirements.
[PL 1991, c. 764, §2 (NEW); PL 2005, c. 397, Pt. D, §3 (REV).]

4. Policy review council.
[PL 1997, c. 752, §39 (RP).]

SECTION HISTORY

PL 1991, c. 764, §2 (NEW). PL 1997, c. 752, §39 (AMD). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 583, §38 (AMD). PL 2001, c. 439, §G6 (AMD). PL 2005, c. 397, §D3 (REV).

§3816. Young adult offenders

(REPEALED)

SECTION HISTORY

PL 2013, c. 28, §11 (NEW). PL 2017, c. 148, §9 (RP).

SUBCHAPTER 6

DOWNEAST CORRECTIONAL FACILITY

§3901. Establishment

There is established the Downeast Correctional Facility located in Washington County for the confinement and rehabilitation of persons who have been duly sentenced and committed to the Department of Corrections. [PL 1997, c. 752, §40 (AMD).]

SECTION HISTORY

PL 1983, c. 861, §1 (NEW). PL 1997, c. 752, §40 (AMD).

§3902. Purposes

The purposes of the Downeast Correctional Facility include vocational and rehabilitative programs, including work release, and work, which may involve public restitution. [PL 2019, c. 343, Pt. LLLL, §1 (AMD).]

SECTION HISTORY

PL 1983, c. 861, §1 (NEW). PL 2019, c. 343, Pt. LLLL, §1 (AMD).

§3903. Warden

1. Chief administrative officer. The chief administrative officer of the Downeast Correctional Facility is the warden of the Mountain View Correctional Facility, referred to in this subchapter as "the warden," and is responsible to the commissioner.
[PL 2023, c. 135, §10 (AMD).]

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

A. The warden shall exercise proper supervision over the employees, grounds, buildings and equipment at the Downeast Correctional Facility. [PL 2023, c. 135, §10 (AMD).]

B. The warden shall supervise and control the prisoners at the Downeast Correctional Facility in accordance with departmental rules. [PL 2023, c. 135, §10 (AMD).]
[PL 2023, c. 135, §10 (AMD).]

3. Powers.
[PL 2019, c. 343, Pt. LLLL, §2 (RP).]

SECTION HISTORY

PL 1983, c. 861, §1 (NEW). PL 1985, c. 785, §B159 (AMD). PL 2019, c. 343, Pt. LLLL, §2 (RPR). PL 2023, c. 135, §10 (AMD).

§3904. Prisoners generally

1. Confinement. All prisoners at the Downeast Correctional Facility shall be detained and confined in accordance with the sentences of the court and the rules of the department.
[PL 1983, c. 861, §1 (NEW).]

2. Education. The warden shall maintain suitable courses for academic and career and technical education of the prisoners of the Downeast Correctional Facility. The warden shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the facility's programs.
[PL 2023, c. 135, §11 (AMD).]

3. Employment. The commissioner may authorize the employment of prisoners of the Downeast Correctional Facility on public works with any department, agency or entity of the State, county or local government and may authorize the use of prisoners to provide assistance in the improvement of property owned by nonprofit organizations.

A. The commissioner shall promulgate such rules as he deems proper to ensure the care and treatment of the prisoners and the safe working conditions of prisoners and departmental employees. [PL 1983, c. 861, §1 (NEW).]

B. The purpose of the employment authorized in this subsection is to provide training to the prisoner and to be a form of public restitution for the crime or crimes committed by the prisoner. [PL 1983, c. 861, §1 (NEW).]

C. The commissioner may request that nonprofit organizations pay for the transportation of the prisoners and pay the per diem compensation of correctional officers or instructors who must accompany the prisoners or oversee the work to be performed. [PL 1983, c. 861, §1 (NEW).]

[PL 1983, c. 861, §1 (NEW).]

4. Escape. Any prisoner who escapes from the facility, or from any assignment beyond the grounds of the facility, to include community-rehabilitative programs is guilty of escape under Title 17-A, section 755.

[PL 1983, c. 861, §1 (NEW).]

5. Industries program.

[PL 1985, c. 821, §26 (RP).]

SECTION HISTORY

PL 1983, c. 861, §1 (NEW). PL 1985, c. 821, §26 (AMD). PL 2005, c. 397, §D3 (REV). PL 2019, c. 343, Pt. LLLL, §3 (AMD). PL 2023, c. 135, §11 (AMD).

§3905. Downeast Correctional Facility employees

Employees of the Downeast Correctional Facility 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. [PL 2023, c. 135, §12 (AMD).]

SECTION HISTORY

PL 1983, c. 861, §1 (NEW). PL 2019, c. 343, Pt. LLLL, §4 (AMD). PL 2023, c. 135, §12 (AMD).

SUBCHAPTER 8

MOUNTAIN VIEW CORRECTIONAL FACILITY

§4101. Establishment

There is established the Mountain View Correctional Facility located in Penobscot County. [PL 2017, c. 148, §10 (AMD).]

SECTION HISTORY

PL 1991, c. 400 (NEW). PL 1999, c. 401, §J6 (AMD). PL 2001, c. 439, §G8 (AMD). PL 2017, c. 148, §10 (AMD).

§4102. Purposes

(REPEALED)

SECTION HISTORY

PL 1991, c. 400 (NEW). PL 1997, c. 752, §41 (AMD). PL 1999, c. 401, §J6 (AMD). PL 1999, c. 583, §§39-41 (AMD). PL 1999, c. 624, §§B25,26 (AMD). PL 2001, c. 439, §G8 (AMD). PL 2003, c. 410, §18 (AMD). PL 2003, c. 545, §6 (REV). PL 2005, c. 328, §21 (RP).

§4102-A. Purposes for juveniles

(REPEALED)

SECTION HISTORY

PL 2005, c. 328, §22 (NEW). PL 2005, c. 507, §§24,25 (AMD). PL 2007, c. 196, §8 (AMD). PL 2007, c. 686, §§5-7 (AMD). PL 2011, c. 282, §7 (AMD). PL 2017, c. 148, §11 (AMD). PL 2023, c. 135, §13 (RP).

§4102-B. Purposes for prisoners

The purposes of the Mountain View Correctional Facility with respect to prisoners include vocational and academic education and rehabilitative programs, including work release and work involving public restitution. [PL 2017, c. 148, §12 (NEW).]

SECTION HISTORY

PL 2017, c. 148, §12 (NEW).

§4103. Warden

1. Chief administrative officer. The chief administrative officer of the Mountain View Correctional Facility is called the warden and is responsible to the commissioner.
[PL 2023, c. 135, §14 (AMD).]

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

A. The warden shall exercise supervision over the employees, grounds, buildings and equipment at the Mountain View Correctional Facility. [PL 2023, c. 135, §14 (AMD).]

B. [PL 2023, c. 135, §14 (RP).]

C. The warden shall supervise and control the prisoners at the Mountain View Correctional Facility in accordance with department rules. [PL 2023, c. 135, §14 (AMD).]
[PL 2023, c. 135, §14 (AMD).]

3. Powers. In addition to the powers granted in this Title, 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.
[PL 2023, c. 135, §14 (AMD).]

SECTION HISTORY

PL 1991, c. 400 (NEW). PL 1999, c. 401, §J6 (AMD). PL 2001, c. 439, §G8 (AMD). PL 2005, c. 488, §12 (AMD). PL 2017, c. 148, §§13, 14 (AMD). PL 2023, c. 135, §14 (AMD).

§4104. Detention and confinement of juveniles

(REPEALED)

SECTION HISTORY

PL 1991, c. 400 (NEW). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1999, c. 260, §A11 (AMD). PL 1999, c. 401, §J6 (AMD). PL 1999, c. 583, §42 (AMD). PL 2001, c. 354, §3 (AMD). PL 2001, c. 439, §G8 (AMD). PL 2003, c. 689, §B6 (REV). PL 2003, c. 706, §A12 (AMD). PL 2005, c. 507, §§26,27 (AMD). PL 2007, c. 536, §8 (AMD). PL 2017, c. 148, §15 (AMD). PL 2023, c. 135, §15 (RP).

§4105. Juvenile detainees generally

(REPEALED)

SECTION HISTORY

PL 1991, c. 400 (NEW). PL 1999, c. 401, §J6 (AMD). PL 2001, c. 439, §G8 (AMD). PL 2017, c. 148, §16 (AMD). PL 2023, c. 135, §16 (RP).

§4106. Powers of employees

Employees of the Mountain View Correctional Facility 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. [PL 2023, c. 135, §17 (AMD).]

SECTION HISTORY

PL 1991, c. 400 (NEW). PL 1999, c. 401, §J6 (AMD). PL 2001, c. 439, §G8 (AMD). PL 2005, c. 488, §13 (AMD). PL 2017, c. 148, §17 (AMD). PL 2023, c. 135, §17 (AMD).

§4107. Transportation

(REPEALED)

SECTION HISTORY

PL 1991, c. 400 (NEW). PL 1999, c. 401, §J6 (AMD). PL 2001, c. 439, §G8 (AMD). PL 2017, c. 148, §18 (AMD). PL 2023, c. 135, §18 (RP).

§4108. Observation

(REPEALED)

SECTION HISTORY

PL 1991, c. 400 (NEW). PL 1999, c. 401, §J6 (AMD). PL 2001, c. 439, §G8 (AMD). PL 2005, c. 328, §23 (AMD). PL 2005, c. 488, §§14-17 (AMD). PL 2017, c. 148, §19 (AMD). PL 2023, c. 135, §19 (RP).

§4109. Limit on number of juveniles

(REPEALED)

SECTION HISTORY

PL 1991, c. 400 (NEW). PL 1999, c. 401, §J6 (AMD). PL 1999, c. 583, §43 (RP).

§4110. State responsible for detention

(REPEALED)

SECTION HISTORY

PL 1991, c. 400 (NEW). PL 1993, c. 354, §15 (AMD). PL 1995, c. 112, §1 (AMD). PL 1997, c. 24, §RR7 (RP).

§4111. Powers of commissioner

(REPEALED)

SECTION HISTORY

PL 1997, c. 752, §42 (NEW). PL 1999, c. 583, §44 (RPR). PL 2001, c. 439, §G8 (AMD). PL 2001, c. 517, §2 (AMD). PL 2003, c. 410, §19 (AMD). PL 2003, c. 706, §A13 (AMD). PL 2005, c. 328, §24 (AMD). PL 2017, c. 148, §20 (AMD). PL 2019, c. 155, §2 (AMD). PL 2023, c. 135, §20 (RP).

§4112. Community reintegration status

(REPEALED)

SECTION HISTORY

PL 1999, c. 583, §45 (NEW). PL 2001, c. 439, §G8 (AMD). PL 2003, c. 410, §20 (AMD). PL 2017, c. 148, §21 (RP).

§4113. Return to the facility

(REPEALED)

SECTION HISTORY

PL 1999, c. 583, §45 (NEW). PL 2001, c. 439, §G8 (AMD). PL 2003, c. 410, §21 (AMD). PL 2017, c. 148, §22 (RP).

§4114. Discharge

(REPEALED)

SECTION HISTORY

PL 1999, c. 583, §45 (NEW). PL 2001, c. 439, §G8 (AMD). PL 2005, c. 488, §18 (AMD). PL 2017, c. 148, §23 (RP).

§4115. Federal juvenile offenders

(REPEALED)

SECTION HISTORY

PL 1999, c. 583, §45 (NEW). PL 2001, c. 439, §G8 (AMD). PL 2017, c. 148, §24 (RP).

§4116. Department of Health and Human Services' custody

(REPEALED)

SECTION HISTORY

PL 1999, c. 583, §45 (NEW). PL 2001, c. 439, §G8 (AMD). PL 2003, c. 410, §22 (AMD). PL 2003, c. 689, §B6 (REV). PL 2017, c. 148, §25 (RP).

§4117. Confinement of prisoners

(REPEALED)

SECTION HISTORY

PL 2013, c. 28, §12 (NEW). PL 2015, c. 320, §1 (AMD). PL 2017, c. 148, §26 (AMD). PL 2023, c. 135, §21 (RP).

§4118. Prisoners generally

1. Evaluation. Before assignment to the Mountain View Correctional Facility, prisoners must be evaluated for security status, program needs and emotional stability by the classification process approved by the commissioner.
[PL 2017, c. 148, §27 (NEW).]

2. Transferred prisoners. All prisoners transferred to the Mountain View Correctional Facility must be detained and confined in accordance with the sentences of the court and the rules of the department.
[PL 2017, c. 148, §27 (NEW).]

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

A. The 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. [PL 2023, c. 135, §22 (AMD).]

B. Before employing instructors in career and technical education, the warden shall obtain the approval of the Department of Education. [PL 2023, c. 135, §22 (AMD).]
[PL 2023, c. 135, §22 (AMD).]

4. Employment. The commissioner may authorize the employment of prisoners of the Mountain View Correctional Facility on public works with any department, agency or entity of the State or county or local government and may authorize the use of prisoners to provide assistance in the improvement of property owned by nonprofit organizations.

A. The commissioner shall adopt rules that the commissioner considers proper to ensure the care and treatment of the prisoners and the safe working conditions of prisoners and department employees. [PL 2017, c. 148, §27 (NEW).]

B. The purpose of the employment authorized in this subsection is to provide training to the prisoner and to be a form of public restitution for the crime or crimes committed by the prisoner. [PL 2017, c. 148, §27 (NEW).]

C. The prisoners employed under this subsection may not be compensated monetarily for the work performed. [PL 2017, c. 148, §27 (NEW).]

D. The commissioner may request that nonprofit organizations pay for the transportation of the prisoners and pay the per diem compensation of correctional officers or instructors who must accompany the prisoners or oversee the work to be performed. [PL 2017, c. 148, §27 (NEW).]
[PL 2017, c. 148, §27 (NEW).]

5. Escape. A prisoner who escapes from the Mountain View Correctional Facility, or from any assignment beyond the grounds of the facility, is guilty of escape under Title 17-A, section 755.
[PL 2017, c. 148, §27 (NEW).]

SECTION HISTORY

PL 2017, c. 148, §27 (NEW). PL 2023, c. 135, §22 (AMD).

SUBCHAPTER 9

BOLDUC CORRECTIONAL FACILITY

§4201. Establishment

There is established the Bolduc Correctional Facility, referred to in this subchapter as "the facility," located in Warren in Knox County for the confinement and rehabilitation of persons who have been duly convicted and sentenced to the Department of Corrections. [PL 2013, c. 508, §7 (NEW).]

SECTION HISTORY

PL 2013, c. 508, §7 (NEW).

§4202. Purposes

The purposes of the facility include, but are not limited to, vocational and academic education and rehabilitative programs, including work release and work involving public restitution. [PL 2013, c. 508, §7 (NEW).]

SECTION HISTORY

PL 2013, c. 508, §7 (NEW).

§4203. Warden

1. Chief administrative officer. The chief administrative officer of the facility is the warden of the Maine State Prison, referred to in this subchapter as "the warden." The warden is responsible to the commissioner.
[PL 2025, c. 4, §2 (AMD).]

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

A. The warden shall exercise proper supervision over the employees, grounds, buildings and equipment at the facility. [PL 2025, c. 4, §2 (AMD).]

B. The warden shall supervise and control the prisoners at the facility in accordance with departmental rules. [PL 2025, c. 4, §2 (AMD).]

[PL 2025, c. 4, §2 (AMD).]

3. Powers.

[PL 2025, c. 4, §2 (RP).]

SECTION HISTORY

PL 2013, c. 508, §7 (NEW). PL 2025, c. 4, §2 (AMD).

§4204. Prisoners generally

1. Confinement of prisoners transferred to facility. All prisoners transferred to the facility must be detained and confined in accordance with the sentences of the court and the rules of the department. [PL 2013, c. 508, §7 (NEW).]

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

[PL 2025, c. 4, §3 (AMD).]

3. Employment. The commissioner may authorize the employment of prisoners of the facility on public works with any department, agency or entity of state, county or local government and may authorize the use of prisoners to provide assistance in the improvement of property owned by nonprofit organizations.

A. The commissioner shall adopt those rules as the commissioner considers proper to ensure the care and treatment of the prisoners and the safe working conditions of prisoners and departmental employees. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2013, c. 508, §7 (NEW).]

B. The purpose of the employment authorized in this subsection is to provide training to the prisoner and to be a form of public restitution for the crime or crimes committed by the prisoner. [PL 2013, c. 508, §7 (NEW).]

C. The prisoners employed under this subsection may not be compensated monetarily for work performed. [PL 2013, c. 508, §7 (NEW).]

D. The commissioner may request that nonprofit organizations pay for the transportation of the prisoners and pay the per diem compensation of correctional officers or instructors who must accompany the prisoners or oversee the work to be performed. [PL 2013, c. 508, §7 (NEW).]

[PL 2013, c. 508, §7 (NEW).]

4. Escape. Any prisoner who escapes from the facility, or from any assignment beyond the grounds of the facility, including assignment with community-rehabilitative programs, is guilty of escape under Title 17-A, section 755.

[PL 2013, c. 508, §7 (NEW).]

SECTION HISTORY

PL 2013, c. 508, §7 (NEW). PL 2025, c. 4, §3 (AMD).

§4205. Employees of the facility

Employees of the facility have the same power as do deputy sheriffs in their respective counties to search for and apprehend escapees from the facility when authorized to do so by the warden. [PL 2025, c. 4, §4 (AMD).]

SECTION HISTORY

PL 2015, c. 48, §2 (NEW). PL 2025, c. 4, §4 (AMD).

CHAPTER 5

PROBATION AND PAROLE

SUBCHAPTER 1

GENERAL PROVISIONS

§5001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 459, §6 (NEW).]

1. Board. "Board" means the State Parole Board.
[PL 1983, c. 459, §6 (NEW).]

2. Director.
[PL 1995, c. 502, Pt. F, §30 (RP).]

3. Division.
[PL 1995, c. 502, Pt. F, §30 (RP).]

4. Fine. "Fine" includes court costs whenever applicable.
[PL 1983, c. 459, §6 (NEW).]

5. Juvenile. "Juvenile" means a person under the age of 18 years or a person who is alleged to have committed, while under the age of 18 years, any acts or offenses covered by Title 15, Part 6, regardless of whether, at the time of the proceeding, the person is of the age of 18 years or over.
[PL 1983, c. 459, §6 (NEW).]

6. Parole. "Parole" is a release procedure by which a person may be released from a correctional facility by the State Parole Board prior to the expiration of the person's maximum term, parole status being in effect under Title 17-A, section 2314, subsection 2, with all provisions of prior laws governing parole continuing in effect.
[PL 2019, c. 113, Pt. C, §102 (AMD).]

7. Probation. "Probation" means a procedure under which a person found guilty of an offense is released by the court, without being committed to a correctional facility, or with or without commitment to jail or fine, subject to conditions imposed by the court.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, §F30 (AMD). PL 2019, c. 113, Pt. C, §102 (AMD).

§5002. Pardons by the Governor

This chapter does not deprive the Governor of the power to grant a pardon or commutation to any person sentenced to a correctional facility. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5003. Prohibited acts

1. Interference with probation. A person 18 years of age or older is guilty of interference with probation if that person willfully obstructs, intimidates or otherwise abets a probationer under the supervision and control of the department and thereby causes or contributes to causing the probationer to violate the conditions of that person's probation, after having been warned in writing by the commissioner to end that person's relationship or association with the probationer.

A. Interference with probation is a Class E crime, except that, notwithstanding Title 17-A, it is punished by a fine of not more than $500 or by imprisonment for not more than 11 months, or by both. [PL 1995, c. 502, Pt. F, §31 (AMD).]

B. This subsection applies to interferences with the probation of probationers who are under the supervision and control of the department at the request of other states under terms of the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles. [PL 2003, c. 706, Pt. B, §3 (AMD).]

[PL 2003, c. 706, Pt. B, §3 (AMD).]

2. Interference with parole. A person 18 years of age or older is guilty of interference with parole if that person willfully obstructs, intimidates or otherwise abets a parolee under the supervision and control of the department and thereby causes or contributes to causing the parolee to violate the conditions of parole, after having been warned in writing by the commissioner to end that person's relationship or association with the parolee.

A. Notwithstanding Title 17-A, section 4-A, interference with parole is punished by a fine of not more than $500 or by imprisonment for not more than 11 months, or by both. [PL 1995, c. 502, Pt. F, §31 (AMD).]

B. This subsection applies to interferences with the parole of parolees who are under the supervision and control of the department at the request of other states under terms of the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles. [PL 2003, c. 706, Pt. B, §4 (AMD).]

[PL 2003, c. 706, Pt. B, §4 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, §F31 (AMD). PL 2003, c. 706, §§B3,4 (AMD).

SUBCHAPTER 2

PAROLE BOARD

§5201. Establishment

There is established, by Title 5, section 12004-G, subsection 7, within the Department of Corrections, a State Parole Board consisting of 5 members. [PL 1989, c. 503, Pt. B, §160 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 812, §259 (AMD). PL 1989, c. 503, §B160 (AMD).

§5202. Appointment

The Governor shall appoint as the 5 members of the board persons who: [PL 1983, c. 459, §6 (NEW).]

1. Citizens and residents. Are citizens and residents of the State; and

[PL 1983, c. 459, §6 (NEW).]

2. Training or experience. Have special training or experience in law, sociology, psychology or related branches of social science.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5203. Terms

The terms of the members of the board are: [PL 1983, c. 459, §6 (NEW).]

1. Four years. Four years plus the time period until their successors have been appointed and qualified; or
[PL 1983, c. 459, §6 (NEW).]

2. Pleasure of Governor. During the pleasure of the Governor.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5204. Vacancy

A vacancy on the board shall be filled for the unexpired term in the same manner in which an appointment is made. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5205. Expenses

The members of the board shall be compensated according to the provisions of Title 5, chapter 379.
[PL 1983, c. 812, §260 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 581, §§54,59 (AMD). PL 1983, c. 812, §260 (AMD).

§5206. Meetings

1. Chairman. The members of the board shall elect a chairman who shall preside at all meetings of the board when he is present.
[PL 1983, c. 459, §6 (NEW).]

2. Frequency. The board shall meet at least once every 2 months and may meet as often as necessary, at such times and places as the chairman may designate.
[PL 1983, c. 459, §6 (NEW).]

3. Quorum. Any 3 members constitute a quorum for the exercise of all powers of the board.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5207. Cooperation

The Department of Health and Human Services, Department of Corrections and officers and staffs of correctional facilities and law enforcement agencies in the State shall cooperate with the board in exercising its powers and duties. [PL 1983, c. 459, §6 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 689, §B6 (REV).

§5208. Annual report

1. Preparation of report. After June 30th of each year, the commissioner shall prepare a detailed report of the work of the board and of probation and parole activities for the preceding fiscal year.
[PL 1995, c. 502, Pt. F, §32 (AMD).]

2. Commissioner's duty. The commissioner shall send the annual report to the Governor for submission to the Legislature.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, §F32 (AMD).

§5209. Administrative assistant

1. Appointment. The board shall appoint a full-time administrative assistant to serve at the pleasure of the board.
[PL 1983, c. 459, §6 (NEW).]

2. Compensation. The administrative assistant is entitled to compensation in an amount to be determined by the Governor.
[PL 1983, c. 459, §6 (NEW).]

3. Duties. The administrative assistant shall perform those duties assigned to him by the board.
[PL 1983, c. 459, §6 (NEW).]

4. Powers. The administrative assistant may, subject to the rules of the board, conduct a preliminary hearing with a committed offender at any correctional facility and make written recommendations to the board concerning disposition.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5210. Duties

The board shall: [PL 1983, c. 459, §6 (NEW).]

1. Time of parole. Determine the time of parole for each committed offender;
[PL 1983, c. 459, §6 (NEW).]

2. Parole revocation. Revoke parole when warranted due to a parole violation;
[PL 1983, c. 459, §6 (NEW).]

3. Discharge from parole. Determine the time of discharge of parolees from parole supervision; and
[PL 1983, c. 459, §6 (NEW).]

4. Advice to Governor. When requested by the Governor, advise him concerning applications for pardon, reprieve or commutation.

A. The board shall hold hearings, cause an investigation to be made and collect records to determine the facts and circumstances of a committed offender's crime, his past criminal record, his social history and his physical and mental condition as may bear on the application. [PL 1983, c. 459, §6 (NEW).]

B. The board shall make recommendations regarding action by the Governor on the application. [PL 1983, c. 459, §6 (NEW).]

C. All information obtained under this subsection, and any report furnished to the Governor under this subsection, is confidential. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5211. Powers

1. Rules. The board may promulgate rules, in accordance with the Administrative Procedure Act, Title 5, chapter 375, pertaining to its functions set out in this chapter.

[PL 1983, c. 459, §6 (NEW).]

2. Restitution. The board may authorize and impose as a condition of parole that the person make restitution to the person's victim or other authorized claimant in accordance with Title 17-A, chapter 69.

[PL 2019, c. 113, Pt. C, §103 (AMD).]

3. Quasi-judicial powers. The board, or any member of the board, may, in the performance of official duties:

A. Issue subpoenas; [PL 1983, c. 459, §6 (NEW).]

B. Compel the attendance of witnesses; [PL 1983, c. 459, §6 (NEW).]

C. Compel the production of books, papers and other documents pertinent to the subject of its inquiry; and [PL 1983, c. 459, §6 (NEW).]

D. Administer oaths and take the testimony of persons under oath. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

4. Grant or denial of parole. The board may grant or deny parole in accordance with the following procedures.

A. If the recommendation of the administrative assistant under section 5209, subsection 4, is to grant parole, the board may make a final decision granting parole without a hearing. [PL 1983, c. 459, §6 (NEW).]

B. If the recommendation of the administrative assistant is to deny parole, the board shall afford the committed offender a hearing before the board and the board may not deny parole without affording the committed offender a hearing. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2019, c. 113, Pt. C, §103 (AMD).

SUBCHAPTER 3

ADMINISTRATION OF PROBATION AND PAROLE

§5401. Administration of probation and parole services

The Department of Corrections is charged with the administration of probation and parole services within the State. [PL 2013, c. 133, §26 (AMD).]

1. Director.

[PL 1995, c. 502, Pt. F, §33 (RP).]

2. Employees.
[PL 1995, c. 502, Pt. F, §33 (RP).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 821, §27 (AMD). PL 1995, c. 502, §F33 (RPR). PL 2013, c. 133, §26 (AMD).

§5402. Duties and powers of the commissioner with respect to probation and parole services

1. Appointment.
[PL 1995, c. 502, Pt. F, §34 (RP).]

2. Duties. The commissioner shall:

A. Adopt and enforce rules for field probation and parole officers, juvenile community corrections officers and parole officers in correctional facilities; [PL 2013, c. 133, §27 (AMD).]

B. Appoint, subject to the Civil Service Law, field probation and parole officers, juvenile community corrections officers and such other employees as may be required to carry out adequate supervision of all probationers, parolees from the correctional facilities and other persons placed under the supervision of an employee listed in this paragraph; [PL 2013, c. 491, §6 (AMD).]

C. Prescribe the powers and duties of persons appointed under paragraph B; [PL 1983, c. 459, §6 (NEW).]

D. Provide necessary investigation of any criminal case or matter, including presentence investigation, when requested by the court having jurisdiction; [PL 2013, c. 133, §29 (AMD).]

E. Provide investigation when requested by the board; [PL 1983, c. 459, §6 (NEW).]

F. Cooperate closely with the board, the criminal and juvenile courts, the chief administrative officers of correctional facilities and other correctional facility personnel; [PL 1983, c. 459, §6 (NEW).]

G. Make recommendations to the board in cases of violations of the conditions of parole; [PL 1983, c. 459, §6 (NEW).]

H. Issue warrants for the arrest of parole violators and juveniles who violate conditions of placement on community reintegration status pursuant to section 3810 and former section 4112; [PL 2017, c. 148, §28 (AMD).]

I. Notify the chief administrative officers of correctional facilities of determinations made by the board; [PL 1983, c. 459, §6 (NEW).]

J. Divide the State into administrative districts and staff the districts; [PL 1983, c. 459, §6 (NEW).]

K. Provide instruction and training courses for probation and parole officers and for juvenile community corrections officers; [PL 2013, c. 133, §30 (AMD).]

L. Be executive officer and secretary of the board; and [PL 1989, c. 417, §2 (AMD).]

M. Aggregate the statistics contained in any reports the department receives on individual probationers and make the aggregated statistics available to other state agencies provided the data is aggregated in such a way that statistics pertaining to any individual probationer can not be disaggregated. [PL 1995, c. 502, Pt. F, §34 (AMD).]
[PL 2017, c. 148, §28 (AMD).]

3. Powers. The commissioner may:

A. Provide necessary specialized services and procedures for the constructive rehabilitation of juveniles; [PL 1983, c. 459, §6 (NEW).]

A-1. Appoint regional correctional administrators as necessary for the proper performance of the functions of the department, subject to the Civil Service Law.

(1) To be eligible for appointment as a regional correctional administrator, a person must be experienced in correctional management.

(2) A regional correctional administrator shall report directly to the commissioner or to the deputy commissioner or an associate commissioner if so directed by the commissioner. [PL 2015, c. 291, §6 (AMD).]

B. Obtain psychiatric, psychological and other necessary services; [PL 2005, c. 265, §20 (AMD).]

C. Sign documents, including warrants and extradition papers, for the board when so instructed by the board; and [PL 2005, c. 265, §20 (AMD).]

D. [PL 1995, c. 502, Pt. F, §34 (RP).]

E. [PL 1995, c. 502, Pt. F, §34 (RP).]

F. Provide for necessary assessment and supervision procedures and direct the use of adult probation resources and staff to the management of adult probationers with a high risk of reoffending. [PL 2005, c. 265, §21 (NEW).]

[PL 2015, c. 291, §6 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 785, §§B160,161 (AMD). PL 1985, c. 821, §28 (AMD). PL 1987, c. 402, §A176 (AMD). PL 1989, c. 127, §§12,13 (AMD). PL 1989, c. 417, §§1-3 (AMD). PL 1995, c. 502, §F34 (AMD). PL 2005, c. 265, §§20,21 (AMD). PL 2005, c. 328, §25 (AMD). PL 2005, c. 488, §§19-21 (AMD). PL 2013, c. 133, §§27-30 (AMD). PL 2013, c. 491, §§6, 7 (AMD). PL 2015, c. 291, §6 (AMD). PL 2017, c. 148, §28 (AMD).

§5403. Assistant director

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1995, c. 502, §F35 (RP).

§5404. Probation and parole officers

In addition to duties prescribed by the commissioner and by the court having jurisdiction, a probation and parole officer shall: [PL 2013, c. 133, §31 (AMD).]

1. Investigation. Investigate any criminal case or matter concerning probation, supervised release for sex offenders or parole referred to the officer for investigation and report the result of the investigation;

[PL 2013, c. 133, §31 (AMD).]

2. Arrest. Arrest, after completing the entry level and orientation training course prescribed by the commissioner, in the following circumstances:

A. Arrest violators of probation or supervised release for sex offenders and parole violators and return parole violators upon request of the commissioner; [PL 2005, c. 488, §23 (AMD).]

B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035 or transferred from the facility under section 3036-A; [PL 2015, c. 291, §7 (AMD).]

C. If the officer has probable cause to believe that a person under the supervision of the department has violated a condition of that person's probation, supervised release for sex offenders or parole, the officer may arrest that person; and [PL 2015, c. 291, §7 (AMD).]

D. Arrest and return to a correctional or detention facility persons who have escaped from the official custody of the department. For the purposes of this paragraph, "official custody" has the same meaning as set out in Title 17-A, section 755, subsection 3; [PL 2015, c. 291, §7 (NEW).]
[PL 2015, c. 291, §7 (AMD).]

3. Supervision. Supervise persons as follows:

A. Supervise the probation, supervised release for sex offenders or parole of each person placed under the officer's supervision to ensure that departmental resources are directed to the management of persons with a high risk of reoffending; [PL 2013, c. 133, §31 (AMD).]

B. Supervise persons released from a correctional facility under section 3035 and supervise persons transferred to supervised community confinement under section 3036-A if the commissioner directs; [PL 2003, c. 205, §15 (AMD).]

C. Keep informed of the conduct and condition of each person placed under the officer's supervision and use suitable methods to encourage the person to improve that person's conduct and condition; and [PL 1995, c. 502, Pt. F, §39 (AMD).]

D. [PL 1989, c. 127, §14 (RP).]

E. Supervise the transition from institutional confinement for persons residing in a prerelease center if the commissioner directs; [PL 2011, c. 680, §7 (AMD).]
[PL 2013, c. 133, §31 (AMD).]

3-A. Risk assessment; immunity from liability. Make a good faith effort to supplement any assessment tool for all domestic violence offenders with a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety. A probation and parole officer shall implement protocols to override risk assessment scores based on the presence of domestic violence risk factors that indicate a higher risk.

Notwithstanding any other law to the contrary, the administration of the domestic violence risk assessment pursuant to this subsection or the failure to administer the assessment does not subject any state, municipal or county official or employee to liability in a civil action; and
[PL 2013, c. 133, §31 (AMD).]

4. Records and reports. Keep records of each case and make reports as required.
[PL 2005, c. 389, §7 (AMD).]

5. Money.
[PL 2005, c. 389, §8 (RP).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 735, §2 (AMD). PL 1987, c. 315, §2 (AMD). PL 1989, c. 127, §14 (AMD). PL 1989, c. 521, §§15,17 (AMD). PL 1991, c. 27 (AMD). PL 1991, c. 845, §§6,7 (AMD). PL 1995, c. 502, §§F36-40 (AMD). PL 2003, c. 205, §§14,15 (AMD). PL 2005, c. 265, §22 (AMD). PL 2005, c. 389, §§5-8 (AMD). PL 2005, c. 488, §§22-25 (AMD). PL 2011, c. 680, §§7, 8 (AMD). PL 2013, c. 133, §31 (AMD). PL 2015, c. 291, §7 (AMD).

§5405. Indigency screening units for court-appointed counsel; pilot program

(REPEALED)

SECTION HISTORY

PL 1987, c. 154, §1 (NEW). PL 1995, c. 502, §F41 (RP).

SUBCHAPTER 4

JUVENILE PROBATION SERVICES

§5601. Interagency agreements

The department may enter into agreements with state agencies, other public agencies and private nonprofit agencies to provide supervision or other services to juveniles placed on probation by the Juvenile Court. [PL 1983, c. 459, §6 (NEW).]

1. Terms. The terms of the agreements, including any payments to be made by the department for the services provided, shall be set forth in writing.
[PL 1983, c. 459, §6 (NEW).]

2. Termination. Any agreement made under this section may be terminated upon 90 days' written notice by either party to the agreement.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5602. Juvenile community corrections officer

1. Departmental employees. A juvenile community corrections officer is an employee of the Department of Corrections.
[PL 1999, c. 583, §46 (AMD).]

2. Juvenile community corrections officer's functions. A juvenile community corrections officer's functions are:

A. To serve as a juvenile probation officer; [PL 1985, c. 439, §22 (NEW).]

B. To carry out all functions of a juvenile community corrections officer delineated in the Maine Juvenile Code, Title 15, Part 6; and [PL 1999, c. 583, §46 (AMD).]

C. To provide appropriate services to juveniles committed to a juvenile correctional facility who are in the community on community reintegration status. [PL 2003, c. 410, §23 (AMD).]
[PL 2003, c. 410, §23 (AMD).]

3. Juvenile community corrections officer's duties. A juvenile community corrections officer shall:

A. When directed, provide information to a juvenile correctional facility on juveniles committed to the juvenile correctional facility; [PL 1999, c. 583, §46 (AMD).]

B. Make such investigations as the Juvenile Court may direct and shall keep written records of the investigations as the Juvenile Court may direct; [PL 1985, c. 439, §22 (RPR).]

C. Use all suitable means, including counseling, to aid each juvenile under the juvenile community corrections officer's supervision and shall perform such duties in connection with the care and custody of juveniles as the court may direct; [PL 1999, c. 583, §46 (AMD).]

D. Keep informed as to the condition and conduct of each juvenile placed under the juvenile community corrections officer's supervision and shall report on the condition and conduct to the court and to the department as the court or department may direct; [PL 1999, c. 583, §46 (AMD).]

E. When a juvenile is placed under the juvenile community corrections officer's supervision, give the juvenile a written statement of the conditions of the supervision and shall fully explain the conditions to the juvenile; and [PL 1999, c. 583, §46 (AMD).]

F. Keep complete records of all work done. [PL 1985, c. 439, §22 (NEW).]
[PL 1999, c. 583, §46 (AMD).]

4. Juvenile community corrections officer's powers. Juvenile community corrections officers have the same arrest powers as other law enforcement officers with respect to juveniles placed under their supervision.
[PL 1999, c. 583, §46 (AMD).]

5. Investigations.
[PL 1985, c. 439, §22 (RP).]

6. Care and custody of juveniles.
[PL 1985, c. 439, §22 (RP).]

7. Arrest.
[PL 1985, c. 439, §22 (RP).]

8. Written statement of probation conditions.
[PL 1985, c. 439, §22 (RP).]

9. Keeping informed.
[PL 1985, c. 439, §22 (RP).]

10. Records.
[PL 1985, c. 439, §22 (RP).]

11. Change of residence.
[PL 1985, c. 439, §22 (RP).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 439, §22 (RPR). PL 1997, c. 464, §16 (AMD). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 583, §46 (AMD). PL 2003, c. 410, §23 (AMD).

SUBCHAPTER 5

PAROLE LAWS FOR PRECRIMINAL CODE PRISONERS

§5801. Applicability

This subchapter applies only to those persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect prior to May 1, 1976. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5802. Parole by board

The board may grant a parole from a penal or correctional institution after the expiration of the period of confinement, less deductions for good behavior, or after compliance with conditions provided for in section 5803 applicable to the sentence being served by the prisoner or inmate. It may revoke a parole when a condition of the parole is violated. [PL 2013, c. 508, §8 (AMD).]

1. Duration and conditions of parole. When the board grants a parole, upon release, the parolee shall serve the unexpired portion of his sentence, less deductions for good behavior, unless otherwise discharged therefrom by the board.
[PL 1983, c. 459, §6 (NEW).]

2. Custody and control. While on parole, the parolee is under the custody of the warden of the institution from which the parolee was released, but under the immediate supervision of and subject to the rules of the department or any special conditions of parole imposed by the board.
[PL 2015, c. 329, Pt. A, §20 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §§8, 9 (AMD). PL 2015, c. 329, Pt. A, §20 (AMD).

§5803. Eligibility for hearing; State Prison

A prisoner at the Maine State Prison or Maine Correctional Center becomes eligible for a hearing by the board as follows: [PL 1983, c. 459, §6 (NEW).]

1. Expiration of minimum term in minimum-maximum sentence. Prior to the expiration of the prisoner's minimum term of imprisonment, less the deduction for good behavior, when the law provides for a minimum-maximum sentence;
[PL 1983, c. 459, §6 (NEW).]

2. Expiration of 1/2 of term in certain cases. Prior to the expiration of 1/2 of the term of imprisonment imposed by the court, less the deduction for good behavior, when the prisoner has been convicted of an offense under Title 17, section 1951, 3151, 3152 or 3153. This subsection applies to a prisoner who has been convicted previously of an offense under Title 17, section 1951, 3151, 3152 or 3153;
[PL 1983, c. 459, §6 (NEW).]

3. Expiration of 15-year term in life imprisonment cases. Prior to the expiration of a 15-year term of imprisonment, less deduction for good behavior, when the prisoner has been convicted of an offense punishable only by life imprisonment; and
[PL 1983, c. 459, §6 (NEW).]

4. Expiration of 15-year term in other cases. Prior to the expiration of a 15-year term of imprisonment, less deduction for good behavior, when, following conviction, the prisoner has been sentenced to a minimum term of 15 years or more.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§5804. Maine Correctional Center

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §10 (RP).

§5805. Women's reformatory

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §11 (RP).

§5806. Violations of parole

A probation-parole officer may arrest and charge a parolee with violation of parole and take the parolee into the probation-parole officer's custody in any place the parolee may be found and detain the parolee in any jail, pending the issuance of a parole violation warrant. The detention may not extend beyond the next business day of the office of the commissioner. In the event a warrant is not issued in that time, the parolee must be released from arrest and detention immediately. A parolee so arrested and detained does not have a right of action against the probation-parole officer or any other persons because of that arrest and detention. [PL 2025, c. 390, Pt. A, §54 (AMD).]

When a parolee violates a condition of the parolee's parole or violates the law, the commissioner may issue a warrant for the parolee's arrest. A probation-parole officer, or any other law enforcement officer within the State authorized to make arrests, may arrest the parolee on the warrant and return the parolee to the institution from which the parolee was paroled. At its next meeting at that institution, the board shall hold a hearing. The parolee is entitled to appear and be heard. If the board, after hearing, finds that the parolee has violated the parolee's parole or the law, it shall revoke the parolee's parole, set the length of time the parolee must serve of the unexpired portion of the parolee's sentence before the parolee may again be eligible for hearing by the board, and remand the parolee to the institution from which the parolee was released; except that, when a parolee from the Maine Correctional Center violates the law and is sentenced by the court to the Maine State Prison, any length of time set by the board to be served of the unexpired portion of the parolee's correctional center sentence may be served at the Maine State Prison. [PL 2025, c. 390, Pt. A, §54 (AMD).]

1. Forfeits deductions. Upon revocation of parole by the board, the prisoner forfeits any deductions for good behavior earned while on parole.
[PL 1983, c. 459, §6 (NEW).]

2. May earn deductions. While serving the unexpired portion of the prisoner's sentence after parole has been revoked, the prisoner may earn deductions for good conduct.
[PL 2025, c. 390, Pt. A, §54 (AMD).]

Whenever a warrant is issued under this section for the arrest of a parolee, the running of the parolee's sentence must be interrupted and must remain interrupted until the parolee is returned to the institution from which the parolee was paroled. Interruption of the running of the parolee's sentence must include any time served prior to such return, after conviction for a crime committed while on parole. [PL 2025, c. 390, Pt. A, §54 (AMD).]

In the event of the withdrawal of the warrant by authority of the commissioner, or in the event that the board at the hearing on the alleged violation finds that the parolee did not violate the conditions of the parolee's parole, or the law, the parolee must be credited with the time lost by the interruption of the running of the parolee's sentence. [PL 2025, c. 390, Pt. A, §54 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2025, c. 390, Pt. A, §54 (AMD).

§5807. Sentence for crime committed by parolee

Any parolee who commits an offense while on parole where the offense is punishable by imprisonment for one year or more and who is sentenced to the Department of Corrections shall serve the 2nd sentence beginning on the date of termination of the first sentence, unless the first sentence is otherwise terminated by the board. [PL 1985, c. 203 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 203 (AMD).

§5808. Discharge from parole

Any parolee who faithfully performs all the conditions of parole and completes the parolee's sentence is entitled to a certificate of discharge to be issued by the warden of the institution to which the parolee was committed. [PL 2013, c. 508, §12 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §12 (AMD).

§5809. Certificate of discharge

Whenever it appears to the board that a person on parole is no longer in need of supervision, it may order the warden of the institution from which the parolee was released to issue the parolee a certificate of discharge, except in the case of persons serving a life sentence who may not be discharged from parole in less than 10 years after release on parole. [PL 2013, c. 508, §13 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §13 (AMD).

§5810. Records forwarded to State Police

When a person who has been convicted under Title 17, former section 1951, 3151, 3152 or 3153 is paroled, the warden of the institution shall forward to the State Police a copy of the person's record and a statement of facts necessary for full comprehension of the case. Whenever any prisoner who has been convicted of an offense under Title 17, former section 1951, 3151, 3152 or 3153 is discharged in full execution of the prisoner's sentence, the warden shall make and forward to the State Police a copy of the prison record of that prisoner together with a statement of any fact or facts that the warden may consider necessary for a full comprehension of the case. [PL 2013, c. 508, §14 (AMD).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2013, c. 508, §14 (AMD).

§5811. Community reparations boards

(REPEALED)

SECTION HISTORY

PL 1997, c. 421, §B3 (NEW). MRSA T. 34-A §5811, sub-§8 (RP).

CHAPTER 6

BUREAU OF JUVENILE CORRECTIONS

§6001. Definitions

(REPEALED)

SECTION HISTORY

PL 1989, c. 591, §3 (NEW). PL 1997, c. 464, §17 (RP).

§6002. Policy

(REPEALED)

SECTION HISTORY

PL 1989, c. 591, §3 (NEW). PL 1997, c. 464, §17 (RP).

§6003. Establishment of bureau

(REPEALED)

SECTION HISTORY

PL 1989, c. 591, §3 (NEW). PL 1997, c. 464, §17 (RP).

CHAPTER 7

JUVENILE DELINQUENCY PREVENTION AND REHABILITATION

§7001. Responsibility of the department

The department is responsible for: [PL 1983, c. 459, §6 (NEW).]

1. Services. Within the limits of available funding, ensuring the provision of all services necessary to:

A. Prevent juveniles from coming into contact with the Juvenile Court; and [PL 1983, c. 459, §6 (NEW).]

B. Support and rehabilitate those juveniles who do come into contact with the Juvenile Court; [PL 1983, c. 459, §6 (NEW).]
[PL 1983, c. 459, §6 (NEW).]

2. Information. Gathering standardized information on the characteristics of and the present and past services needs of juveniles who have come into contact with the Juvenile Court and gathering standardized information on the extent to which those needs are being met;
[PL 1983, c. 459, §6 (NEW).]

3. Proposals. Making proposals for meeting the prevention and rehabilitation services needs which are not being addressed; and
[PL 1983, c. 459, §6 (NEW).]

4. Coordination. Coordinating its efforts in discharging the responsibility given under this section with those of other state or local agencies in order to effectively use existing resources to the maximum extent possible to achieve the purposes of this chapter and Title 15, Part 6.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§7002. Powers and duties of the department

The department has the following powers and duties with respect to the responsibility defined in section 7001. [PL 1983, c. 459, §6 (NEW).]

1. Services. The department shall provide, directly or through purchase or contract, services to children and their families, including, but not limited to:

A. Administering, supervising and ensuring the provision of correctional programs for juveniles adjudicated as having committed juvenile crimes; [PL 1983, c. 459, §6 (NEW).]

B. Providing technical assistance and additional financial resources to assist communities to establish and provide necessary preventive and rehabilitative services for juveniles; [PL 1983, c. 459, §6 (NEW).]

C. Coordinating its efforts with those of other state and local agencies in order to effectively use all existing resources to the maximum extent possible; [PL 1983, c. 459, §6 (NEW).]

D. Working with other public and voluntary agencies as resources for the purchase of care and services; and [PL 1983, c. 459, §6 (NEW).]

E. Stimulating the creation of voluntary services. [PL 1983, c. 459, §6 (NEW).]
[PL 1983, c. 459, §6 (NEW).]

2. Planning. The department shall carry out planning for identifying, evaluating and meeting the service needs for prevention of juvenile crime and rehabilitation of juveniles adjudicated as having committed juvenile crimes. To ensure that the department's efforts to plan for and deliver prevention programs avoid duplication of the efforts of other state departments which serve juveniles and promote access to services, the commissioner shall:

A. Constitute an interdepartmental coordinating committee on primary prevention, which must be chaired by the commissioner or the commissioner's designee and must include representation from the Department of Education, Department of Health and Human Services, Department of Labor, Department of Public Safety, the Juvenile Justice Advisory Group and such other public or private agencies as the commissioner may wish to nominate that have responsibilities associated with preventing not only delinquency, but also child abuse, substance use disorder, running away from home, truancy and failing to complete school and other destructive behavior that affects juveniles. This coordinating committee shall:

(1) Develop a state primary prevention plan that provides for the use of state resources in ways that will strengthen the commitment of local communities to altering conditions that contribute to delinquency and other destructive behaviors that affect juveniles, so that the burden of state-funded treatment and crisis-responsive service programs will be reduced. The plan must provide for the coordination and consolidation of the primary prevention planning efforts of each of the state agencies specified in this section. The plan must set forth quantifiable and time-limited goals, objectives and strategies and must include proposals to integrate and build upon successful primary prevention programs;

(2) Provide for the evaluation of policies and programs developed and implemented pursuant to the plan; and

(3) Prepare, annually by November 1st, an appraisal of the State's primary prevention activities during the previous year and its recommendations for programs and activities relating to primary prevention. [PL 2017, c. 407, Pt. A, §155 (AMD).]
[PL 2017, c. 407, Pt. A, §155 (AMD).]

3. Evaluation. The department shall evaluate prevention and rehabilitation services with regard to, among other things:

A. Compliance with all regulations for the use of funds for those services; and [PL 1983, c. 459, §6 (NEW).]

B. Quality and cost of effectiveness of those services. [PL 1983, c. 459, §6 (NEW).]
[PL 1983, c. 459, §6 (NEW).]

4. Appeals. The department shall provide structure for appeals, fair hearings and a review of grievances by children and their parents, guardian or legal custodian regarding provision of services for which the department has been given responsibility under this chapter, including, but not limited to, protecting the rights of individuals to appeal from denials of or exclusion from the services to which they are entitled, actions that preclude the individual's right of choice to specific programs, or actions that force involuntary participation in a service program.
[PL 1983, c. 459, §6 (NEW).]

5. Training. The department shall train personnel to perform the functions necessary to implement this chapter, including, but not limited to:

A. Meeting the need for professional personnel for juvenile services, through in-service training, institutes, conferences and educational leave grants; [PL 1983, c. 459, §6 (NEW).]

B. Upgrading education and competence of professional and other personnel and volunteers; and [PL 1983, c. 459, §6 (NEW).]

C. Making staff and training facilities available for training of staff and volunteers in contracting agencies or facilities to assure effective provision of purchased services. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

6. Research and demonstration. The department may conduct research and demonstration projects, including, but not limited to, entering into contracts with other agencies and making grants for research, including basic research into the causes of juvenile crime, evaluation of methods of service delivery in use, and development of new approaches.

[PL 1983, c. 459, §6 (NEW).]

7. Wards. With respect to individual juveniles for whom the department has accepted responsibility, it may take necessary action for the appointment of a guardian of a juvenile who does not have a parent to exercise effective guardianship, and it shall:

A. Assure that appropriate services are made available to them, either directly or by purchase of those services; [PL 1983, c. 459, §6 (NEW).]

B. Assume responsibility, to the extent that parents are unable to do so, for payment for services; and [PL 1983, c. 459, §6 (NEW).]

C. Assume legal custody of children or legal guardianship when vested by the court. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1987, c. 198 (AMD). PL 1989, c. 700, §A162 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 354, §3 (AMD). RR 2003, c. 2, §100 (COR). PL 2017, c. 407, Pt. A, §155 (AMD).

§7003. Transfer

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2007, c. 536, §9 (RP).

§7004. Agreements and contracts with public and private agencies

1. Commissioner's power. The commissioner may enter into agreements or contracts with any governmental unit or agency or private facility or program cooperating or willing to cooperate in a program to carry out the purposes of this chapter and Title 15, Part 6.

[PL 1983, c. 459, §6 (NEW).]

2. Nature of agreements or contracts. Agreements or contracts entered into under subsection 1 may provide, among other things, for the type of work to be performed, for the rate of payment for that work and for other matters relating to the care and treatment of juveniles.

[PL 1983, c. 459, §6 (NEW).]

3. Custody. Placement of juveniles by the department in any public or private facility or program not under the jurisdiction of the department does not terminate the legal custody of the department.

[PL 1983, c. 459, §6 (NEW).]

4. Inspection. The department may inspect all facilities used by it and may examine and consult with persons in its legal custody who have been placed in any such facility.

[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§7005. Administrators of facilities and programs

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2007, c. 536, §10 (RP).

§7006. Rules

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2007, c. 536, §11 (RP).

§7007. Expenses for transporting children long distances

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2007, c. 536, §12 (RP).

§7008. Community conference committee

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2007, c. 536, §13 (RP).

§7009. Publication of data

Beginning August 15, 2026, each month the department shall develop and publish on its publicly accessible website data regarding the number of juveniles involved in the juvenile justice system. The data must be updated monthly and include information regarding the numbers of juveniles referred, diverted, detained, placed on probation, ordered to serve a period of confinement and committed to the department. The department shall deidentify the data and remove any potential personal identifying information of the juveniles. The data must be organized by region of the State and broken down by age, gender and race. [PL 2025, c. 624, §1 (AMD).]

SECTION HISTORY

PL 2023, c. 425, §4 (NEW). PL 2025, c. 624, §1 (AMD).

§7010. Reports regarding juvenile justice system

1. Annual report regarding reducing detention rates and expanding community-based alternatives. By February 15th of each year, the department shall provide an annual report in person to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The report must include detailed information regarding:

A. The efforts of the department and the Department of Health and Human Services to offer diversion options for juveniles involved in the juvenile justice system and to reduce the rates of detention and commitment of youths across the State; [PL 2023, c. 425, §5 (NEW).]

B. The successes and challenges of the department and the Department of Health and Human Services in expanding access to community-based therapeutic services or programs for the purpose of diverting juveniles involved in the juvenile justice system from detention and commitment; [PL 2023, c. 425, §5 (NEW).]

C. A summary of the Long Creek Youth Development Center, including, but not limited to, the number of staff as of the December 1 preceding the report, staffing levels and the challenges at the facility; [PL 2023, c. 425, §5 (NEW).]

D. The strategic plan developed by the department and the Department of Health and Human Services and the Department of Corrections in consultation with the task force established by the Juvenile Justice Advisory Group; [PL 2023, c. 425, §5 (NEW).]

E. The specific juvenile-focused community-based programs and services receiving funding from the department, including the amount of funding received by the community-based organizations providing the programs and services; [PL 2023, c. 425, §5 (NEW).]

F. The successes and challenges of the department in expanding juvenile-focused community-based programs and services; and [PL 2023, c. 425, §5 (NEW).]

G. Any other information the department determines is relevant to the report. [PL 2023, c. 425, §5 (NEW).]

[PL 2023, c. 425, §5 (NEW).]

2. Annual report regarding possible locations for secure, therapeutic residences for detained and committed youths. By January 1st of each year, the department shall provide an annual report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the status of the identification and development of 2 small, secure, therapeutic residences for youths for the purpose of providing detention and confinement for committed youths in a therapeutic setting. These 2 residences shall provide for a maximum occupancy of 20 youths. The report must include rationale for the consideration of each identified residence, as well as an estimate on the number of youths that will be served at the residence, an estimate of the cost for construction and operation of the residence and staffing options for providing services at the residence to youths living at the residence, including therapeutic programs and educational services.

[PL 2023, c. 425, §5 (NEW).]

SECTION HISTORY

PL 2023, c. 425, §5 (NEW).

CHAPTER 9

INTERSTATE COMPACTS

SUBCHAPTER 1

UNIFORM INTERSTATE COMPACT ON JUVENILES

§9001. Findings and purposes--Article I

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9002. Existing rights and remedies--Article II

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9003. Definitions--Article III

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9004. Return of runaways--Article IV

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9005. Return of escapees and absconders--Article V

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9006. Voluntary return procedure--Article VI

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9006-A. Rendition amendment--Article VI-A

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9007. Cooperative supervision of probationers and parolees--Article VII

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9008. Responsibility for costs--Article VIII

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9009. Detention practices--Article IX

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9010. Supplementary agreements--Article X

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9011. Acceptance of federal and other aid--Article XI

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9012. Compact administrators--Article XII

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9013. Execution of compact--Article XIII

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9014. Renunciation--Article XIV

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9015. Severability--Article XV

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

§9016. Action by Governor

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2017, c. 127, §2 (RP).

SUBCHAPTER 2

NEW ENGLAND INTERSTATE CORRECTIONS COMPACT

§9201. Purpose and policy--Article I

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9202. Definitions--Article II

As used in this compact, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 459, §6 (NEW).]

1. Inmate. "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution.
[PL 1983, c. 459, §6 (NEW).]

2. Institution. "Institution" means any penal or correctional facility, including, but not limited to, a facility for the mentally ill or mentally defective, in which inmates, as defined in subsection 1, may lawfully be confined.
[PL 1983, c. 459, §6 (NEW).]

3. Receiving state. "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.
[PL 1983, c. 459, §6 (NEW).]

4. Sending state. "Sending state" means a state party to this compact in which conviction or court commitment was had.
[PL 1983, c. 459, §6 (NEW).]

5. State. "State" means a state of the United States, located in New England, to wit, Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9203. Contracts--Article III

Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for: [PL 1983, c. 459, §6 (NEW).]

1. Duration. Its duration;
[PL 1983, c. 459, §6 (NEW).]

2. Payments. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance;
[PL 1983, c. 459, §6 (NEW).]

3. Employment. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom;
[PL 1983, c. 459, §6 (NEW).]

4. Inmate delivery. Delivery and retaking of inmates; and
[PL 1983, c. 459, §6 (NEW).]

5. Other matters. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.
[PL 1983, c. 459, §6 (NEW).]

Subject to legislative approval by the states concerned and prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or

for the inclusion therein of particular equipment or structures, and for the reservation of a specific percentum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that moneys are legally available therefor, pay to the receiving state a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract. [PL 1983, c. 459, §6 (NEW).]

The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9204. Procedures and rights--Article IV

Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state. [PL 1983, c. 459, §6 (NEW).]

The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution. [PL 1983, c. 459, §6 (NEW).]

Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III. [PL 1983, c. 459, §6 (NEW).]

Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact, including a conduct record of each inmate, and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of the inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state. [PL 1983, c. 459, §6 (NEW).]

All inmates who may be confined in an institution pursuant to this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which the inmate would have had if confined in an appropriate institution of the sending state. [PL 1983, c. 459, §6 (NEW).]

Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be

transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to this paragraph, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state. [PL 1983, c. 459, §6 (NEW).]

Any inmate confined pursuant to this compact shall be released within the territory of the sending state, unless the inmate and the sending and receiving states shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory. [PL 1983, c. 459, §6 (NEW).]

Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state. [PL 1983, c. 459, §6 (NEW).]

The parent, guardian, trustee or other person or persons entitled under the laws of the sending state to act for, advise or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9205. Acts not reviewable in receiving state; extradition--Article V

Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to remove an inmate from an institution in the receiving state, there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference. [PL 1983, c. 459, §6 (NEW).]

Any inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9206. Federal aid--Article VI

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision, provided that, if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefor. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9207. Entry into force--Article VII

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any 2 states from among the states of New England. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9208. Withdrawal and termination--Article VIII

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to this compact. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9209. Other arrangements unaffected--Article IX

Nothing contained in this compact shall be construed to abrogate nor impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9210. Construction and severability--Article X

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9221. Ratification

The New England Interstate Corrections Compact is enacted into law and entered into by this State with any other of the states mentioned in Article II legally joining therein in the form substantially as provided in this subchapter. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9222. Title

This subchapter may be cited as the "New England Interstate Corrections Compact." [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9223. Powers

The Commissioner of Corrections is authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

SUBCHAPTER 3

INTERSTATE CORRECTIONS COMPACT

§9401. Purpose and policy--Article I

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9402. Definitions--Article II

As used in this compact, unless the context clearly requires otherwise: [PL 1983, c. 459, §6 (NEW).]

1. Inmate. "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution;
[PL 1983, c. 459, §6 (NEW).]

2. Institution. "Institution" means any penal or correctional facility, including, but not limited to, a facility for the mentally ill or mentally defective, in which inmates, as defined in subsection 1, may lawfully be confined;
[PL 1983, c. 459, §6 (NEW).]

3. Receiving state. "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had;
[PL 1983, c. 459, §6 (NEW).]

4. Sending state. "Sending state" means a state party to this compact in which conviction or court commitment was had; and
[PL 1983, c. 459, §6 (NEW).]

5. State. "State" means a state of the United States, the United States of America, a territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9403. Contracts--Article III

Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states.
[PL 1983, c. 459, §6 (NEW).]

1. Contract provisions. Any such contract shall provide for:

A. Its duration; [PL 1983, c. 459, §6 (NEW).]

B. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance; [PL 1983, c. 459, §6 (NEW).]

C. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom; [PL 1983, c. 459, §6 (NEW).]

D. Delivery and retaking of inmates; and [PL 1983, c. 459, §6 (NEW).]

E. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states. [PL 1983, c. 459, §6 (NEW).]

The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9404. Procedures and rights--Article IV

Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, the officials may direct that the confinement be within an institution within the territory of the other party state, the receiving state to act in that regard solely as agent for the sending state. [PL 1983, c. 459, §6 (NEW).]

The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution. [PL 1983, c. 459, §6 (NEW).]

Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III. [PL 1983, c. 459, §6 (NEW).]

Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact, including a conduct record of each inmate, and certify the record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of the inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state. [PL 1983, c. 459, §6 (NEW).]

All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which the inmate would have had if confined in an appropriate institution of the sending state. [PL 1983, c. 459, §6 (NEW).]

Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. The record, together with any recommendations of the hearing officials, shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this section, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state. [PL 1983, c. 459, §6 (NEW).]

Any inmate confined pursuant to this compact shall be released within the territory of the sending state, unless the inmate and the sending and receiving states shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory. [PL 1983, c. 459, §6 (NEW).]

Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state. [PL 1983, c. 459, §6 (NEW).]

The parent, guardian, trustee or other person or persons entitled under the laws of the sending state to act for, advise or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9405. Acts not reviewable in receiving state; extradition--Article V

Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to remove an inmate from an institution in the receiving state, there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be

permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference. [PL 1983, c. 459, §6 (NEW).]

An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent nor affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9406. Federal aid--Article VI

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provisions; provided that, if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefor. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9407. Entry into force--Article VII

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any 2 states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9408. Withdrawal and termination--Article VIII

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9409. Other arrangements unaffected--Article IX

Nothing contained in this compact shall be construed to abrogate nor impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9410. Construction and severability--Article X

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9421. Ratification

The Interstate Corrections Compact is hereby enacted into law and entered into by this State with any other states legally joining therein. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9422. Title

This subchapter may be cited as the "Interstate Corrections Compact." [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9423. Powers

The Commissioner of Corrections, subject to the limitations provided under section 9424, is hereby authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9424. Limitations

The commissioner shall carry out the provisions of this compact in accordance with the following. [PL 1983, c. 459, §6 (NEW).]

1. Juveniles excluded. For purposes of this compact, no juvenile may be considered an inmate, as defined in section 9402.
[PL 1983, c. 459, §6 (NEW).]

2. Contracts. Any contracts made with one of the other party states for the confinement of inmates in Maine may provide for cash payments for the costs of the confinement whenever the total days for inmates placed in Maine by that state exceeds by 200 the number of days for inmates placed by Maine in that state. Otherwise, all contracts shall provide for an accrual of days earned by the respective states rather than cash payments.
[PL 1983, c. 459, §6 (NEW).]

3. Inmates. The commissioner may accept an inmate for confinement in Maine if, in the opinion of the commissioner, the inmate has demonstrated ties to this State which would justify the

confinement, or the inmate's confinement in this State is in the best interests of the inmate or the State of Maine.
[PL 1983, c. 459, §6 (NEW).]

4. Transportation. The commissioner may permit any inmate who may be confined in another state under the provisions of the compact to pay the costs of transportation to the receiving state.
[PL 1983, c. 459, §6 (NEW).]

5. Facilities. The commissioner may not accept any inmate under the provisions of the compact when the confinement of that inmate would cause immediately, or in the near future would be likely to cause, a need for an increase in correctional facilities in this State.
[PL 1983, c. 459, §6 (NEW).]

6. Report. The commissioner shall annually, prior to February 1st, present a report to the joint standing committee of the Legislature having jurisdiction over health and institutional services describing any actions taken under the provisions of the compact during the previous year.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

SUBCHAPTER 4

INTERSTATE COMPACT ON DETAINERS

ARTICLE 1

AGREEMENT

§9601. Purpose and policy--Article I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trials of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from other jurisdictions, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9602. Definitions--Article II

As used in this agreement, unless the context clearly requires otherwise, the following terms shall have the following meanings. [PL 1983, c. 459, §6 (NEW).]

1. Receiving state. "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV.
[PL 1983, c. 459, §6 (NEW).]

2. Sending state. "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III or at the time that a request for custody or availability is initiated pursuant to Article IV.
[PL 1983, c. 459, §6 (NEW).]

3. State. "State" shall mean a state of the United States, the United States of America, a territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9603. Request for final disposition--Article III

1. Trial pending. Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, the prisoner must be brought to trial within 180 days after the prisoner has caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of the prisoner's imprisonment and the prisoner's request for final disposition to be made of the indictment, information or complaint, except that, for good cause shown in open court, the prisoner or the prisoner's counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner must be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the total of deductions received and retained, the time of parole eligibility of the prisoner and any decisions of the state parole agency relating to the prisoner.
[PL 2019, c. 113, Pt. C, §104 (AMD).]

2. Request for final disposition. The written notice and request for final disposition referred to in subsection 1 shall be given or sent by the prisoner to the warden, Commissioner of Corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.
[PL 1983, c. 459, §6 (NEW).]

3. Notification. The warden, Commissioner of Corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.
[PL 1983, c. 459, §6 (NEW).]

4. Application. Any request for final disposition made by a prisoner pursuant to subsection 1 shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, Commissioner of Corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this subsection shall be accompanied by copies of the prisoner's written notice, request and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.
[PL 1983, c. 459, §6 (NEW).]

5. Waiver of extradition. Any request for final disposition made by a prisoner pursuant to subsection 1 shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of subsection 1 and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with this agreement. Nothing in this subsection shall prevent the imposition of a concurrent sentence if otherwise permitted by law.
[PL 1983, c. 459, §6 (NEW).]

6. Escape. Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in subsection 1 shall void the request.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2019, c. 113, Pt. C, §104 (AMD).

§9604. Temporary custody--Article IV

1. Request. The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V, subsection 1, upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated, provided that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request, and provided further that there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.
[PL 1983, c. 459, §6 (NEW).]

2. Certificate. Upon receipt of the officer's written request as provided in subsection 1, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the total of deductions received and retained, the time of parole eligibility of the prisoner and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.
[PL 2019, c. 113, Pt. C, §105 (AMD).]

3. Time of trial. In respect of any proceeding made possible by this Article, trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but, for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.
[PL 1983, c. 459, §6 (NEW).]

4. Legality of delivery. Nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in subsection 1, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.
[PL 1983, c. 459, §6 (NEW).]

5. Order dismissing. If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V, subsection 5, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2019, c. 113, Pt. C, §105 (AMD).

§9605. Delivery--Article V

1. Request. In response to a request made under Article III or Article IV, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article 1II. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.
[PL 1983, c. 459, §6 (NEW).]

2. Identification; copy of indictment. The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

A. Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given; and [PL 1983, c. 459, §6 (NEW).]

B. A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made. [PL 1983, c. 459, §6 (NEW).]

[PL 1983, c. 459, §6 (NEW).]

3. Dismissed. If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.
[PL 1983, c. 459, §6 (NEW).]

4. Purpose. The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.
[PL 1983, c. 459, §6 (NEW).]

5. Return. At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.
[PL 1983, c. 459, §6 (NEW).]

6. Time on sentence. During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence continues to run, but deductions for good behavior and program participation are earned by

the prisoner only if, and to the extent that, the law and practice of the jurisdiction that imposed the sentence allow.
[PL 2019, c. 113, Pt. C, §106 (AMD).]

7. Escape. For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.
[PL 1983, c. 459, §6 (NEW).]

8. Responsibility; costs. From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. This subsection shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing in this subsection shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.
[PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2019, c. 113, Pt. C, §106 (AMD).

§9606. Time periods tolled--Article VI

In determining the duration and expiration dates of the time periods provided in Articles III and IV, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter. [PL 1983, c. 459, §6 (NEW).]

No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9607. Rules and regulations--Article VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9608. Effective date--Article VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9609. Construction--Article IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

ARTICLE 2

PROVISIONS RELATING TO AGREEMENT

§9631. Designation of courts

The phrase "appropriate court" as used in Article I, with reference to the courts of this State, shall mean the District Court or the Superior Court, as applicable. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9632. Enforcement and cooperation by courts and agencies

All courts, departments, agencies, officers and employees of this State and its political subdivisions shall enforce the agreement on detainers contained within Article I, and cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9633. Escape

Any person, who escapes or attempts to escape from custody while in another state pursuant to Article I, shall be subject to the penalties provided in Title 17-A, section 755, for escape or attempt to escape from the Maine State Prison. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9634. Chief administrative officer to give over the person of inmate

The chief administrative officer of a correctional facility in Maine shall give over the person of any inmate thereof whenever so required by the operation of the agreement on detainers. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9635. Commissioner of Corrections to make rules and regulations

The Commissioner of Corrections is designated as the officer provided for in section 9607. [PL 1983, c. 459, §6 (NEW).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW).

§9636. Hearing

Any prisoner for whom a written request for temporary custody has been received pursuant to Article IV, is entitled to a hearing in the Superior Court prior to his delivery in accordance with Article V. The hearing shall be limited to the issue of whether there are reasonable grounds to believe the prisoner is in fact the person charged in the indictment, information or complaint of the demanding state. [PL 1983, c. 581, §55 (NEW).]

SECTION HISTORY

PL 1983, c. 581, §55 (NEW).

SUBCHAPTER 5

UNIFORM ACT FOR OUT-OF-STATE PAROLEE SUPERVISION

(REPEALED)

ARTICLE 1

COMPACT

(REPEALED)

§9801. Conditions for residence in another state--Article I

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

§9801-A. Notification of law enforcement agencies

(REPEALED)

SECTION HISTORY

PL 1997, c. 714, §5 (NEW). PL 2003, c. 706, §B5 (RP).

§9802. Duties of receiving state--Article II

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

§9803. Retaking--Article III

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

§9804. Transportation of retaken persons--Article IV

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

§9805. Rules and regulations--Article V

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

§9806. Entry into force--Article VI

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

§9807. Renunciation--Article VII

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

ARTICLE 2

PROVISIONS RELATING TO COMPACT

(REPEALED)

§9831. Action by Governor

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

§9832. State defined

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

§9833. Short title

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

ARTICLE 3

PRELIMINARY HEARING IN INTERSTATE PROBATION AND PAROLE VIOLATION CASES

(REPEALED)

§9861. Preliminary hearing required, detention

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1983, c. 735, §3 (AMD). PL 2003, c. 706, §B5 (RP).

§9862. Persons authorized to conduct preliminary hearing

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

§9863. Procedure at preliminary hearing

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

§9864. Reciprocal provisions

(REPEALED)

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 2003, c. 706, §B5 (RP).

SUBCHAPTER 6

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

§9871. Short title--Article 1

This subchapter may be known and cited as the "Interstate Compact for Adult Offender Supervision." [PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9872. Definitions--Article 2

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2003, c. 495, §1 (NEW).]

1. Adult. "Adult" means both an individual legally classified as an adult and a juvenile treated as an adult by court order, statute or operation of law.
[PL 2003, c. 495, §1 (NEW).]

2. Bylaws. "Bylaws" means those bylaws established by the interstate commission for its governance or for directing or controlling the interstate commission's actions or conduct.
[PL 2003, c. 495, §1 (NEW).]

3. Commissioner. "Commissioner" means the voting representative of each compacting state appointed pursuant to section 9873.
[PL 2003, c. 495, §1 (NEW).]

4. Compact administrator. "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact. The compact administrator for Maine is the Commissioner of Corrections or the commissioner's designee.
[PL 2003, c. 706, Pt. B, §6 (AMD).]

5. Compacting state. "Compacting state" means any state that has enacted the enabling legislation for this compact.
[PL 2003, c. 495, §1 (NEW).]

6. Interstate commission. "Interstate commission" means the Interstate Commission for Adult Offender Supervision established in this subchapter.
[PL 2003, c. 495, §1 (NEW).]

7. Member. "Member" means the commissioner of a compacting state or a designee who is a person officially connected with the commissioner.
[PL 2003, c. 495, §1 (NEW).]

8. Noncompacting state. "Noncompacting state" means any state that has not enacted the enabling legislation for this compact.
[PL 2003, c. 495, §1 (NEW).]

9. Offender. "Offender" means an adult placed under, or subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities or corrections or other criminal justice agencies.
[PL 2003, c. 495, §1 (NEW).]

10. Person. "Person" means any individual, corporation, business enterprise or other legal entity, either public or private.
[PL 2003, c. 495, §1 (NEW).]

11. Rules. "Rules" means acts of the interstate commission, duly promulgated pursuant to section 9878, substantially affecting interested parties in addition to the interstate commission that have the force and effect of law in the compacting states.
[PL 2003, c. 495, §1 (NEW).]

12. State. "State" means a state of the United States, the District of Columbia and any other territorial possession of the United States.
[PL 2003, c. 495, §1 (NEW).]

13. State council. "State council" means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under section 9874.
[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW). PL 2003, c. 706, §B6 (AMD).

§9873. Interstate Commission for Adult Offender Supervision--Article 3

1. Commission created. The compacting states hereby create the Interstate Commission for Adult Offender Supervision. The interstate commission is a body corporate and joint agency of the compacting states. The interstate commission has all the responsibilities, powers and duties set forth in

this section, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.
[PL 2003, c. 495, §1 (NEW).]

2. Commissioners. The interstate commission consists of commissioners selected and appointed by the state council for each state.
[PL 2003, c. 495, §1 (NEW).]

3. Noncommissioner members. In addition to the commissioners who are the voting representatives of each state, the interstate commission includes individuals who are not commissioners but who are members of interested organizations. These noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All noncommissioner members of the interstate commission are ex officio, nonvoting members. The interstate commission may provide in its bylaws for such additional, ex officio, nonvoting members as it considers necessary.
[PL 2003, c. 495, §1 (NEW).]

4. Each state entitled to one vote; quorum. Each compacting state represented at any meeting of the interstate commission is entitled to one vote. A majority of the compacting states constitutes a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.
[PL 2003, c. 495, §1 (NEW).]

5. Meetings. The interstate commission shall meet at least once each calendar year. The chair may call additional meetings and, upon the request of a majority of the members, shall call additional meetings. Public notice must be given of all meetings and meetings are open to the public.
[PL 2003, c. 495, §1 (NEW).]

6. Executive committee. The interstate commission shall establish an executive committee that includes commission officers, members and others as determined by the bylaws. The executive committee has the power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or amendments to the compact. The executive committee oversees the day-to-day activities managed by the executive director and interstate commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws and as directed by the interstate commission; and performs other duties as directed by the interstate commission or set forth in the bylaws.
[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9874. State council--Article 4

Each member state shall create a State Council for Interstate Adult Offender Supervision that is responsible for the appointment of the commissioner who serves on the interstate commission from that state. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the interstate commission in such capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial and executive branches of government; victims groups; and the compact administrator. Each compacting state retains the right to determine the qualifications of the compact administrator who must be appointed by the state council or by the governor in consultation with the legislature and the judiciary. In addition to appointment of its commissioner to the interstate commission, each state council shall exercise oversight and advocacy concerning its participation in interstate commission activities and other duties as may be determined

by each member state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state. [PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9875. Powers of interstate commission--Article 5

The interstate commission has the following powers: [PL 2003, c. 495, §1 (NEW).]

1. Adopt seal and bylaws. To adopt a seal and suitable bylaws governing the management and operation of the interstate commission;
[PL 2003, c. 495, §1 (NEW).]

2. Promulgate rules. To promulgate rules that have the force and effect of statutory law and are binding in the compacting states to the extent and in the manner provided in this compact;
[PL 2003, c. 495, §1 (NEW).]

3. Supervise interstate movement of offenders. To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact, any bylaws adopted and rules promulgated by the interstate commission;
[PL 2003, c. 495, §1 (NEW).]

4. Enforce compact, rules and bylaws. To enforce compliance with compact provisions and interstate commission rules and bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;
[PL 2003, c. 495, §1 (NEW).]

5. Establish and maintain offices. To establish and maintain offices;
[PL 2003, c. 495, §1 (NEW).]

6. Purchase and maintain insurance and bonds. To purchase and maintain insurance and bonds;
[PL 2003, c. 495, §1 (NEW).]

7. Provide personnel services. To borrow, accept or contract for services of personnel, including, but not limited to, members and the members' staffs;
[PL 2003, c. 495, §1 (NEW).]

8. Establish and appoint committees; hire staff. To establish and appoint committees and hire staff that it considers necessary for carrying out its functions, including, but not limited to, an executive committee as required by section 9873 that has the power to act on behalf of the interstate commission in carrying out its powers and duties;
[PL 2003, c. 495, §1 (NEW).]

9. Elect or appoint officers, attorneys, employees, agents or consultants; establish personnel policies. To elect or appoint officers, attorneys, employees, agents or consultants; to fix their compensation, define their duties and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation and qualifications of personnel;
[PL 2003, c. 495, §1 (NEW).]

10. Accept donations. To accept donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of those donations and grants;
[PL 2003, c. 495, §1 (NEW).]

11. Hold property. To lease, purchase, accept contributions or donations of or otherwise to own, hold, improve or use any property, real, personal or mixed;
[PL 2003, c. 495, §1 (NEW).]

12. Sell property. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;
[PL 2003, c. 495, §1 (NEW).]

13. Establish budget. To establish a budget, make expenditures and levy assessments as provided in section 9880;
[PL 2003, c. 495, §1 (NEW).]

14. Sue and be sued. To sue and be sued;
[PL 2003, c. 495, §1 (NEW).]

15. Provide for dispute resolution. To provide for dispute resolution among compacting states;
[PL 2003, c. 495, §1 (NEW).]

16. Perform other functions. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact;
[PL 2003, c. 495, §1 (NEW).]

17. Report. To report annually to the legislatures, governors, judiciaries and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Such reports must also include any recommendations that have been adopted by the interstate commission;
[PL 2003, c. 495, §1 (NEW).]

18. Coordinate education regarding interstate movement of offenders. To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity; and
[PL 2003, c. 495, §1 (NEW).]

19. Establish standards for reporting, collecting and exchanging data. To establish uniform standards for the reporting, collecting and exchanging of data.
[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9876. Organization and operation of interstate commission--Article 6

1. Bylaws. The interstate commission shall adopt bylaws, by a majority vote of the members, within 12 months of the first interstate commission meeting to govern its conduct as may be necessary or appropriate to carry out the purposes of this subchapter, including, but not limited to:

A. Establishing the fiscal year of the interstate commission; [PL 2003, c. 495, §1 (NEW).]

B. Establishing an executive committee and such other committees as may be necessary; [PL 2003, c. 495, §1 (NEW).]

C. Providing reasonable standards and procedures:

(1) For the establishment of committees; and

(2) Governing any general or specific delegation of any authority or function of the interstate commission; [PL 2003, c. 495, §1 (NEW).]

D. Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each such meeting; [PL 2003, c. 495, §1 (NEW).]

E. Establishing the titles and responsibilities of the officers of the interstate commission; [PL 2003, c. 495, §1 (NEW).]

F. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the interstate commission. Notwithstanding any civil service or other similar laws of any compacting state, the bylaws exclusively govern the personnel policies and programs of the interstate commission; [PL 2003, c. 495, §1 (NEW).]

G. Providing a mechanism for winding up the operations of the interstate commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment or reserving of all of its debts and obligations; [PL 2003, c. 495, §1 (NEW).]

H. Providing transitional rules for administration of the compact when it first takes effect; and [PL 2003, c. 495, §1 (NEW).]

I. Establishing standards and procedures for compliance and technical assistance in carrying out the compact. [PL 2003, c. 495, §1 (NEW).]

[PL 2003, c. 495, §1 (NEW).]

2. Officers and staff. The following provisions govern officers and staff.

A. The interstate commission shall, by a majority vote of the members, elect from among its members a chair and a vice-chair, each of whom has such authorities and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice-chair shall preside at all meetings of the interstate commission. The officers so elected serve without compensation or remuneration from the interstate commission, provided that, subject to the availability of budgeted funds, the officers are reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission. [PL 2003, c. 495, §1 (NEW).]

B. The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the interstate commission considers appropriate. The executive director serves as secretary to the interstate commission and may hire and supervise such other staff as may be authorized by the interstate commission but may not be a member. [PL 2003, c. 495, §1 (NEW).]

[PL 2003, c. 495, §1 (NEW).]

3. Corporate books and records of interstate commission. The interstate commission shall maintain its corporate books and records in accordance with the bylaws.

[PL 2003, c. 495, §1 (NEW).]

4. Qualified immunity, defense and indemnification. The following provisions govern qualified immunity, defense and indemnification.

A. The members, officers, executive director and employees of the interstate commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities. Nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person. [PL 2003, c. 495, §1 (NEW).]

B. The interstate commission shall defend the commissioner of a compacting state, a commissioner's representatives or employees or the interstate commission's representatives or employees, in a civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of that person. [PL 2003, c. 495, §1 (NEW).]

C. The interstate commission shall indemnify and hold the commissioner of a compacting state, the appointed designee or employee or the interstate commission's representative or employee, harmless in the amount of any settlement or judgment obtained against such a person arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities or that such a person had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of that person. [PL 2003, c. 495, §1 (NEW).]

[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9877. Activities of interstate commission-- Article 7

1. Commission actions. The interstate commission shall meet and take such actions as are consistent with the provisions of this compact. Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the interstate commission, the act must have been taken at a meeting of the interstate commission and must have received an affirmative vote of a majority of the members present.

[PL 2003, c. 495, §1 (NEW).]

2. Members' rights. Each member of the interstate commission has the right and power to cast a vote to which the compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person on behalf of the state and may not delegate a vote to another member state. A state council shall appoint another authorized representative in the absence of the commissioner from that state to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone or other means of telecommunication or electronic communication is subject to the same quorum requirements of meetings when members are present in person.

[PL 2003, c. 495, §1 (NEW).]

3. Meeting. The interstate commission shall meet at least once during each calendar year. The chair of the interstate commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

[PL 2003, c. 495, §1 (NEW).]

4. Information; records available. The interstate commission's bylaws must establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating rules, the interstate commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

[PL 2003, c. 495, §1 (NEW).]

5. Meeting notice. Public notice must be given of all meetings and all meetings are open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission shall promulgate rules consistent with the principles contained in the Government in the Sunshine Act, 5 United States Code, Section 552 (b), as amended. The interstate commission and any of its committees may close a meeting to the public when the interstate commission determines by 2/3 vote that an open meeting:

A. Relates solely to the interstate commission's internal personnel practices and procedures; [PL 2003, c. 495, §1 (NEW).]

B. May disclose matters specifically exempted from disclosure by statute; [PL 2003, c. 495, §1 (NEW).]

C. May disclose trade secrets or commercial or financial information that is privileged or confidential; [PL 2003, c. 495, §1 (NEW).]

D. May involve accusing a person of a crime or formally censuring a person; [PL 2003, c. 495, §1 (NEW).]

E. May disclose information of a personal nature and that disclosure would constitute a clearly unwarranted invasion of personal privacy; [PL 2003, c. 495, §1 (NEW).]

F. May disclose investigatory records compiled for law enforcement purposes; [PL 2003, c. 495, §1 (NEW).]

G. May disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated entity for the purpose of regulation or supervision of such entity; [PL 2003, c. 495, §1 (NEW).]

H. May disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity; or [PL 2003, c. 495, §1 (NEW).]

I. Specifically relates to the interstate commission's issuance of a subpoena or its participation in a civil action or proceeding. [PL 2003, c. 495, §1 (NEW).]

[PL 2003, c. 495, §1 (NEW).]

6. Public certification. For every meeting closed pursuant to subsection 5, the interstate commission's chief legal officer shall publicly certify that, in the chief legal officer's opinion, the meeting may be closed to the public and shall reference each relevant exemptive provision of subsection 5. The interstate commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and provide a full and accurate summary of any actions taken and the reasons for taking such actions, including a description of each of the views expressed on any item and the record of any vote by roll call, reflected in the vote of each member on the question. All documents considered in connection with any action must be identified in the minutes.

[PL 2003, c. 495, §1 (NEW).]

7. Collect data. The interstate commission shall collect data concerning the interstate movement of offenders as directed through its bylaws and rules that must specify the data to be collected, the means of collection and data exchange and reporting requirements.

[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9878. Rule-making functions of interstate commission--Article 8

1. Rules. The interstate commission shall promulgate rules in order to effectively and efficiently achieve the purposes of the compact, including transitional rules governing administration of the compact during the period in which it is being considered and enacted by the state.

Rulemaking must occur pursuant to the criteria set forth in this section and rules promulgated pursuant to this section. The rulemaking must substantially conform to the principles of the federal Administrative Procedure Act, 5 United States Code, Section 551 et seq. and the federal Advisory Committee Act, 5 United States Code App. 2 Section 1 et seq., as may be amended, referred to in this subchapter as the "APA."

All rules and amendments are binding on the date specified in each rule or amendment.
[PL 2003, c. 495, §1 (NEW).]

2. Rule void. If a majority of the legislatures of the compacting states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then the rule has no further effect in any compacting state.
[PL 2003, c. 495, §1 (NEW).]

3. Promulgation of rules. When promulgating a rule, the interstate commission shall:

A. Publish the proposed rule stating with particularity the text of the proposed rule and the reason for the proposed rule; [PL 2003, c. 495, §1 (NEW).]

B. Allow persons to submit written data, facts, opinions and arguments, which information must be publicly available; [PL 2003, c. 495, §1 (NEW).]

C. Provide an opportunity for an informal hearing; and [PL 2003, c. 495, §1 (NEW).]

D. Promulgate a final rule and its effective date, if appropriate, based on the rule-making record. [PL 2003, c. 495, §1 (NEW).]
[PL 2003, c. 495, §1 (NEW).]

4. Rule review. Not later than 60 days after a rule is promulgated, an interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of the rule. If the court finds that the interstate commission's action is not supported by substantial evidence, as defined in the APA, in the rule-making record, the court shall hold the rule unlawful and set it aside.
[PL 2003, c. 495, §1 (NEW).]

5. Subjects to be addressed. Subjects to be addressed within 12 months after the first meeting must, at a minimum, include:

A. Notice to victims and opportunity to be heard; [PL 2003, c. 495, §1 (NEW).]

B. Offender registration and compliance; [PL 2003, c. 495, §1 (NEW).]

C. Violations and returns; [PL 2003, c. 495, §1 (NEW).]

D. Transfer procedures and forms; [PL 2003, c. 495, §1 (NEW).]

E. Eligibility for transfer; [PL 2003, c. 495, §1 (NEW).]

F. Collection of restitution and fees from offenders; [PL 2003, c. 495, §1 (NEW).]

G. Data collection and reporting; [PL 2003, c. 495, §1 (NEW).]

H. The level of supervision to be provided by the receiving state; [PL 2003, c. 495, §1 (NEW).]

I. Transitional rules governing the operation of the compact and the interstate commission during all or part of the period between the effective date of the compact and the date that the last eligible state adopts the compact; and [PL 2003, c. 495, §1 (NEW).]

J. Mediation, arbitration and dispute resolution. [PL 2003, c. 495, §1 (NEW).]
[PL 2003, c. 495, §1 (NEW).]

6. Emergency rule. If the interstate commission determines that an emergency exists, it may promulgate an emergency rule that becomes effective immediately upon adoption as long as the usual rule-making procedures provided under this section are retroactively applied to the rule as soon as reasonably possible but no later than 90 days after the effective date of the rule.
[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9879. Oversight, enforcement and dispute resolution by interstate commission-- Article 9

1. Oversight. The interstate commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor activities being administered in noncompacting states that may significantly affect compacting states.

The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the interstate commission, the interstate commission is entitled to receive all service of process in any such proceeding, and has standing to intervene in the proceeding for all purposes.
[PL 2003, c. 495, §1 (NEW).]

2. Dispute resolution. The compacting states shall report to the interstate commission on issues or activities of concern to them, and cooperate with and support the interstate commission in the discharge of its duties and responsibilities.

The interstate commission shall attempt to resolve any disputes or other issues that are subject to the compact and that may arise among compacting states and noncompacting states. The interstate commission shall enact a bylaw or promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.
[PL 2003, c. 495, §1 (NEW).]

3. Enforcement. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in section 9882, subsection 2.
[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9880. Finance--Article 10

1. Expenses. The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.
[PL 2003, c. 495, §1 (NEW).]

2. Assessment. The interstate commission shall levy and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff, which must be sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall promulgate a rule binding upon all compacting states that governs the assessment.
[PL 2003, c. 495, §1 (NEW).]

3. Obligations. The interstate commission may not incur any obligations of any kind prior to securing the funds adequate to meet the same obligations; nor may the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.
[PL 2003, c. 495, §1 (NEW).]

4. Accounts. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the interstate commission must be audited yearly by a certified or licensed public accountant

and the report of the audit must be included in and become part of the annual report of the interstate commission.
[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9881. Compacting state; effective date; amendment--Article 11

1. Eligibility. Any state, as defined in section 9872, is eligible to become a compacting state.
[PL 2003, c. 495, §1 (NEW).]

2. Effective date. The compact becomes effective and binding upon enactment of the compact into law by no fewer than 35 of the states. The initial effective date is July 1, 2001, or upon enactment into law by the 35th state, whichever is later. After the initial effective date, the compact becomes effective and binding, as to any other compacting state, upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in interstate commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.
[PL 2003, c. 495, §1 (NEW).]

3. Notification. The executive director of the interstate commission shall notify the Secretary of State of the State of Maine upon enactment of the compact into law by no fewer than 35 states.
[PL 2003, c. 495, §1 (NEW).]

4. Nonapplicability.
[PL 2005, c. 397, Pt. A, §41 (RP).]

5. Amendment. Amendments to the compact may be proposed by the interstate commission for enactment by the compacting states. An amendment does not become effective and binding upon the interstate commission and the compacting states unless it is enacted into law by unanimous consent of the compacting states.
[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW). PL 2005, c. 397, §A41 (AMD).

§9882. Withdrawal, default, termination and judicial enforcement--Article 12

1. Withdrawal. Once effective, the compact continues in force and remains binding upon each compacting state. A compacting state may withdraw from the compact by enacting a statute specifically repealing the statute that enacted the compact into law. The effective date of withdrawal is the effective date of the repeal of the compact. The withdrawing state shall immediately notify the chair of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt of the withdrawal notice. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extends beyond the effective date of withdrawal. Reinstatement following withdrawal of any compacting state occurs on the withdrawing state's reenactment of the compact or upon a later date determined by the interstate commission.
[PL 2003, c. 495, §1 (NEW).]

2. Default. If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, the bylaws or any duly promulgated rules, the interstate commission may impose any or all of the following penalties:

A. Fines, fees and costs in such amounts as are determined to be reasonable as fixed by the interstate commission; [PL 2003, c. 495, §1 (NEW).]

B. Remedial training and technical assistance as directed by the interstate commission; and [PL 2003, c. 495, §1 (NEW).]

C. Suspension and termination of membership in the compact. Suspension is imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension must be given by the interstate commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature; and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform the obligations or responsibilities imposed upon it by this compact, interstate commission bylaws or duly promulgated rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission on the defaulting state pending a resolution of the default. The interstate commission shall stipulate the conditions and the time period within which the defaulting state shall resolve its default. If the defaulting state fails to resolve the default within the time period specified by the interstate commission, in addition to any other penalties imposed in this section the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact are terminated from the effective date of suspension.

Within 60 days of the effective date of termination of a defaulting state, the interstate commission shall notify the governor, the chief justice or chief judicial officer; the majority and minority leaders of the defaulting state's legislature; and the state council of such termination.

The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including any obligations the performance of which extends beyond the effective date of termination.

The interstate commission may not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the interstate commission and the defaulting state.

Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state's legislature and the approval of the interstate commission pursuant to the rules. [PL 2003, c. 495, §1 (NEW).]

[PL 2003, c. 495, §1 (NEW).]

3. Judicial enforcement. The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district court where the interstate commission has its offices to enforce compliance with the provisions of the compact, its duly promulgated rules and its bylaws against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees.
[PL 2003, c. 495, §1 (NEW).]

4. Dissolution of compact. The compact dissolves upon the date of the withdrawal or default of the compacting state that reduces membership in the compact to one compacting state. Upon the dissolution of this compact, the compact becomes void and has no further effect. The business and affairs of the interstate commission must be wound up and surplus funds must be distributed in accordance with the bylaws.
[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9883. Severability and construction--Article 13

The provisions of this compact are severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact are enforceable. The provisions of this compact are liberally constructed to effectuate its purposes. [PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9884. Binding effect of compact and other laws--Article 14

1. Other laws. This compact does not prevent the enforcement of any other law of a compacting state that is not inconsistent with this compact. All compacting states' laws conflicting with this compact are superseded to the extent of the conflict.
[PL 2003, c. 495, §1 (NEW).]

2. Binding effect of compact. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the compacting states. All agreements between the interstate commission and the compacting states are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.

If a provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction to be conferred by such provision upon the interstate commission are ineffective. The obligations, duties, powers or jurisdiction remain in the compacting state and are exercised by the agency of the compacting states to which the obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.
[PL 2003, c. 495, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 495, §1 (NEW).

§9885. Notification of law enforcement agencies

Prior to the department's consideration of a request under this compact, the department shall notify the district attorney for the district in which the person will reside; the sheriff for the county in which the person will reside; the chief of police of any municipality in which the person will reside; and the Department of Public Safety. [PL 2003, c. 706, Pt. B, §7 (NEW).]

SECTION HISTORY

PL 2003, c. 706, §B7 (NEW).

§9886. Violation of interstate compact for adult offender supervision

Violation of the requirements of an interstate compact for adult offender supervision as enacted by the sentencing state is a Class D crime as provided in Title 17-A, section 759. [PL 2003, c. 706, Pt. B, §7 (NEW).]

SECTION HISTORY

PL 2003, c. 706, §B7 (NEW).

§9887. Supervision fee

The department may impose on a person accepted for supervision under this compact a supervision fee of between $10 and $50 per month, as determined by the department, for the term of supervision by the department. In determining the amount of the fee, the department shall take into account the

financial resources of the person and the nature of the burden the payment imposes. A request for transfer of supervision may not be denied solely because the person is not able to pay the fee. When a person fails to pay the supervision fee, the department may request the person's return to the sending state unless the failure to pay was not attributable to the person's willful refusal to pay or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment. Fees received by the department pursuant to this section must be deposited into the department's adult community corrections account, which may not lapse. Fees deposited pursuant to this section must be used to defray costs associated with the supervision of persons accepted for transfer, including, but not limited to, the purchase of materials and equipment for and operation of electronic monitoring and substance testing programs, the purchase of materials, equipment and training for probation officers and administrative costs. [PL 2011, c. 677, §1 (AMD).]

SECTION HISTORY

PL 2005, c. 329, §13 (NEW). PL 2011, c. 677, §1 (AMD).

§9887-A. Application fee

The department may impose on a person applying for transfer of supervision to another state under this compact an application fee of $100. An application for transfer of supervision may not be denied solely because the person is not able to pay the fee. When a person fails to pay the application fee, the department may refuse to process the application unless the failure to pay was not attributable to the person's willful refusal to pay or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment. Fees received by the department pursuant to this section must be deposited into the department's adult community corrections account, which may not lapse. Fees deposited pursuant to this section must be used to defray costs associated with processing the applications for transfer, including, but not limited to, the purchase of materials, equipment and training for probation officers and administrative costs. [PL 2011, c. 677, §2 (NEW).]

SECTION HISTORY

PL 2011, c. 677, §2 (NEW).

§9887-B. Biological sample for DNA analysis

A person accepted for supervision under this compact shall submit to having a DNA sample taken only if that person is convicted of a crime punishable by imprisonment for one year or more. The DNA sample may be taken at any time following commencement of the supervision period as directed by the person's probation officer. All other provisions of Title 25, chapter 194 govern the collection and use of the DNA sample as applicable. [PL 2011, c. 677, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 677, §3 (NEW).

§9888. Administrative preliminary hearing

Whenever it appears that a person accepted for supervision under this compact arrested for an alleged violation of a supervision condition is entitled under the compact to a determination of whether there is probable cause to believe the person has violated a condition of that person's supervision, the determination must be made at an administrative preliminary hearing meeting the requirements of the compact and held before an official designated by the Commissioner of Corrections within 5 days after the arrest, excluding Saturdays, Sundays and holidays. [PL 2007, c. 344, §11 (NEW).]

SECTION HISTORY

PL 2007, c. 344, §11 (NEW).

SUBCHAPTER 7

THE INTERSTATE COMPACT FOR JUVENILES

§9901. Short title -- Article 1

This subchapter may be known and cited as "the Interstate Compact for Juveniles," which is referred to in this subchapter as "the compact." [PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

§9902. Definitions -- Article 2

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2003, c. 500, §1 (NEW).]

1. Bylaws. "Bylaws" means those bylaws established by the interstate commission for its governance or for directing or controlling the interstate commission's actions or conduct.
[PL 2003, c. 500, §1 (NEW).]

2. Commissioner. "Commissioner" means the voting representative of each compacting state appointed pursuant to section 9903.
[PL 2003, c. 500, §1 (NEW).]

3. Compact administrator. "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact. The compact administrator for Maine is the Commissioner of Corrections or the commissioner's designee.
[PL 2003, c. 706, Pt. B, §8 (AMD).]

4. Compacting state. "Compacting state" means any state that has enacted the enabling legislation for this compact.
[PL 2003, c. 500, §1 (NEW).]

5. Court. "Court" means a court having jurisdiction over juveniles.
[PL 2003, c. 500, §1 (NEW).]

6. Deputy compact administrator. "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of this compact responsible for the administration and management of the State's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact.
[PL 2003, c. 500, §1 (NEW).]

7. Interstate commission. "Interstate commission" means the Interstate Commission for Juveniles established in this subchapter.
[PL 2003, c. 500, §1 (NEW).]

8. Juvenile. "Juvenile" means any person defined as a juvenile in any member state or by the rules of the interstate commission, including:

A. An accused delinquent who is a person charged with an offense that, if committed by an adult, would be a criminal offense; [PL 2003, c. 500, §1 (NEW).]

B. An adjudicated delinquent who is a person found to have committed an offense that, if committed by an adult, would be a criminal offense; [PL 2003, c. 500, §1 (NEW).]

C. An accused status offender who is a person charged with an offense that would not be a criminal offense if committed by an adult; [PL 2003, c. 500, §1 (NEW).]

D. An adjudicated status offender who is a person found to have committed an offense that would not be a criminal offense if committed by an adult; and [PL 2003, c. 500, §1 (NEW).]

E. A nonoffender who is a person in need of supervision who has not been accused or adjudicated as a status offender or delinquent. [PL 2003, c. 500, §1 (NEW).]

[PL 2003, c. 500, §1 (NEW).]

9. Noncompacting state. "Noncompacting state" means any state that has not enacted the enabling legislation for this compact.
[PL 2003, c. 500, §1 (NEW).]

10. Probation or parole. "Probation" or "parole" means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.
[PL 2003, c. 500, §1 (NEW).]

11. Rule. "Rule" means a written statement by the interstate commission promulgated pursuant to section 9904 that is of general applicability; implements, interprets or prescribes a policy or provision of the compact or an organizational, procedural or practice requirement of the interstate commission; and has the force of statutory law in a compacting state, including the ability to amend, repeal or suspend an existing rule.
[PL 2003, c. 500, §1 (NEW).]

12. State. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Marianas Islands.
[PL 2003, c. 500, §1 (NEW).]

13. State council. "State council" means the resident members of the state council for interstate juvenile supervision created by each state under section 9909.
[PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW). PL 2003, c. 706, §B8 (AMD).

§9903. Interstate Commission for Juveniles -- Article 3

1. Commission created. The compacting states hereby create the Interstate Commission for Juveniles. The commission is a body corporate and joint agency of the compacting states. The commission has all the responsibilities, powers and duties set forth in this section, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.
[PL 2003, c. 500, §1 (NEW).]

2. Commissioners. The interstate commission consists of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the state council. The commissioner is the compact administrator, deputy compact administrator or designee from that state who serves on the interstate commission in such capacity under or pursuant to the applicable law of the compacting state.
[PL 2003, c. 500, §1 (NEW).]

3. Noncommissioner members. In addition to the commissioners who are the voting representatives of each state, the interstate commission includes individuals who are not commissioners but who are members of interested organizations. Those noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general; members of the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children; juvenile justice and juvenile corrections officials; and crime victims. All

noncommissioner members of the interstate commission are ex officio, nonvoting members. The interstate commission may provide in its bylaws for such additional ex officio, nonvoting members, including members of other national organizations, as it considers necessary.
[PL 2003, c. 500, §1 (NEW).]

4. Each state entitled to one vote; quorum. Each compacting state represented at any meeting of the interstate commission is entitled to one vote. A majority of the compacting states constitutes a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.
[PL 2003, c. 500, §1 (NEW).]

5. Meetings. The interstate commission shall meet at least once each calendar year. The chair may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice must be given of all meetings and meetings are open to the public.
[PL 2003, c. 500, §1 (NEW).]

6. Executive committee. The interstate commission shall establish an executive committee that includes commission officers, members and others as determined by the bylaws. The executive committee has power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or amendments to the compact. The executive committee oversees the day-to-day activities of the administration of the compact managed by the executive director and interstate commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws and rules; and performs other duties as directed by the interstate commission or as set forth in the bylaws.
[PL 2003, c. 500, §1 (NEW).]

7. Member participation. Each commissioner of the interstate commission has the right and power to cast a vote to which the commissioner's state is entitled and to participate in the business and affairs of the interstate commission. A commissioner must vote in person and may not delegate a vote to another compacting state, except a commissioner, in consultation with the state council, may appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.
[PL 2003, c. 500, §1 (NEW).]

8. Public access to interstate commission records and information. The interstate commission's bylaws must establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.
[PL 2003, c. 500, §1 (NEW).]

9. Public notice. Public notice of all meetings must be given and all meetings are open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and any of its committees may close a meeting to the public where it determines by 2/3 vote that an open meeting would be likely to:

A. Relate solely to the interstate commission's internal personnel practices and procedures; [PL 2003, c. 500, §1 (NEW).]

B. Disclose matters specifically exempted from disclosure by statute; [PL 2003, c. 500, §1 (NEW).]

C. Disclose trade secrets or commercial or financial information that is privileged or confidential; [PL 2003, c. 500, §1 (NEW).]

D. Involve accusing a person of a crime, or formally censuring a person; [PL 2003, c. 500, §1 (NEW).]

E. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; [PL 2003, c. 500, §1 (NEW).]

F. Disclose investigative records compiled for law enforcement purposes; [PL 2003, c. 500, §1 (NEW).]

G. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity; [PL 2003, c. 500, §1 (NEW).]

H. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or [PL 2003, c. 500, §1 (NEW).]

I. Specifically relate to the interstate commission's issuance of a subpoena or its participation in a civil action or other legal proceeding. [PL 2003, c. 500, §1 (NEW).]

[PL 2003, c. 500, §1 (NEW).]

10. Process for closed meetings. For every meeting closed pursuant to subsection 9, the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The interstate commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and provide a full and accurate summary of any actions taken and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any action must be identified in such minutes.
[PL 2003, c. 500, §1 (NEW).]

11. Data collection; records. The interstate commission shall collect standardized data concerning the interstate movement of juveniles as directed through rules specifying the data to be collected, the means of collection and data exchange and the reporting requirements. These methods of data collection, exchange and reporting must, insofar as is reasonably possible, conform to up-to-date technology and coordinate the interstate commission's information functions with the appropriate repository of records.
[RR 2003, c. 1, §36 (COR).]

SECTION HISTORY

RR 2003, c. 1, §36 (COR). PL 2003, c. 500, §1 (NEW).

§9904. Powers and duties of interstate commission -- Article 4

1. Powers and duties. The interstate commission has the following powers and duties:

A. To provide for dispute resolution among compacting states; [PL 2003, c. 500, §1 (NEW).]

B. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which have the force of statutory law and are binding in the compacting states to the extent and in the manner provided in this compact; [PL 2003, c. 500, §1 (NEW).]

C. To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the interstate commission; [PL 2003, c. 500, §1 (NEW).]

D. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process; [PL 2003, c. 500, §1 (NEW).]

E. To establish and maintain offices that are located within one or more of the compacting states; [PL 2003, c. 500, §1 (NEW).]

F. To purchase and maintain insurance and bonds; [PL 2003, c. 500, §1 (NEW).]

G. To borrow, accept, hire or contract for services of personnel; [PL 2003, c. 500, §1 (NEW).]

H. To establish and appoint committees and hire staff that the interstate commission deems necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by section 9903 that has the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder; [PL 2003, c. 500, §1 (NEW).]

I. To elect or appoint officers, attorneys, employees, agents or consultants and to fix their compensation, define their duties and determine their qualifications; [PL 2003, c. 500, §1 (NEW).]

J. To establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation and qualifications of personnel; [PL 2003, c. 500, §1 (NEW).]

K. To accept any donations and grants of money, equipment, supplies, materials and services and to receive, utilize and dispose of donations and grants; [PL 2003, c. 500, §1 (NEW).]

L. To lease, purchase, accept contributions or donations of or otherwise to own, hold, improve or use any property, real, personal or mixed; [PL 2003, c. 500, §1 (NEW).]

M. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed; [PL 2003, c. 500, §1 (NEW).]

N. To establish a budget and make expenditures and levy dues as provided in section 9908; [PL 2003, c. 500, §1 (NEW).]

O. To sue and be sued; [PL 2003, c. 500, §1 (NEW).]

P. To adopt a seal and bylaws governing the management and operation of the interstate commission; [PL 2003, c. 500, §1 (NEW).]

Q. To perform functions necessary or appropriate to achieve the purposes of this compact; [PL 2003, c. 500, §1 (NEW).]

R. To report annually to the legislatures, governors, judiciary and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Annual reports must also include any recommendations that may have been adopted by the interstate commission; [PL 2003, c. 500, §1 (NEW).]

S. To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in such activity; [PL 2003, c. 500, §1 (NEW).]

T. To establish uniform standards for reporting, collecting and exchanging data; and [PL 2003, c. 500, §1 (NEW).]

U. To maintain its corporate books and records in accordance with the bylaws. [PL 2003, c. 500, §1 (NEW).]

[PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

§9905. Organization and operation of interstate commission -- Article 5

1. Bylaws. The interstate commission shall adopt bylaws by a majority of the members present and voting, within 12 months after the first interstate commission meeting, to govern its conduct as may be necessary or appropriate to carry out the purposes of this subchapter, including, but not limited to:

A. Establishing the fiscal year of the interstate commission; [PL 2003, c. 500, §1 (NEW).]

B. Establishing an executive committee and other necessary committees; [PL 2003, c. 500, §1 (NEW).]

C. Providing for the establishment of committees governing general or specific delegation of any authority or function of the interstate commission; [PL 2003, c. 500, §1 (NEW).]

D. Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each meeting; [PL 2003, c. 500, §1 (NEW).]

E. Establishing the titles and responsibilities of the officers of the interstate commission; [PL 2003, c. 500, §1 (NEW).]

F. Providing a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; [PL 2003, c. 500, §1 (NEW).]

G. Providing start-up rules for initial administration of the compact; and [PL 2003, c. 500, §1 (NEW).]

H. Establishing standards and procedures for compliance and technical assistance in carrying out the compact. [PL 2003, c. 500, §1 (NEW).]

[PL 2003, c. 500, §1 (NEW).]

2. Officers and staff. The following provisions govern officers and staff.

A. The interstate commission shall, by a majority of the members, elect annually from among its members a chair and a vice-chair, each of whom has such authority and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice-chair shall preside at all meetings of the interstate commission. The officers so elected serve without compensation or remuneration from the interstate commission, provided that, subject to the availability of budgeted funds, the officers are reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission. [PL 2003, c. 500, §1 (NEW).]

B. The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the interstate commission considers appropriate. The executive director serves as secretary to the interstate commission and may hire and supervise such other staff as may be authorized by the interstate commission but may not be a member. [PL 2003, c. 500, §1 (NEW).]

[PL 2003, c. 500, §1 (NEW).]

3. Qualified immunity, defense and indemnification. The following provisions govern qualified immunity, defense and indemnification.

A. The interstate commission's executive director and employees are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties or responsibilities. Nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss,

injury or liability caused by the intentional or willful and wanton misconduct of any such person. [PL 2003, c. 500, §1 (NEW).]

B. The liability of a commissioner or employee or agent of a commissioner, acting within the scope of such person's employment or duties, for acts, errors or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. Nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person. [PL 2003, c. 500, §1 (NEW).]

C. The interstate commission shall defend the executive director or the employees or representatives of the interstate commission and, subject to the approval of the attorney general of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in a civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person. [PL 2003, c. 500, §1 (NEW).]

D. The interstate commission shall indemnify and hold the commissioner of a compacting state, or the commissioner representative or employee, or the interstate commission representative or employee, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons. [PL 2003, c. 500, §1 (NEW).]

[PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

§9906. Rule-making functions of interstate commission -- Article 6

1. Rules. The interstate commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

Rulemaking must occur pursuant to the criteria set forth in this section and the bylaws and rules adopted pursuant to this section. The rulemaking must substantially conform to the principles of the federal Administrative Procedure Act, 5 United States Code, Section 551 et seq. and the federal Advisory Committee Act, 5 United States Code App. 2 Section 1 et seq., as may be amended, referred to in this subchapter as "the APA," or other administrative procedures act that the interstate commission determines appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court.

All rules and amendments are binding as of the date specified in each rule or amendment. [PL 2003, c. 500, §1 (NEW).]

2. Promulgation of rules. When adopting a rule, the interstate commission shall:

A. Publish the proposed rule stating with particularity the text of the proposed rule and the reason for the proposed rule; [PL 2003, c. 500, §1 (NEW).]

B. Allow persons to submit written data, facts, opinions and arguments, which must be added to the record and made publicly available; [PL 2003, c. 500, §1 (NEW).]

C. Provide an opportunity for an informal hearing, if petitioned by 10 or more persons; and [PL 2003, c. 500, §1 (NEW).]

D. Promulgate a final rule and its effective date, if appropriate, based on the rule-making record, including input from state or local officials and other interested parties. [PL 2003, c. 500, §1 (NEW).]

[PL 2003, c. 500, §1 (NEW).]

3. Rule review. No later than 60 days after a rule is promulgated, an interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of the rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rule-making record as defined in the APA, the court shall hold the rule unlawful and set it aside.
[PL 2003, c. 500, §1 (NEW).]

4. Rule void. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then the rule has no further force and effect in any compacting state.
[PL 2003, c. 500, §1 (NEW).]

5. Existing rules suspended. The existing rules governing the operation of the Interstate Compact for Juveniles superceded by this subchapter are void 12 months after the first meeting of the interstate commission.
[PL 2003, c. 500, §1 (NEW).]

6. Emergency rule. If the interstate commission determines that an emergency exists, it may promulgate an emergency rule that becomes effective immediately upon adoption as long as the usual rule-making procedures provided under this section are retroactively applied to the rule as soon as reasonably possible but not later than 90 days after the effective date of the emergency rule.
[PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

§9907. Oversight, enforcement and dispute resolution by interstate commission -- Article 7

1. Oversight. The interstate commission shall oversee the interstate movement of juveniles in the compacting states and shall monitor activities being administered in noncompacting states that may significantly affect compacting states.
[PL 2003, c. 500, §1 (NEW).]

2. Enforcement. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder must be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. Courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the interstate commission, the interstate commission is to receive all service of process in any such proceeding and has standing to intervene in the proceeding for all purposes.
[PL 2003, c. 500, §1 (NEW).]

3. Dispute resolution. The compacting states shall report to the interstate commission on issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

The interstate commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues that are subject to the compact and that may arise among compacting states and noncompacting states. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.
[PL 2003, c. 500, §1 (NEW).]

4. Commission enforcement. The interstate commission shall enforce the provisions and rules of this compact using all means set forth in section 9911.
[PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

§9908. Finance -- Article 8

1. Expenses. The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.
[PL 2003, c. 500, §1 (NEW).]

2. Assessment. The interstate commission shall levy and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff, which must be sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states that governs the assessment.
[PL 2003, c. 500, §1 (NEW).]

3. Obligations. The interstate commission may not incur any obligations of any kind prior to securing the funds adequate to meet the same obligations, nor may the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.
[PL 2003, c. 500, §1 (NEW).]

4. Accounts. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the interstate commission must be audited yearly by a certified or licensed public accountant and the report of the audit must be included in and become part of the annual report of the interstate commission.
[PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

§9909. State council -- Article 9

Each compacting state shall create a state council for interstate juvenile supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial and executive branches of government; victims groups; and the compact administrator or the compact administrator's designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council shall advise and may exercise oversight and advocacy concerning that state's participation in interstate commission activities and other duties as may be determined by that state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state. [PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

§9910. Compacting state; effective date; amendment -- Article 10

1. Eligibility. Any state, as defined in section 9902, is eligible to become a compacting state.
[PL 2003, c. 500, §1 (NEW).]

2. Effective date. The compact becomes effective and binding upon enactment of the compact into law by no fewer than 35 of the states. The initial effective date is July 1, 2004 or upon enactment into law by the 35th state, whichever is later. After the initial effective date, the compact becomes effective and binding as to any other compacting state, upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.
[PL 2003, c. 500, §1 (NEW).]

3. Amendment. The interstate commission may propose amendments to the compact for enactment by the compacting states. An amendment does not become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.
[PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

§9911. Withdrawal, default, termination and judicial enforcement -- Article 11

1. Withdrawal. Once effective, the compact continues in force and remains binding upon each compacting state. A compacting state may withdraw from the compact by enacting a statute specifically repealing the statute that enacted the compact. The effective date of withdrawal is the effective date of the repeal of the compact. The withdrawing state shall immediately notify the chair of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt of the withdrawal notice. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extends beyond the effective date of withdrawal. Reinstatement following withdrawal of any compacting state occurs on the withdrawing state's reenactment of the compact or upon a later date determined by the interstate commission.
[PL 2003, c. 500, §1 (NEW).]

2. Default. If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, the bylaws or any duly promulgated rules, the interstate commission may impose any or all of the following penalties:

A. Remedial training and technical assistance as directed by the interstate commission; [PL 2003, c. 500, §1 (NEW).]

B. Alternative dispute resolution; [PL 2003, c. 500, §1 (NEW).]

C. Fines, fees and costs in such amounts as are determined to be reasonable as fixed by the interstate commission; and [PL 2003, c. 500, §1 (NEW).]

D. Suspension or termination of membership in the compact. Suspension is imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the interstate commission has determined that the offending state is in default. Immediate notice of suspension must be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's

legislature and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or duly promulgated rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission on the defaulting state pending a resolution of the default. The interstate commission shall stipulate the conditions and the time period within which the defaulting state shall resolve its default. If the defaulting state fails to resolve the default within the time period specified by the interstate commission, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact are terminated from the effective date of termination.

Within 60 days of the effective date of termination of a defaulting state, the interstate commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature and the state council of such termination.

The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

The interstate commission may not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state's legislature and the approval of the interstate commission pursuant to the rules. [PL 2003, c. 500, §1 (NEW).]

[PL 2003, c. 500, §1 (NEW).]

3. Judicial enforcement. The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation including reasonable attorney's fees.

[PL 2003, c. 500, §1 (NEW).]

4. Dissolution of compact. The compact dissolves upon the date of the withdrawal or default of the compacting state that reduces membership in the compact to one compacting state. Upon the dissolution of this compact, the compact becomes void and has no further force or effect. The business and affairs of the interstate commission must be concluded and surplus funds must be distributed in accordance with the bylaws.

[PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

§9912. Severability and construction -- Article 12

The provisions of this compact are severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact are enforceable. The provisions of this compact are liberally constructed to effectuate its purposes. [PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

§9913. Binding effect of compact and other laws -- Article 13

1. Other laws. This compact does not prevent the enforcement of any other law of a compacting state that is not inconsistent with this compact. All compacting states' laws, other than state constitutions and other interstate compacts, conflicting with this compact are superseded to the extent of the conflict.
[PL 2003, c. 500, §1 (NEW).]

2. Binding effect of compact. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the compacting states. All agreements between the interstate commission and the compacting states are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.

If a provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction to be conferred by such provision upon the interstate commission is ineffective. The obligations, duties, powers or jurisdiction remains in the compacting state and is exercised by the agency of the compacting state to which the obligations, duties, powers or jurisdiction is delegated by law in effect at the time this compact becomes effective.
[PL 2003, c. 500, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 500, §1 (NEW).

SUBCHAPTER 8

STATE COUNCILS

§9921. State Council for Adult Offender Supervision established

The State Council for Adult Offender Supervision, referred to in this section as "the council," is established to provide oversight and guidance to the State's participation in the Interstate Compact for Adult Offender Supervision. [PL 2011, c. 676, §1 (AMD).]

1. Membership. The council consists of 7 members as follows:

A. The Senate chair of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters or the chair's designee; [PL 2011, c. 676, §1 (AMD).]

B. The House chair of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters or the chair's designee; [PL 2011, c. 676, §1 (AMD).]

C. Three members who are appointed by the commissioner for a term of 4 years, or until a successor is appointed, and who are eligible for reappointment at the discretion of the commissioner:

(1) One prosecutor;

(2) One representative of a statewide association representing victims of crime; and

(3) One representative representing law enforcement; [PL 2011, c. 676, §1 (AMD).]

D. The compact administrator for the Interstate Compact for Adult Offender Supervision, who may be a designee appointed by the commissioner to administer the Interstate Compact for Adult Offender Supervision; and [PL 2011, c. 676, §1 (AMD).]

E. The Associate Commissioner for Adult Services or the associate commissioner's designee. [PL 2011, c. 676, §1 (AMD).]

F. [PL 2011, c. 676, §1 (RP).]

The council shall invite the Chief Justice of the Supreme Judicial Court to designate a trial judge to act as advisor to the council.
[PL 2011, c. 676, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 706, §B9 (NEW). PL 2011, c. 676, §1 (AMD).

§9922. State Council for Juvenile Supervision established

The State Council for Juvenile Supervision, referred to in this section as "the council," is established to provide oversight and guidance to the State's participation in the Interstate Compact for Juveniles. [PL 2011, c. 676, §2 (NEW).]

1. Membership. The council consists of 7 members as follows:

A. The Senate chair of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters or the chair's designee; [PL 2011, c. 676, §2 (NEW).]

B. The House chair of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters or the chair's designee; [PL 2011, c. 676, §2 (NEW).]

C. Three members who are appointed by the commissioner for a term of 4 years, or until a successor is appointed, who are eligible for reappointment at the discretion of the commissioner and who are members of the Juvenile Justice Advisory Group appointed by the Governor under section 1209:

(1) One prosecutor;

(2) One representative of a statewide association representing victims of crime; and

(3) One representative representing law enforcement; [PL 2011, c. 676, §2 (NEW).]

D. The compact administrator for the Interstate Compact for Juveniles, who may be a designee appointed by the commissioner to administer the Interstate Compact for Juveniles; and [PL 2011, c. 676, §2 (NEW).]

E. The Associate Commissioner for Juvenile Services or the associate commissioner's designee. [PL 2011, c. 676, §2 (NEW).]

The council shall invite the Chief Justice of the Supreme Judicial Court to designate a trial judge to act as advisor to the council.
[PL 2011, c. 676, §2 (NEW).]

SECTION HISTORY

PL 2011, c. 676, §2 (NEW).

CHAPTER 11

SEX OFFENDER REGISTRATION ACT

(REPEALED)

§11001. Short title

(REPEALED)

SECTION HISTORY

PL 1991, c. 809, §1 (NEW). PL 2001, c. 439, §OOO5 (RP).

§11001-A. Application

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §11 (NEW). PL 2001, c. 439, §OOO5 (RP).

§11002. Definitions

(REPEALED)

SECTION HISTORY

PL 1991, c. 809, §1 (NEW). PL 1993, c. 193, §1 (AMD). PL 2001, c. 439, §OOO5 (RP).

§11003. Registration of sex offenders

(REPEALED)

SECTION HISTORY

PL 1991, c. 809, §1 (NEW). PL 1993, c. 193, §§2-4 (AMD). PL 2001, c. 439, §OOO5 (RP).

§11004. Access to records

(REPEALED)

SECTION HISTORY

PL 1991, c. 809, §1 (NEW). PL 2001, c. 439, §OOO5 (RP).

§11005. Liability

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §12 (NEW). PL 2001, c. 439, §OOO5 (RP).

CHAPTER 13

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

(REPEALED)

SUBCHAPTER 1

GENERAL PROVISIONS

(REPEALED)

§11101. Short title

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §13 (NEW). PL 2001, c. 439, §OOO5 (RP).

§11102. Application

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §13 (NEW). PL 2001, c. 439, §OOO5 (RP).

§11103. Definitions

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §13 (NEW). PL 2001, c. 439, §OOO5 (RP).

§11104. Access to records

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §13 (NEW). PL 2001, c. 439, §OOO5 (RP).

§11105. Liability

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §13 (NEW). PL 2001, c. 439, §OOO5 (RP).

SUBCHAPTER 2

SEX OFFENDER REGISTRATION

(REPEALED)

§11121. Registration of sex offenders

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §13 (NEW). PL 2001, c. 439, §OOO5 (RP).

SUBCHAPTER 3

NOTIFICATION

(REPEALED)

§11141. Risk assessment

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §13 (NEW). PL 2001, c. 439, §OOO5 (RP).

§11142. Mandatory notification of conditional release or discharge of sex offenders

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §13 (NEW). PL 1997, c. 768, §3 (AMD). PL 2001, c. 439, §OOO5 (RP).

§11143. Public notification

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §13 (NEW). PL 2001, c. 439, §OOO5 (RP).

§11144. Risk assessment assistance

(REPEALED)

SECTION HISTORY

PL 1995, c. 680, §13 (NEW). PL 2001, c. 439, §OOO5 (RP).

CHAPTER 15

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF 1999

SUBCHAPTER 1

GENERAL PROVISIONS

§11201. Short title

This chapter may be known and cited as the "Sex Offender Registration and Notification Act of 1999." The purpose of this chapter is to protect the public from potentially dangerous registrants and offenders by enhancing access to information concerning those registrants and offenders. [PL 2009, c. 365, Pt. B, §1 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2001, c. 439, §OOO6 (AMD). PL 2003, c. 711, §C4 (AMD). PL 2003, c. 711, §D2 (AFF). PL 2009, c. 365, Pt. B, §1 (AMD). PL 2009, c. 365, Pt. B, §22 (AFF).

§11202. Application

Unless excepted under section 11202-A, this chapter applies to: [PL 2009, c. 365, Pt. B, §2 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

1. Maine. A person sentenced in this State on or after January 1, 1982 for a sex offense or a sexually violent offense as an adult or as a juvenile sentenced as an adult; and
[PL 2005, c. 423, §1 (NEW).]

2. Other jurisdictions. A person sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult:

A. At any time of an offense that requires registration in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws or that would have required registration had the person remained there; [PL 2009, c. 365, Pt. B, §2 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

B. On or after January 1, 1982, of an offense that contains the essential elements of a sex offense or sexually violent offense; or [PL 2009, c. 365, Pt. B, §2 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

C. At any time for a military, tribal or federal offense requiring registration pursuant to:

(1) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [PL 2009, c. 365, Pt. B, §2 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

[PL 2009, c. 365, Pt. B, §2 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2001, c. 439, §OOO7 (AMD). PL 2003, c. 711, §C5 (RPR). PL 2003, c. 711, §D2 (AFF). PL 2005, c. 423, §1 (RPR). PL 2009, c. 365, Pt. B, §2 (AMD). PL 2009, c. 365, Pt. B, §22 (AFF).

§11202-A. Exception

1. Exception. Notwithstanding section 11202, a person is not required to register under this chapter if that person submits to the bureau, in a form to be determined by the bureau, documentation to establish the following:

A. The person was sentenced in the State on or after January 1, 1982 and prior to June 30, 1992 and was finally discharged from the correctional system at least 10 years prior to submitting documentation to the bureau under this section; the person was sentenced in the State on or after June 30, 1992 and prior to September 18, 1999 and was finally discharged from the correctional system at least 10 years prior to submitting documentation to the bureau under this section; the person was sentenced in another jurisdiction prior to September 18, 1999, was finally discharged from the correctional system at least 10 years prior to submitting documentation to the bureau under this section and has been in compliance with the registration duties as a resident required under subchapter 2 since September 12, 2009; or the person was sentenced in the State on or after September 18, 1999 and prior to July 30, 2004 for a violation of former Title 17-A, section 252 and was finally discharged from the correctional system at least 10 years prior to submitting documentation to the bureau under this section. For purposes of this paragraph, "finally discharged from the correctional system" includes completion of probation; [PL 2015, c. 280, §1 (AMD).]

B. The person's convictions do not include more than one Class A sex offense or sexually violent offense or more than one conviction in another jurisdiction for an offense that contains the essential elements of a Class A sex offense or sexually violent offense, whether or not the convictions occurred on the same date; [PL 2009, c. 365, Pt. B, §3 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

C. At the time of the offense, the person had not been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense; [PL 2009, c. 365, Pt. B, §3 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

D. At the time of the offense, the person had not been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense; [PL 2009, c. 365, Pt. B, §3 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

E. Subsequent to the conviction for the sex offense or sexually violent offense, the person has not been convicted of and sentenced for a crime under Title 17 or Title 17-A in this State that is punishable by imprisonment for a term of one year or more; and [PL 2015, c. 280, §1 (AMD).]

F. Subsequent to the conviction for the sex offense or sexually violent offense, the person has not been convicted of and sentenced for a crime under the laws of any other jurisdiction that is punishable by a term of imprisonment exceeding one year. This paragraph does not include a crime under the laws of another jurisdiction that is classified by the laws of that jurisdiction as a misdemeanor and is punishable by a term of imprisonment of 2 years or less. [PL 2015, c. 280, §1 (AMD).]

[PL 2015, c. 280, §1 (AMD).]

2. Duty continues. A person's duty to register continues until the bureau determines that the documentation meets the requirements of this section and any rules adopted by the bureau.
[PL 2009, c. 365, Pt. B, §3 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

3. Costs. A person who submits documentation under this section is responsible for the costs of any criminal history record checks required.
[PL 2009, c. 365, Pt. B, §3 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

4. Restoration of registration status. The registration obligation of a person that is discharged pursuant to this section is restored by any subsequent conviction for a crime described in subsection 1, paragraph E or F.
[PL 2009, c. 570, §1 (AMD).]

5. Appeal. A decision to deny an application for relief under this section is a final agency action, which may be appealed by filing a petition for review pursuant to Title 5, chapter 375, subchapter 7.
[PL 2009, c. 570, §1 (NEW).]

6. Subsequent offenses and consideration of prior offense. If application for relief is approved and a duty to register is extinguished under this section, and the person is subsequently sentenced for a new sex offense or sexually violent offense, the prior offense for which the duty to register was extinguished must be counted as a prior offense for the purposes of classifying the person as a lifetime registrant.
[PL 2009, c. 570, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 365, Pt. B, §3 (NEW). PL 2009, c. 365, Pt. B, §22 (AFF). PL 2009, c. 570, §1 (AMD). PL 2015, c. 280, §1 (AMD).

§11203. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1999, c. 437, §2 (NEW).]

1. Bureau. "Bureau" means the State Bureau of Identification.
[PL 1999, c. 437, §2 (NEW).]

1-A. Conditional release. "Conditional release" means supervised release of a registrant or an offender from institutional confinement for placement on probation, parole, supervised release for sex offenders, supervised community confinement, home release monitoring or release under Title 15, section 104-A or Title 17-A, chapter 67, subchapter 2.
[RR 2025, c. 2, Pt. A, §150 (COR).]

1-B. Discharge. "Discharge" means unconditional release and discharge of a registrant from institutional confinement upon the expiration of a sentence or upon discharge under Title 15, section 104-A.
[PL 2003, c. 711, Pt. C, §6 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

1-C. Another state. "Another state" means each of the several states except Maine, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.
[PL 2003, c. 711, Pt. C, §7 (NEW); PL 2003, c. 711, Pt. D, §2 (AFF).]

2. Domicile. "Domicile" means the place where a person has that person's established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have more than one residence but only one domicile.
[PL 2003, c. 711, Pt. C, §8 (RPR); PL 2003, c. 711, Pt. D, §2 (AFF).]

3. FBI. "FBI" means the Federal Bureau of Investigation.
[PL 1999, c. 437, §2 (NEW).]

3-A. Jurisdiction. "Jurisdiction" means the Federal Government, including the military, this State or another state or tribe.
[PL 2003, c. 711, Pt. C, §7 (NEW); PL 2003, c. 711, Pt. D, §2 (AFF).]

4. Law enforcement agency having jurisdiction. "Law enforcement agency having jurisdiction" means the chief of police in the municipality where a registrant or an offender expects to be or is domiciled. If the municipality does not have a chief of police, "law enforcement agency having jurisdiction" means the sheriff of the county where the municipality is located. "Law enforcement agency having jurisdiction" also means the sheriff of the county in an unorganized territory.
[PL 2009, c. 365, Pt. B, §5 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

4-A. Risk assessment instrument. "Risk assessment instrument" means an instrument created and modified as necessary by reviewing and analyzing precursors to a sex offense, victim populations of a registrant or an offender, living conditions and environment of a registrant or an offender and other factors predisposing a person to become a registrant or an offender, for the ongoing purpose of identifying risk factors.
[PL 2009, c. 365, Pt. B, §6 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

4-B. Sentence. "Sentence," in addition to any punishment alternatives, includes an involuntary commitment under Title 15, section 103, or similar statute from another jurisdiction, following a verdict of not criminally responsible by reason of mental disease or defect or similar verdict in another jurisdiction.
[PL 2001, c. 533, §1 (NEW).]

4-C. Registrant. "Registrant" means a 10-year registrant or a lifetime registrant or, when appropriate, both a 10-year registrant and a lifetime registrant.
[PL 2003, c. 711, Pt. C, §11 (NEW); PL 2003, c. 711, Pt. D, §2 (AFF).]

4-D. Residence. "Residence" means that place or those places, other than a domicile, in which a person may spend time living, residing or dwelling. Proof that an offender has lived in the State for 14 days continuously or an aggregate of 30 days within a period of one year gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person has established a residence for the purposes of registration requirements imposed by this chapter.
[PL 2009, c. 365, Pt. B, §7 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

4-E. Offender. "Offender" means a person to whom this chapter applies pursuant to section 11202.
[PL 2009, c. 365, Pt. B, §8 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

5. Ten-year registrant. "Ten-year registrant" means a person who has complied with the initial duty to register under this chapter as an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a sex offense.
[PL 2009, c. 365, Pt. B, §9 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

6. Sex offense. "Sex offense" means a conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses if the victim was less than 18 years of age at the time of the criminal conduct:

A. [PL 2005, c. 423, §4 (RP).]

B. A violation under former Title 17, section 2922; former Title 17, section 2923; former Title 17, section 2924; Title 17-A, section 253, subsection 2, paragraph E, F, G, H, I or J; Title 17-A, section 254; former Title 17-A, section 255, subsection 1, paragraph A, E, F, G, I or J; former Title 17-A, section 255, subsection 1, paragraph B or D if the crime was not elevated a class under former Title

17-A, section 255, subsection 3; Title 17-A, section 255-A, subsection 1, paragraph A, B, C, F-2, G, I, J, K, L, M, N, Q, R, S or T; Title 17-A, section 256; Title 17-A, section 258; former Title 17-A, section 259; Title 17-A, section 282; Title 17-A, section 283; Title 17-A, section 284; Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3), unless the actor is a parent of the victim; Title 17-A, section 511, subsection 1, paragraph D; Title 17-A, section 556; Title 17-A, section 852, subsection 1, paragraph B; or Title 17-A, section 855; [PL 2013, c. 424, Pt. A, §19 (RPR).]

C. A violation in another jurisdiction that includes the essential elements of an offense listed in paragraph B; or [PL 2009, c. 365, Pt. B, §11 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

D. A conviction for a military, tribal or federal offense requiring registration pursuant to:

(1) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [PL 2009, c. 365, Pt. B, §12 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

[PL 2013, c. 424, Pt. A, §19 (AMD).]

6-A. Sex offense; after October 1, 2011. For persons convicted and sentenced on or after October 1, 2011, "sex offense" means, in addition to the offenses listed in subsection 6, a conviction for one of the following offenses or for an attempt or solicitation of one of the following offenses, without regard to the age of the victim:

A. Title 17-A, section 253, subsection 2, paragraphs J, K and L and Title 17-A, section 255-A, subsection 1, paragraphs C, G, Q, R, R-1, R-2, W and X; [PL 2011, c. 423, §10 (NEW).]

B. A violation in another jurisdiction that includes the essential elements of an offense listed in paragraph A; or [PL 2011, c. 423, §10 (NEW).]

C. A conviction for a military, tribal or federal offense requiring registration pursuant to:

(1) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [PL 2011, c. 423, §10 (NEW).]

[PL 2011, c. 423, §10 (NEW).]

6-B. Sex offense; after October 1, 2012. For persons convicted and sentenced on or after October 1, 2012, "sex offense" means, in addition to the offenses listed in subsections 6 and 6-A:

A. A conviction for an offense under Title 17-A, section 259-A or for an attempt or conspiracy to commit an offense under Title 17-A, section 259-A; [PL 2011, c. 597, §7 (NEW).]

B. A violation in another jurisdiction that includes the essential elements of an offense listed under Title 17-A, section 259-A; or [PL 2011, c. 597, §7 (NEW).]

C. A conviction for a military, tribal or federal offense requiring registration pursuant to:

(1) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [PL 2011, c. 597, §7 (NEW).]

[PL 2011, c. 597, §7 (NEW).]

7. Sexually violent offense. "Sexually violent offense" means:

A. A conviction for one of the offenses or for an attempt to commit one of the offenses under former Title 17-A, section 252; under Title 17-A, section 253, subsection 1; Title 17-A, section 253, subsection 2, paragraph A, B, C or D; former Title 17-A, section 255, subsection 1, paragraph C or H; former Title 17-A, section 255, subsection 1, paragraph B or D, if the crime was elevated a class under former Title 17-A, section 255, subsection 3; Title 17-A, section 255-A, subsection 1, paragraph D, E, E-1, F, F-1, H, O or P; [PL 2009, c. 365, Pt. B, §13 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

B. A conviction for an offense or for an attempt to commit an offense of the law in another jurisdiction that includes the essential elements of an offense listed in paragraph A; or [PL 2009, c. 365, Pt. B, §13 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

C. A conviction for a military, tribal or federal offense requiring registration pursuant to:

(1) The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or

(2) The Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248. [PL 2009, c. 365, Pt. B, §13 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

[PL 2009, c. 365, Pt. B, §13 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

8. Lifetime registrant. "Lifetime registrant" means a person who has complied with the initial duty to register under this chapter as an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a:

A. Sexually violent offense; or [PL 1999, c. 437, §2 (NEW).]

B. Sex offense when the person has another conviction for or an attempt to commit an offense that includes the essential elements of a sex offense or sexually violent offense. For purposes of this paragraph, "another conviction" means:

(1) For persons convicted and sentenced before September 17, 2005, a conviction for an offense for which sentence was imposed prior to the occurrence of the new offense; and

(2) For persons convicted and sentenced on or after September 17, 2005, a conviction that occurred at any time. Convictions that occur on the same day may be counted as other offenses for the purposes of classifying a person as a lifetime registrant if:

(a) There is more than one victim; or

(b) The convictions are for offenses based on different conduct or arising from different criminal episodes. [PL 2009, c. 365, Pt. B, §14 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

[PL 2009, c. 365, Pt. B, §14 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

9. Tribe. "Tribe" means the Passamaquoddy Tribe or the Penobscot Nation.

[PL 2003, c. 711, Pt. C, §16 (NEW); PL 2003, c. 711, Pt. D, §2 (AFF).]

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2001, c. 383, §§153,154 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 439, §§OOO8-10 (AMD). PL 2001, c. 553, §§1-4 (AMD). PL 2001, c. 553, §10 (AFF). PL 2003, c. 371, §§1-3 (AMD). PL 2003, c. 711, §§C6-16 (AMD). PL 2003, c. 711, §D2 (AFF). PL 2005, c. 423, §§2-7 (AMD). PL 2009, c. 365, Pt. B, §§4-14 (AMD). PL 2009, c. 365, Pt. B, §22 (AFF). PL 2011, c. 423, §10 (AMD). PL 2011, c. 597, §§6, 7 (AMD). PL 2011, c. 604, §3 (AMD). PL 2011, c. 604, §4 (AFF). PL 2013, c. 133, §32 (AMD). PL 2013, c. 424, Pt. A, §19 (AMD). RR 2025, c. 2, Pt. A, §150 (COR).

§11204. Rulemaking

The bureau may adopt rules necessary to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2005, c. 423, §8 (NEW).]

SECTION HISTORY

PL 2005, c. 423, §8 (NEW).

SUBCHAPTER 2

SEX OFFENDER REGISTRATION

§11221. Maintenance of sex offender registry

1. Maintenance of registry. The bureau shall establish and maintain a registry of persons required to register pursuant to this subchapter. The registry must include the following information on each registrant:

A. The registrant's name, aliases, date of birth, sex, race, height, weight, eye color, mailing address and physical location of expected domicile and residence; [PL 2005, c. 423, §9 (AMD).]

B. Place of employment and college or school being attended, if applicable, and the corresponding address and location; [PL 2003, c. 371, §4 (AMD).]

C. Offense history; [PL 1999, c. 437, §2 (NEW).]

D. Notation of any treatment received for a mental abnormality or personality disorder; [PL 1999, c. 437, §2 (NEW).]

E. A photograph and set of fingerprints; [PL 1999, c. 437, §2 (NEW).]

F. A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; and [PL 2003, c. 711, Pt. C, §17 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

G. Any other information the bureau determines important. [PL 1999, c. 437, §2 (NEW).]
[PL 2005, c. 423, §9 (AMD).]

2. National or regional registry. The bureau is authorized to make the registry available to and accept files from a national or regional registry of registrants for the purpose of sharing information.
[PL 2003, c. 711, Pt. C, §18 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

3. Registration form. The bureau shall develop a standardized registration form to be made available to the appropriate reporting authorities and persons required to register.
[PL 1999, c. 437, §2 (NEW).]

4. Verification form. The bureau shall develop and mail a nonforwardable verification form to the last reported mailing address of each person required to meet the verification requirements of this chapter.
[PL 1999, c. 437, §2 (NEW).]

5. Sexually violent predator directory.
[PL 2003, c. 371, §5 (RP).]

6. Distribution of information to department and law enforcement agencies. The bureau shall distribute information described in subsection 1 to the department and law enforcement agencies having jurisdiction over the address and location of the registrant's domicile, residence, place of employment and college or school being attended.

[PL 2005, c. 423, §10 (AMD).]

7. Rules.
[PL 2005, c. 423, §11 (RP).]

8. Criminal justice agency access to information. The bureau shall provide access to the information described in subsection 1 to criminal justice agencies. For purposes of this subsection, "criminal justice agency" has the same meaning as in Title 16, section 703, subsection 4.
[PL 2013, c. 267, Pt. B, §28 (AMD).]

9. Public access to information. The bureau shall provide information to the public as follows.

A. The bureau shall post on the Internet for public inspection the following information concerning a registrant:

(1) The registrant's name, date of birth and photograph;

(2) The registrant's city or town of domicile and residence;

(3) The registrant's place of employment and college or school being attended, if applicable, and the corresponding address and location;

(4) The statutory citation and name of the offense for which the registrant was convicted; and

(5) The registrant's designation as a 10-year registrant or a lifetime registrant. [PL 2011, c. 307, §1 (AMD).]

B. Upon receiving a written request that includes the name and date of birth of a registrant, the bureau shall provide the following information concerning a registrant to the requestor:

(1) The registrant's name, aliases, date of birth, sex, race, height, weight, eye color, mailing address and physical location of domicile and residence;

(2) The registrant's place of employment and college or school being attended, if applicable, and the corresponding address and location;

(3) A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; and

(4) The registrant's photograph. [PL 2005, c. 423, §12 (AMD).]
[PL 2011, c. 307, §1 (AMD).]

9-A. Registry information. Registry information created, collected or maintained by the bureau, including, but not limited to, information relating to the identity of persons accessing the registry, is confidential, except the following are public records:

A. Information provided to the public pursuant to subsection 9; and [PL 2011, c. 299, §1 (NEW).]

B. Applications and bureau decisions, including any documents made part of those decisions, pursuant to section 11202-A. [PL 2011, c. 299, §1 (NEW).]
[PL 2011, c. 299, §1 (NEW).]

10. Registrant access to information. The bureau shall provide all information described in subsection 1, paragraphs A to F to a registrant who requests that person's own information. The process for access and review of that information is governed by Title 16, section 709.
[PL 2013, c. 267, Pt. B, §29 (AMD).]

11. Maintenance by bureau. Only the bureau is authorized to maintain a sex offender registry on the Internet for purposes of public access as described in subsection 9.
[PL 2005, c. 545, §1 (AMD).]

12. Law enforcement agency website. A law enforcement agency may maintain its own sex offender website and may make that information available for use by the public if:

A. A notice is prominently posted on the website that expressly states that the website is not the official state sex offender registry under subsection 1 and that the law enforcement agency posting the website is solely responsible for the website's content; [PL 2005, c. 545, §2 (NEW).]

B. The website provides a link to the bureau's Internet sex offender registry under subsection 1; [PL 2005, c. 545, §2 (NEW).]

C. The website contains information regarding only registrants who are domiciled, reside, attend college or school or work within the posting law enforcement agency's jurisdiction; and [PL 2005, c. 545, §2 (NEW).]

D. The information on the website is updated by the law enforcement agency as frequently as available resources permit, but no less than every 7 days. The law enforcement agency shall also prominently post on the website the date and time of the most recent update to the website. [PL 2005, c. 545, §2 (NEW).]

[PL 2005, c. 545, §2 (NEW).]

13. Access to registrant information existing in electronic form restricted. Notwithstanding Title 1, chapter 13:

A. The bureau may not disseminate in electronic form information about a registrant that is created, collected or maintained in electronic form by or for the bureau, except as made available to the public through the bureau's Internet website pursuant to subsection 9 and made available to the Background Check Center established pursuant to Title 22, chapter 1691; and [PL 2015, c. 299, §26 (AMD).]

B. Except as made available to the public through an Internet website maintained by a law enforcement agency pursuant to subsection 12, a law enforcement agency may not disseminate in electronic form information about a registrant that is collected or maintained in electronic form by or for the law enforcement agency. [PL 2011, c. 299, §3 (NEW).]

[PL 2015, c. 299, §26 (AMD).]

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2003, c. 371, §§4-7 (AMD). PL 2003, c. 711, §§C17-20 (AMD). PL 2003, c. 711, §D2 (AFF). PL 2005, c. 423, §§9-13 (AMD). PL 2005, c. 545, §§1,2 (AMD). PL 2011, c. 299, §§1-3 (AMD). PL 2011, c. 307, §1 (AMD). PL 2013, c. 267, Pt. B, §§28, 29 (AMD). PL 2015, c. 299, §26 (AMD).

§11222. Duty of offender to register

1. Notification by court, the department, the bureau or a law enforcement agency. An offender has a duty to register under this chapter after notification has been given to the offender by a court of jurisdiction, the department, the bureau or a law enforcement agency. A court shall notify the offender at the time of sentence of the duty to register pursuant to this chapter. Notification of the duty to register under this chapter also may be given to the offender at any time after the imposition of sentence.

At any time, the bureau may correct the term of a registration erroneously assigned to an offender or registrant. In such instances, the bureau shall notify the offender or registrant, the district attorney and court in the jurisdiction where the conviction occurred and the law enforcement agency having jurisdiction where the offender or registrant is domiciled, resides, is employed or attends college or school, if applicable.

[PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

1-A. When duty to register must be exercised. Following notification by a court, the department, the bureau or a law enforcement agency under subsection 1, an offender shall register as follows.

A. If the offender is sentenced to a wholly suspended sentence with probation or administrative release, or to a punishment alternative not involving imprisonment, the duty to register is triggered at the time the person commences in actual execution of the wholly suspended sentence or at the time of sentence imposition when no punishment alternative involving imprisonment is imposed, unless the court orders a stay of execution, in which event the duty is triggered by the termination of the stay. [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

B. If the offender is sentenced to a straight term of imprisonment or to a split sentence, the duty to register is triggered by discharge or conditional release. [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

C. If the offender is committed under Title 15, section 103, the duty to register is triggered by discharge or conditional release under Title 15, section 104-A. [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

D. If the events stated in paragraphs A to C have passed, an offender must register within 5 days after having received notice of that duty from a court, the department, the bureau or a law enforcement agency. [PL 2009, c. 365, Pt. B, §15 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

E. Proof that the name and date of birth of the person notified of the duty to register pursuant to this chapter are the same as those of a person who has been convicted of an offense requiring registration pursuant to this chapter gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person notified of the duty to register is the same person as that person convicted of the offense requiring registration. [PL 2009, c. 365, Pt. B, §15 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

[PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

1-B. Duty to notify law enforcement agency. An offender shall notify the law enforcement agency having jurisdiction in those areas where the offender is domiciled, resides, works or attends school within 24 hours of becoming a domiciliary or a resident or beginning work or attending school. If the location is a municipality with an organized municipal police department, the law enforcement agency having jurisdiction is the municipal police department. If the location is a school having an organized police department, the law enforcement agency having jurisdiction is the campus police department. If the location is neither a municipality nor a school with an organized police department, the law enforcement agency having jurisdiction is the sheriff's department.

[PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

2. Responsibility of ensuring initial registration. The department, the county jail or the state mental health institute that has custody of an offender shall inform the offender, prior to discharge or conditional release, of the duty to register. If an offender does not serve a period of institutional confinement, the court shall inform the offender at the time of sentencing of the duty to register. The department, county jail, state mental health institute or court shall:

A. Inform the offender of the duty to register and obtain the information required for the initial registration; [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

A-1. Inform the offender of the requirement to notify the law enforcement agency having jurisdiction pursuant to subsection 1-B; [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

B. Inform the offender that if the offender changes domicile or changes residence, place of employment or college or school being attended, the offender shall give the new address to the bureau in writing within 5 days and shall notify the law enforcement agency having jurisdiction within 24 hours; [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

C. Inform the offender that if that offender changes domicile to another state, the offender shall register the new address with the bureau and if the new state has a registration requirement, the offender shall register with a designated law enforcement agency in the new state not later than 5 days after establishing domicile in the new state; [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

D. Inform the offender that if that offender has part-time or full-time employment in another state, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year or if that offender enrolls in any type of school in another state on a part-time or full-time basis, the offender shall give the bureau the offender's place of employment or school to be attended in writing within 5 days after beginning work or attending school and if the other state has a registration requirement, shall register with the designated law enforcement agency in the other state; [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

E. Obtain fingerprints and a photograph of the offender or the court may order the offender to submit to the taking of fingerprints and a photograph at a specified law enforcement agency within 3 days if the fingerprints and photograph have not already been obtained in connection with the offense that necessitates registration; and [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

F. Enforce the requirement that the offender read and sign a form provided by the bureau that states that the duty of the offender to register under this section has been explained. [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

[PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

2-A. Duty of registrant sentenced from June 30, 1992 to September 17, 1999 to register. Notwithstanding subsection 1, a person coming within the definition of a 10-year registrant or lifetime registrant who has been sentenced on or after June 30, 1992 but before September 18, 1999 for a sex offense or a sexually violent offense shall register either as a 10-year registrant or lifetime registrant, whichever is applicable, if the duty to register has been triggered under subsection 1-A, paragraph A, B or C and the offender has been notified of the duty to register by a court of jurisdiction, the department, the bureau or a law enforcement agency. The offender shall register with the bureau within 5 days of notice.

[PL 2015, c. 280, §2 (AMD).]

2-B. Duty to register for new crimes. For a person who has been sentenced for a crime added by an amendment to the definition of sex offense or sexually violent offense in section 11203 since September 1, 2002, if the duty to register has been triggered under subsection 1-A, paragraph A, B or C and the offender has been notified of the duty to register by a court of jurisdiction, the department, the bureau or a law enforcement agency, that person shall register as a 10-year registrant or a lifetime registrant, whichever is applicable. The offender shall register with the bureau within 5 days of notice.

[PL 2015, c. 280, §2 (AMD).]

2-C. Duty of registrant sentenced from January 1, 1982 to June 29, 1992 to register. Notwithstanding subsection 1, a person who meets the definition of a 10-year registrant or a lifetime registrant who has been sentenced on or after January 1, 1982 but before June 30, 1992 for a sex offense or a sexually violent offense shall register either as a 10-year registrant or a lifetime registrant, whichever is applicable, if the duty to register has been triggered under subsection 1-A, paragraph A, B or C and the offender has been notified of the duty to register by a court of jurisdiction, the department, the bureau or a law enforcement agency. The offender shall register with the bureau within 5 days of notice.

[PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

3. Transfer of initial registration information to bureau and FBI. The department, county jail, state mental health institute or court within 3 days of receipt of the information described in subsection 2 shall forward the information to the bureau. If the court orders the offender to submit to the taking of fingerprints and a photograph at a specified law enforcement agency, the law enforcement agency shall submit the fingerprints and photograph to the bureau within 3 days. The bureau shall immediately enter the information into the registration system, notify the law enforcement agencies having jurisdiction where the offender expects to be domiciled and reside and transmit the information to the FBI for inclusion in the national FBI sex offender database.
[PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

4. Verification for persons sentenced on or after September 18, 1999. During the period a registrant sentenced on or after September 18, 1999 is required to register, the bureau shall require the registrant to verify registration information including domicile, residence, mailing address, place of employment and college or school being attended. Unless verifications are suspended, the bureau shall verify the registration information of a 10-year registrant on each anniversary of the 10-year registrant's initial registration date and shall verify a lifetime registrant's registration information every 3 months after that lifetime registrant's initial registration date. Verification of the registration information of a 10-year registrant or lifetime registrant occurs as set out in this subsection.

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the registrant. The verification form is deemed received 3 days after mailing unless returned by postal authorities. [PL 2005, c. 423, §17 (AMD).]

B. [PL 2005, c. 423, §17 (RP).]

C. The registrant shall take the completed verification form and a current photograph of the registrant to the law enforcement agency having jurisdiction within 5 days of receipt of the form. [PL 2009, c. 570, §2 (AMD).]

D. The law enforcement agency having jurisdiction shall verify the registrant's identity, have the registrant sign the verification form, take the registrant's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau. [PL 2003, c. 711, Pt. C, §21 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

[PL 2015, c. 280, §3 (AMD).]

4-A. Verification for person sentenced on or after January 1, 1982 and prior to September 18, 1999 who is a 10-year registrant. During the period a 10-year registrant sentenced on or after January 1, 1982 and prior to September 18, 1999 is required to register, the bureau shall require the 10-year registrant to verify registration information including domicile, residence, mailing address, place of employment and college or school being attended. Unless verifications are suspended, the bureau shall verify the registration information of a 10-year registrant in writing as provided by the bureau on each anniversary of the 10-year registrant's initial registration date and once every 5 years in person. Verification of the registration information of a 10-year registrant occurs as set out in this subsection.

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the 10-year registrant. The verification form is deemed received 3 days after mailing unless returned by postal authorities. [PL 2009, c. 570, §3 (NEW).]

B. The 10-year registrant shall mail to the bureau the completed written verification form and a current photograph on each anniversary of the 10-year registrant's initial registration date within 5 days of receipt of the form, except as provided in paragraph C. [PL 2009, c. 570, §3 (NEW).]

C. In lieu of mailing the completed verification form under paragraph B, the 10-year registrant shall take the completed verification form and a current photograph of the 10-year registrant to the law enforcement agency having jurisdiction once every 5 years on the anniversary of the 10-year registrant's initial registration or, if there is a reason to believe the offender's appearance has changed significantly, the law enforcement agency having jurisdiction or the bureau may instruct the 10-year registrant in writing:

(1) To appear in person at the law enforcement agency having jurisdiction with a current photograph or to allow a photograph to be taken; or

(2) If authorized in writing by the law enforcement agency having jurisdiction or the bureau, to submit a new photograph without appearing in person. [PL 2015, c. 280, §4 (AMD).]

D. Whenever in-person verification is mandated pursuant to paragraph C, the law enforcement agency having jurisdiction shall verify the 10-year registrant's identity, have the 10-year registrant sign the verification form, take the registrant's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau. [PL 2009, c. 570, §3 (NEW).]

[PL 2015, c. 280, §4 (AMD).]

4-B. Verification for person sentenced on or after January 1, 1982 and prior to September 18, 1999 who is a lifetime registrant. During the period a lifetime registrant sentenced on or after January 1, 1982 and prior to September 18, 1999 is required to register, the bureau shall require the lifetime registrant to verify registration information including domicile, residence, mailing address, place of employment and college or school being attended. Unless verifications are suspended, the bureau shall verify the registration information of a lifetime registrant in writing as provided by the bureau every 3 months after that lifetime registrant's initial registration date and once every 5 years in person. Verification of the registration information of a lifetime registrant occurs as set out in this subsection.

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the lifetime registrant. The verification form is deemed received 3 days after mailing unless returned by postal authorities. [PL 2009, c. 570, §4 (NEW).]

B. The lifetime registrant shall mail to the bureau the completed written verification form and a current photograph every 3 months after that lifetime registrant's initial registration date within 5 days of receipt of the form, except as provided in paragraph C. [PL 2015, c. 280, §5 (AMD).]

C. In lieu of mailing the completed verification form under paragraph B, the lifetime registrant shall take the completed verification form and a current photograph of the lifetime registrant to the law enforcement agency having jurisdiction once every 5 years on the anniversary of the lifetime registrant's initial registration or, if there is a reason to believe the lifetime registrant's appearance has changed significantly, the law enforcement agency having jurisdiction or the bureau may instruct the lifetime registrant in writing:

(1) To appear in person at the law enforcement agency having jurisdiction with a current photograph or to allow a photograph to be taken; or

(2) If authorized in writing by the law enforcement agency having jurisdiction or the bureau, to submit a new photograph without appearing in person. [PL 2015, c. 280, §5 (AMD).]

D. Whenever in-person verification is mandated pursuant to paragraph C, the law enforcement agency having jurisdiction shall verify the lifetime registrant's identity, have the lifetime registrant sign the verification form, take the lifetime registrant's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau. [PL 2009, c. 570, §4 (NEW).]

[PL 2015, c. 280, §5 (AMD).]

4-C. Verification for person sentenced in another jurisdiction before January 1, 1982 who is a lifetime registrant. During the period a lifetime registrant sentenced in another jurisdiction before January 1, 1982 is required to register, the bureau shall require the lifetime registrant to verify registration information including domicile, residence, mailing address, place of employment and college or school being attended. Unless verifications are suspended, the bureau shall verify the registration information of a lifetime registrant in writing as provided by the bureau every 3 months after that lifetime registrant's initial registration date and once every 5 years in person. Verification of the registration information of a lifetime registrant occurs as set out in this subsection.

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the lifetime registrant. The verification form is deemed received 3 days after mailing unless returned by postal authorities. [PL 2015, c. 280, §6 (NEW).]

B. The lifetime registrant shall mail to the bureau the completed written verification form and a current photograph every 3 months after that lifetime registrant's initial registration date within 5 days of receipt of the form, except as provided in paragraph C. [PL 2015, c. 280, §6 (NEW).]

C. In lieu of mailing the completed verification form under paragraph B, the lifetime registrant shall take the completed verification form and a current photograph of the lifetime registrant to the law enforcement agency having jurisdiction once every 5 years on the anniversary of the lifetime registrant's initial registration or, if there is a reason to believe the lifetime registrant's appearance has changed significantly, the law enforcement agency having jurisdiction or the bureau may instruct the lifetime registrant in writing:

(1) To appear in person at the law enforcement agency having jurisdiction with a current photograph or to allow a photograph to be taken; or

(2) If authorized in writing by the law enforcement agency having jurisdiction or the bureau, to submit a new photograph without appearing in person. [PL 2015, c. 280, §6 (NEW).]

D. Whenever in-person verification is mandated pursuant to paragraph C, the law enforcement agency having jurisdiction shall verify the lifetime registrant's identity, have the lifetime registrant sign the verification form, take the lifetime registrant's fingerprints, complete the law enforcement portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau. [PL 2015, c. 280, §6 (NEW).]

[PL 2015, c. 280, §6 (NEW).]

5. Change of domicile, residence, place of employment or college or school being attended. An offender or registrant shall notify the bureau in writing of a change of residence, domicile, place of employment or college or school being attended within 5 days and shall notify the law enforcement agency having jurisdiction within 24 hours after changing that domicile, residence, place of employment or college or school being attended.

A. If the offender or registrant establishes a new domicile, residence, place of employment or college or school being attended in the State, the bureau shall notify, within 3 days, both the law enforcement agency having jurisdiction where the offender or registrant was formerly domiciled or resided or was employed or enrolled and the law enforcement agency having jurisdiction where the offender or registrant is currently domiciled, residing, employed or enrolled. [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

B. If the offender or registrant establishes a domicile, residence, place of employment or college or school being attended in another state, the bureau shall notify, within 3 days, the law enforcement agency having jurisdiction where the offender or registrant was formerly domiciled or resided or was employed or enrolled and the law enforcement agency having jurisdiction where the offender

or registrant is currently domiciled, residing, employed or enrolled. [PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

[PL 2009, c. 365, Pt. B, §15 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2001, c. 439, §OOO11 (AMD). PL 2001, c. 553, §§5,6 (AMD). PL 2003, c. 371, §§8-10 (AMD). PL 2003, c. 711, §C21 (AMD). PL 2003, c. 711, §D2 (AFF). PL 2005, c. 423, §§14-18 (AMD). PL 2005, c. 683, §B28 (AMD). PL 2009, c. 365, Pt. B, §15 (AMD). PL 2009, c. 365, Pt. B, §22 (AFF). PL 2009, c. 570, §§2-4 (AMD). PL 2011, c. 420, Pt. C, §§4, 5 (AMD). PL 2015, c. 280, §§2-6 (AMD).

§11223. Duty of person establishing domicile or residence to register

A person sentenced at any time for a military, tribal or federal offense requiring registration pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248; or in a jurisdiction other than this State who is required under that jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or would have been required to register if the person had remained in the jurisdiction or, if not so required, who has been sentenced on or after January 1, 1982 for an offense that includes the essential elements of a sex offense or a sexually violent offense shall register as a 10-year registrant or lifetime registrant, whichever is applicable, within 5 days and shall notify the law enforcement agency having jurisdiction within 24 hours of establishing domicile or residence in this State. The person shall contact the bureau, which shall provide the person with the registration form and direct the person to take the form and a photograph of the person to the law enforcement agency having jurisdiction. The law enforcement agency shall supervise the completion of the form, take the person's fingerprints and immediately forward the form, photograph and fingerprints to the bureau. [PL 2009, c. 365, Pt. B, §16 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2003, c. 371, §11 (AMD). PL 2003, c. 711, §C22 (AMD). PL 2003, c. 711, §D2 (AFF). PL 2005, c. 423, §19 (AMD). PL 2009, c. 365, Pt. B, §16 (AMD). PL 2009, c. 365, Pt. B, §22 (AFF).

§11224. Duty of person employed or attending college or school

The following provisions govern registration duties for a person not domiciled or residing in this State but who is employed or attending college or school in this State. [PL 2005, c. 423, §20 (RPR).]

1. Time. A person who has been sentenced at any time for a military, tribal or federal offense requiring registration pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248; or in a jurisdiction other than this State and who is required under that jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or would have been required to register if the person had remained in that jurisdiction or, if not so required, who has been sentenced on or after January 1, 1982 for an offense that includes the essential elements of a sex offense or a sexually violent offense shall register as a 10-year registrant or lifetime registrant, whichever is applicable, within 5 days and shall notify the law enforcement agency having jurisdiction:

A. Within 24 hours of beginning full-time or part-time employment, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year in this State; or [PL 2005, c. 423, §20 (NEW).]

B. Within 24 hours of beginning college or school on a full-time or part-time basis in this State. [PL 2005, c. 423, §20 (NEW).]

[PL 2009, c. 365, Pt. B, §17 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

2. Process for notifying bureau. The person under subsection 1 shall contact the bureau, which shall provide the person with a registration form and direct the person to take the form and a photograph of the person to the law enforcement agency having jurisdiction. The law enforcement agency shall supervise the completion of the form, take the person's fingerprints and immediately forward the form, photograph and fingerprints to the bureau.

[PL 2005, c. 423, §20 (NEW).]

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2003, c. 371, §11 (AMD). PL 2003, c. 711, §C22 (AMD). PL 2003, c. 711, §D2 (AFF). PL 2005, c. 423, §20 (RPR). PL 2009, c. 365, Pt. B, §17 (AMD). PL 2009, c. 365, Pt. B, §22 (AFF).

§11225. Duration of registration

(REPEALED)

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2001, c. 439, §OOO12 (AMD). PL 2001, c. 553, §§7,8 (AMD). PL 2003, c. 711, §C23 (AMD). PL 2003, c. 711, §D2 (AFF). PL 2005, c. 423, §21 (RP).

§11225-A. Duration of registration

1. Ten-year registrant convicted and sentenced in State. The following provisions apply to a 10-year registrant convicted and sentenced in this State.

A. [PL 2009, c. 570, §5 (RP).]

B. A 10-year registrant sentenced in this State shall register for a period of 10 years. The 10-year period is calculated as follows.

(1) If the 10-year registrant was sentenced prior to September 18, 1999 to a wholly suspended sentence with probation or administrative release or to a punishment alternative not involving imprisonment, the 10-year period is treated as having begun at the time the person commenced an actual execution of the wholly suspended sentence or at the time of sentence imposition when no punishment alternative involving imprisonment was imposed, unless the court ordered a stay of execution, in which event the 10-year period is treated as having begun at the termination of the stay.

(2) If the 10-year registrant was sentenced prior to September 18, 1999 to a straight term of imprisonment or to a split sentence, the 10-year period is treated as having begun at the time of discharge or conditional release.

(3) If the 10-year registrant was committed under Title 15, section 103 prior to September 18, 1999, the 10-year period is treated as having begun at the time of discharge or conditional release under Title 15, section 104-A.

(4) If the 10-year registrant was sentenced prior to September 18, 1999 and the person's duty to register has not yet been triggered, the 10-year period commences upon registration by the person in compliance with section 11222, subsection 1-A, paragraph A, B or C.

(5) If the 10-year registrant was sentenced on or after September 18, 1999, the 10-year period commences from the date the person in fact initially registers once the legal duty to register arises under section 11222. [PL 2015, c. 280, §7 (AMD).]

[PL 2015, c. 280, §7 (AMD).]

2. Ten-year registrant convicted and sentenced in another jurisdiction. The following provisions apply to a 10-year registrant convicted and sentenced in another jurisdiction and required to register in this State pursuant to section 11223, section 11224 or both.

A. A 10-year registrant shall register in this State for a period of 10 years if, pursuant to the other jurisdiction's sex offender registration statute, the registration period is for a period of years rather than for a lifetime. The 10-year period commences from the date the person in fact initially registers in this State once the legal duty to register arises under section 11223, section 11224 or both. However, the 10-year registrant may receive day-for-day credit for the time actually registered pursuant to the other jurisdiction's sex offender registration statutes prior to registering in this State upon applying to the bureau for credit. The bureau may grant credit if the registrant provides sufficient documentation in accordance with any rules adopted by the bureau. [PL 2005, c. 423, §22 (NEW).]

B. A 10-year registrant shall register for a period of 10 years if registration was not required in that other jurisdiction and the person was sentenced on or after January 1, 1982 in that jurisdiction for a crime that includes the essential elements of a sex offense. The 10-year period is calculated by applying subsection 1, paragraph B, subparagraphs (1) to (4) but interpreted and applied to take into account substantially similar sentencing alternatives imposed in the other jurisdiction. [PL 2005, c. 423, §22 (NEW).]

[PL 2005, c. 423, §22 (NEW).]

3. Lifetime registrant convicted and sentenced in this State. A lifetime registrant sentenced on or after January 1, 1982 in this State shall register for the duration of that registrant's life.

[PL 2005, c. 423, §22 (NEW).]

4. Lifetime registrant convicted and sentenced in another jurisdiction. The following provisions apply to a lifetime registrant convicted and sentenced in another jurisdiction and required to register in this State pursuant to section 11223, section 11224 or both.

A. A person shall register in this State for the duration of that person's life if, pursuant to that other jurisdiction's sex offender registration statute, the registration period is for a lifetime. [PL 2005, c. 423, §22 (NEW).]

B. A person shall register in this State for the duration of that person's life if no registration was required in that other jurisdiction and the person was sentenced on or after January 1, 1982 in that jurisdiction for a crime that includes the essential elements of a sexually violent offense or the person has 2 or more prior convictions in that or any other jurisdiction for an offense or for an attempted offense that includes the essential elements of a sex offense or a sexually violent offense. [PL 2005, c. 423, §22 (NEW).]

[PL 2005, c. 423, §22 (NEW).]

5. Suspending verifications. Notwithstanding subsections 1 and 3, the bureau, pursuant to any rules the bureau may adopt, may suspend the requirement that the 10-year registrant or lifetime registrant verify registration information during any period in which the 10-year registrant or lifetime registrant:

A. Leaves this State, establishes a domicile or residence in another state and remains physically absent from this State; [PL 2015, c. 280, §8 (NEW).]

B. Is incarcerated; or [PL 2015, c. 280, §8 (NEW).]

C. Is incapacitated or hospitalized. [PL 2015, c. 280, §8 (NEW).]

[PL 2015, c. 280, §8 (RPR).]

6. Relief from duty to register. The following provisions apply to an offender's, a 10-year registrant's or a lifetime registrant's duty to register.

A. An offender's or a 10-year registrant's duty to register for a period of 10 years pursuant to subsection 2 is not required if the circumstances triggering the registration requirements under section 11223, section 11224 or both no longer exist. [PL 2009, c. 365, Pt. B, §18 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

B. An offender's or a lifetime registrant's duty to register for the duration of that person's life pursuant to subsection 4 is not required if the circumstances triggering the registration requirements under section 11223, section 11224 or both no longer exist. [PL 2009, c. 365, Pt. B, §18 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

C. If the underlying conviction in this State or in another jurisdiction that triggers the registration requirement is reversed, vacated or set aside, or if the offender or registrant is pardoned for the crime, registration is no longer required. [PL 2009, c. 365, Pt. B, §18 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

[PL 2009, c. 365, Pt. B, §18 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

SECTION HISTORY

PL 2005, c. 423, §22 (NEW). PL 2009, c. 365, Pt. B, §18 (AMD). PL 2009, c. 365, Pt. B, §22 (AFF). PL 2009, c. 570, §5 (AMD). PL 2015, c. 280, §§7, 8 (AMD).

§11226. Fee

The bureau may charge a $25 annual fee to persons required to register under this chapter. Registrants shall pay the fee at the time of initial registration and shall pay the fee on each anniversary of their initial registration. [PL 2003, c. 711, Pt. C, §24 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

The fee must be credited to the General Fund and the Highway Fund in an amount consistent with currently budgeted appropriations and allocations. [PL 1999, c. 437, §2 (NEW).]

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2003, c. 711, §C24 (AMD). PL 2003, c. 711, §D2 (AFF).

§11227. Violation

1. Failure to comply; first offense. A person to whom this chapter applies pursuant to section 11202 who in fact fails to comply with any duty imposed under this chapter or a rule adopted pursuant to this chapter commits a Class D crime.
[PL 2005, c. 423, §23 (RPR).]

2. Failure to comply; 2nd offense. A person who has one prior conviction under this section and who in fact fails to comply with any duty imposed under this chapter or a rule adopted pursuant to this chapter commits a Class C crime.
[PL 2005, c. 423, §23 (RPR).]

3. Failure to comply; 3rd offense. A person who has 2 or more prior convictions under this section and who in fact fails to comply with any duty imposed under this chapter or a rule adopted pursuant to this chapter commits a Class B crime.
[PL 2005, c. 423, §23 (RPR).]

4. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2005, c. 423, §23 (RPR).]

5. Prior convictions. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.
[PL 2005, c. 423, §23 (RPR).]

6. Affirmative defense. It is an affirmative defense that the failure to comply with a duty imposed under this chapter or a rule adopted pursuant to this chapter resulted from just cause.
[PL 2009, c. 365, Pt. B, §19 (AMD); PL 2009, c. 365, Pt. B, §22 (AFF).]

7. Permissible inference. Proof that the name and date of birth of the person charged with a violation of this section are the same as those of a person who has been convicted of an offense requiring registration pursuant to this chapter gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person charged with a violation of this section is the same person as that person convicted of the offense requiring registration.
[PL 2009, c. 365, Pt. B, §20 (NEW); PL 2009, c. 365, Pt. B, §22 (AFF).]

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2001, c. 439, §OOO13 (AMD). PL 2001, c. 553, §9 (AMD). PL 2003, c. 452, §S1 (RPR). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 711, §C25 (AMD). PL 2003, c. 711, §D2 (AFF). PL 2005, c. 423, §23 (RPR). PL 2009, c. 365, Pt. B, §§19, 20 (AMD). PL 2009, c. 365, Pt. B, §22 (AFF).

§11228. Certification by record custodian

1. Certificate admissible. Notwithstanding any other law or rule of evidence, a certificate by the custodian of the records of the bureau, when signed and sworn to by that custodian, or the custodian's designee, is admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or in any documents attached to the certificate.
[PL 2015, c. 280, §9 (NEW).]

2. Qualified witness. With 10 days' written notice to the prosecution, the defendant may request that a qualified witness testify to the matters of which the certificate under subsection 1 constitutes prima facie evidence. The notice must specify those matters concerning which the defendant requests testimony. The certificate is not prima facie evidence in those matters.
[PL 2015, c. 280, §9 (NEW).]

SECTION HISTORY

PL 2003, c. 371, §12 (NEW). PL 2009, c. 365, Pt. B, §21 (AMD). PL 2009, c. 365, Pt. B, §22 (AFF). PL 2015, c. 280, §9 (RPR).

SUBCHAPTER 3

NOTIFICATION

§11251. Notification

(REPEALED)

SECTION HISTORY

PL 1999, c. 437, §2 (NEW). PL 2001, c. 439, §OOO14 (RP).

§11252. Immunity from liability

Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects any state, municipal or county official or employee to liability in a civil action. The immunity provided under this section applies to the release of relevant information to other officials or employees or to the general public. [PL 1999, c. 437, §2 (NEW).]

SECTION HISTORY

PL 1999, c. 437, §2 (NEW).

§11253. Risk assessment

The department shall establish and apply a risk assessment instrument to each registrant under its jurisdiction for the purpose of notification to law enforcement agencies and to the public. [PL 2003, c. 711, Pt. C, §26 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

SECTION HISTORY

PL 2001, c. 439, §OOO15 (NEW). PL 2003, c. 711, §C26 (AMD). PL 2003, c. 711, §D2 (AFF).

§11254. Mandatory notification of conditional release or discharge of registrants

The department, county jails, state mental health institutes and the Department of Public Safety, State Bureau of Identification are governed by the following notice provisions when a registrant is conditionally released or discharged. [PL 2003, c. 711, Pt. C, §27 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

1. Duties. The department, a county jail or a state mental health institute shall give the Department of Public Safety, State Bureau of Identification notice of the following:

A. The address where the registrant will be domiciled and reside; [PL 2003, c. 711, Pt. C, §27 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

B. The address where the registrant will work and attend college or school, if applicable; [PL 2003, c. 711, Pt. C, §27 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

C. The geographic area to which a registrant's conditional release is limited, if any; and [PL 2003, c. 711, Pt. C, §27 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

D. The status of the registrant when released as determined by the risk assessment instrument, the registrant's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the registrant. [PL 2003, c. 711, Pt. C, §27 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

[PL 2003, c. 711, Pt. C, §27 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

2. Duties of the Department of Public Safety, State Bureau of Identification. Upon receipt of the information concerning the conditional release or discharge of a registrant pursuant to subsection 1, the Department of Public Safety, State Bureau of Identification shall forward the information in subsection 1 to all law enforcement agencies that have jurisdiction in those areas where the registrant may be domiciled, reside, work or attend college or school.

[PL 2003, c. 711, Pt. C, §27 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

SECTION HISTORY

PL 2001, c. 439, §OOO15 (NEW). PL 2003, c. 371, §13 (AMD). PL 2003, c. 711, §C27 (AMD). PL 2003, c. 711, §D2 (AFF).

§11255. Public notification

1. Department. Upon the conditional release or discharge of a registrant from a state correctional institution, the department shall give notice of the information under section 11254, subsection 1 to members of the public the department determines appropriate to ensure public safety.

[PL 2003, c. 711, Pt. C, §28 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

2. Law enforcement agencies. Upon receipt of the information concerning the conditional release or discharge of a registrant pursuant to section 11254, subsection 2, a law enforcement agency shall notify members of a municipality that the law enforcement agency determines appropriate to ensure public safety.

[PL 2003, c. 711, Pt. C, §28 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

SECTION HISTORY

PL 2001, c. 439, §OOO15 (NEW). PL 2003, c. 711, §C28 (AMD). PL 2003, c. 711, §D2 (AFF).

§11256. Risk assessment assistance

Upon request, the department shall provide to law enforcement agencies technical assistance concerning risk assessment for purposes of notification to the public of a registrant's conditional release or discharge. [PL 2003, c. 711, Pt. C, §28 (AMD); PL 2003, c. 711, Pt. D, §2 (AFF).]

SECTION HISTORY

PL 2001, c. 439, §OOO15 (NEW). PL 2003, c. 711, §C28 (AMD). PL 2003, c. 711, §D2 (AFF).

CHAPTER 17

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF 2013

SUBCHAPTER 1

GENERAL PROVISIONS

§11271. Short title

This chapter may be known and cited as "the Sex Offender Registration and Notification Act of 2013." The purpose of this chapter is to protect the public from potentially dangerous registrants and offenders by enhancing access to information concerning those registrants and offenders. [PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

§11272. Application

This chapter applies to: [PL 2011, c. 663, §3 (NEW).]

1. Maine. A person who commits criminal conduct and is sentenced in this State on or after January 1, 2013 as an adult or as a juvenile sentenced as an adult for that criminal conduct and that criminal conduct is a Tier I offense, Tier II offense or Tier III offense; and
[PL 2011, c. 663, §3 (NEW).]

2. Other jurisdictions. A person who commits criminal conduct and is sentenced in another jurisdiction for that criminal conduct on or after January 1, 2013 as an adult or as a juvenile sentenced as an adult:

A. For an offense that requires registration in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws or that would have required registration had the person remained there; [PL 2011, c. 663, §3 (NEW).]

B. For an offense that contains the essential elements of a Tier I offense, Tier II offense or Tier III offense; or [PL 2011, c. 663, §3 (NEW).]

C. For a military, tribal or federal offense requiring registration pursuant to:

(1) The federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Jacob Wetterling Act, Section 170101 of the federal Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, as amended; or

(2) The federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151. [PL 2011, c. 663, §3 (NEW).]

[PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

§11273. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2011, c. 663, §3 (NEW).]

1. Another state. "Another state" means each of the several states except Maine, and includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern Mariana Islands.
[PL 2011, c. 663, §3 (NEW).]

2. Bureau. "Bureau" means the Department of Public Safety, Bureau of State Police, State Bureau of Identification.
[PL 2011, c. 663, §3 (NEW).]

3. Conditional release. "Conditional release" means supervised release of a registrant or an offender from institutional confinement for placement on probation, parole, supervised release for sex offenders, supervised community confinement, home release monitoring or release under Title 15, section 104-A or Title 17-A, chapter 67, subchapter 2.
[PL 2019, c. 113, Pt. C, §107 (AMD).]

4. Discharge. "Discharge" means unconditional release and discharge of a registrant from institutional confinement upon the expiration of a sentence or upon discharge under Title 15, section 104-A.
[PL 2011, c. 663, §3 (NEW).]

5. Domicile. "Domicile" means the place where a person has that person's established, fixed, permanent or ordinary dwelling place or legal residence to which, whenever the person is absent, the person has the intention of returning. A person may have more than one residence but only one domicile.
[PL 2011, c. 663, §3 (NEW).]

6. FBI. "FBI" means the Federal Bureau of Investigation.
[PL 2011, c. 663, §3 (NEW).]

7. Jurisdiction. "Jurisdiction" means the Federal Government, including the military, this State, another state or a tribe.
[PL 2011, c. 663, §3 (NEW).]

8. Law enforcement agency having jurisdiction. "Law enforcement agency having jurisdiction" means the chief of police in the municipality where a registrant or an offender expects to be or is domiciled. If the municipality does not have a chief of police, "law enforcement agency having jurisdiction" means the sheriff of the county where the municipality is located. "Law enforcement agency having jurisdiction" also means the sheriff of the county in an unorganized territory.
[PL 2011, c. 663, §3 (NEW).]

9. Motor vehicle. "Motor vehicle" means a vehicle that is required to be registered pursuant to Title 29-A, section 351.
[PL 2011, c. 663, §3 (NEW).]

10. Offender. "Offender" means a person to whom this chapter applies pursuant to section 11272.
[PL 2011, c. 663, §3 (NEW).]

11. Registrant. "Registrant" means a Tier I registrant, Tier II registrant or Tier III registrant. [PL 2011, c. 663, §3 (NEW).]

12. Residence. "Residence" means that place or those places, other than a domicile, in which a person may spend time living, residing or dwelling. Proof that an offender has lived in the State for 14 days continuously or an aggregate of 30 days within a period of one year gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person has established a residence for the purposes of registration requirements imposed by this chapter.
[PL 2011, c. 663, §3 (NEW).]

13. Sentence. "Sentence," in addition to any punishment alternatives, includes an involuntary commitment under Title 15, section 103, or similar statute from another jurisdiction, following a verdict of not criminally responsible by reason of insanity or similar verdict in another jurisdiction.
[PL 2011, c. 663, §3 (NEW).]

14. Tier I offense. "Tier I offense" means a conviction for a Class E or Class D crime under the following or for an attempt, solicitation or conspiracy to commit a Class E, Class D or Class C crime under the following if the victim was less than 18 years of age at the time of the criminal conduct unless otherwise specified:

A. Title 17-A, chapter 11 including the following:

(1) Title 17-A, section 255-A, subsection 1, paragraph C, regardless of the age of the victim;

(2) Title 17-A, section 255-A, subsection 1, paragraph F-2, regardless of the age of the victim;

(3) Title 17-A, section 255-A, subsection 1, paragraph G, regardless of the age of the victim;

(3-A) Title 17-A, section 255-A, subsection 1, paragraph K, regardless of the age of the victim if the crime is committed on or after October 1, 2017;

(4) Title 17-A, section 255-A, subsection 1, paragraph Q, regardless of the age of the victim;

(5) Title 17-A, section 255-A, subsection 1, paragraph W, regardless of the age of the victim; and

(6) Title 17-A, section 255-A, subsection 1, paragraph X, regardless of the age of the victim; [PL 2017, c. 65, §1 (AMD).]

B. Title 17-A, chapter 12; [PL 2011, c. 663, §3 (NEW).]

C. Title 17-A, section 511, subsection 1, paragraph D, regardless of the age of the victim; [PL 2011, c. 663, §3 (NEW).]

C-1. Title 17-A, section 511, subsection 1, paragraph F; [PL 2023, c. 227, §5 (NEW).]

D. Title 17-A, section 556, subsection 1, paragraph A, regardless of the age of the victim; [PL 2011, c. 663, §3 (NEW).]

E. Title 17-A, section 855, subsection 1, paragraph A, if:

(1) The crime is committed before October 18, 2021; and

(2) The person is convicted of the crime without regard to whether the person who sought the prostitution knew or believed that the person whose prostitution was sought had not attained 18 years of age; and [PL 2021, c. 527, §1 (AMD).]

F. A military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151. [PL 2011, c. 663, §3 (NEW).]

If, pursuant to another jurisdiction's sex offender registration statute, the registration period is a period of up to 10 years or if the sex offender was not required to register in that other jurisdiction but the

crime includes the essential elements of an offense included in this subsection, the crime is a Tier I offense.

"Tier I offense" does not include unlawful sexual contact under Title 17-A, section 255-A, subsection 1, paragraph U or unlawful sexual touching under Title 17-A, section 260.
[PL 2023, c. 227, §5 (AMD).]

15. Tier II offense. "Tier II offense" means a conviction for a Class C crime under the following, or for an attempt, solicitation or conspiracy to commit a Class B crime under the following, if the victim was less than 18 years of age at the time of the criminal conduct unless otherwise specified:

A. Title 17-A, chapter 11 including the following:

(1) Title 17-A, section 253, subsection 2, paragraph J, regardless of the age of the victim;

(1-A) Title 17-A, section 253, subsection 2, paragraph F, regardless of the age of the victim if the crime is committed on or after October 1, 2017;

(2) Title 17-A, section 253, subsection 2, paragraph K, regardless of the age of the victim;

(3) Title 17-A, section 253, subsection 2, paragraph L, regardless of the age of the victim;

(3-A) Title 17-A, section 253, subsection 2, paragraph M, regardless of the age of the victim, if the crime is committed on or after the effective date of this subparagraph;

(3-B) Title 17-A, section 255-A, subsection 1, paragraph D, regardless of the age of the victim, if the crime is committed on or after October 1, 2025;

(4) Title 17-A, section 255-A, subsection 1, paragraph J, regardless of the age of the victim;

(4-A) Title 17-A, section 255-A, subsection 1, paragraph L, regardless of the age of the victim if the crime is committed on or after October 1, 2017;

(5) Title 17-A, section 255-A, subsection 1, paragraph R-1, regardless of the age of the victim;

(6) Title 17-A, section 255-A, subsection 1, paragraph R-2, regardless of the age of the victim; and

(7) Title 17-A, section 258, subsection 1-A, if the victim had not attained 12 years of age; [PL 2025, c. 153, §1 (AMD).]

B. Title 17-A, chapter 12; [PL 2011, c. 663, §3 (NEW).]

C. Title 17-A, section 855, subsection 1, paragraph A, if:

(1) The crime is committed on or after October 18, 2021; or

(2) Both:

(a) The crime is committed before October 18, 2021; and

(b) The person who sought the prostitution knew that the person whose prostitution was sought had not attained 18 years of age; and [PL 2021, c. 527, §2 (AMD).]

D. A military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151. [PL 2011, c. 663, §3 (NEW).]

If, pursuant to another jurisdiction's sex offender registration statute, the registration period is a period of more than 10 years but less than 26 years or if the sex offender was not required to register in that other jurisdiction but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier II offense.

"Tier II offense" does not include unlawful sexual contact under Title 17-A, section 255-A, subsection 1, paragraph V or unlawful sexual touching under Title 17-A, section 260.

[PL 2025, c. 153, §1 (AMD).]

16. Tier III offense. "Tier III offense" means a conviction for a Class B or Class A crime under the following or for an attempt, solicitation or conspiracy to commit a Class A crime under the following:

A. Title 17-A, chapter 11; [PL 2011, c. 663, §3 (NEW).]

B. Title 17-A, chapter 12; [PL 2011, c. 663, §3 (NEW).]

C. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) if the crime is committed prior to January 1, 2022; [PL 2021, c. 299, Pt. B, §2 (AMD).]

C-1. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3-A) if the crime is committed on or after January 1, 2022; [PL 2021, c. 299, Pt. B, §3 (NEW).]

D. Title 17-A, section 852, subsection 1; [PL 2015, c. 280, §11 (AMD).]

D-1. Title 17-A, section 852, subsection 1-A, if the crime is committed on or after March 1, 2022; [PL 2021, c. 527, §3 (NEW).]

E. A military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151; and [PL 2015, c. 280, §11 (AMD).]

F. Title 17-A, section 556, subsection 1, paragraph B, regardless of the age of the victim. [PL 2015, c. 280, §12 (NEW).]

If, pursuant to another jurisdiction's sex offender registration statute, the registration period is a period of more than 25 years or if the sex offender was not required to register in that other jurisdiction but the crime includes the essential elements of an offense included in this subsection, the crime is a Tier III offense.
[PL 2021, c. 527, §3 (AMD).]

17. Tier I registrant. "Tier I registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier I offense.
[PL 2011, c. 663, §3 (NEW).]

18. Tier II registrant. "Tier II registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier II offense.
[PL 2011, c. 663, §3 (NEW).]

19. Tier III registrant. "Tier III registrant" means a person who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult for a Tier III offense or as provided for under section 11285, subsection 7.
[PL 2011, c. 663, §3 (NEW).]

20. Tribe. "Tribe" means the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians.
[PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW). PL 2013, c. 133, §33 (AMD). PL 2015, c. 280, §§10-12 (AMD). PL 2017, c. 65, §§1, 2 (AMD). PL 2017, c. 377, §4 (AMD). PL 2019, c. 113, Pt. C, §107 (AMD). PL 2021, c. 299, Pt. B, §§2, 3 (AMD). PL 2021, c. 447, §5 (AMD). PL 2021, c. 527, §§1-3 (AMD). PL 2023, c. 227, §5 (AMD). PL 2025, c. 153, §1 (AMD).

§11274. Rulemaking

The bureau may adopt rules necessary to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

SUBCHAPTER 2

SEX OFFENDER REGISTRATION

§11281. Maintenance of sex offender registry

1. Maintenance of registry. The bureau shall establish and maintain a registry of persons required to register pursuant to this subchapter, referred to in this section as "the registry." After initial registration, the registry must include the following information on each registrant:

A. The registrant's name, aliases, date of birth, sex, race, height, weight, eye color, land line and cellular telephone numbers, Internet identifiers, mailing address and physical location of expected domicile and residence. For purposes of this paragraph, "Internet identifiers" means e-mail addresses and other designations used for self-identification or routing in Internet communication or posting; [PL 2011, c. 663, §3 (NEW).]

B. Place of employment and college or school being attended, if applicable, and the corresponding mailing address and physical location; [PL 2011, c. 663, §3 (NEW).]

C. Offense history; [PL 2011, c. 663, §3 (NEW).]

D. A current photograph and set of fingerprints; [PL 2011, c. 663, §3 (NEW).]

E. A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; [PL 2011, c. 663, §3 (NEW).]

F. Whether the registrant is a Tier I registrant, Tier II registrant or Tier III registrant; [PL 2011, c. 663, §3 (NEW).]

G. A copy of any driver's license information and copy of the driver's license; [PL 2011, c. 663, §3 (NEW).]

H. A copy of any professional license; [PL 2011, c. 663, §3 (NEW).]

I. Passport and immigration documents and social security number; [PL 2011, c. 663, §3 (NEW).]

J. Temporary lodging and dates of travel; [PL 2011, c. 663, §3 (NEW).]

K. Information about motor vehicles owned, leased or used and registration and location of those motor vehicles. For purposes of this paragraph, "lease" means a transfer of the right to possession and use of a motor vehicle for a term of 30 days or more in return for consideration; and [PL 2011, c. 663, §3 (NEW).]

L. Any other information the bureau determines important. [PL 2011, c. 663, §3 (NEW).]
[PL 2015, c. 280, §13 (AMD).]

2. National or regional registry. The bureau is authorized to make the registry available to and accept files from a national or regional registry of registrants for the purpose of sharing information. [PL 2011, c. 663, §3 (NEW).]

3. Registration form. The bureau shall develop a standardized registration form to be made available to the appropriate reporting authorities and persons required to register.
[PL 2011, c. 663, §3 (NEW).]

4. Verification form. The bureau shall develop and mail a nonforwardable verification form to the last reported mailing address of each person required to meet the verification requirements of this chapter.
[PL 2011, c. 663, §3 (NEW).]

5. Distribution of information to department and law enforcement agencies. The bureau shall distribute information described in subsection 1 to the department and law enforcement agencies having jurisdiction over the mailing address and physical location of the registrant's domicile, residence, place of employment and college or school being attended, if applicable.
[PL 2011, c. 663, §3 (NEW).]

6. Criminal justice agency access to information. The bureau shall provide access to the information described in subsection 1 to criminal justice agencies. For purposes of this subsection, "criminal justice agency" has the same meaning as in Title 16, section 703, subsection 4.
[PL 2013, c. 267, Pt. B, §30 (AMD).]

7. Public access to registrant information. After initial registration, the bureau shall provide information to the public as follows.

A. The bureau shall post on the Internet for public inspection the following information concerning a registrant who is a Tier I registrant, Tier II registrant or Tier III registrant:

(1) The registrant's name, aliases and date of birth and a current photograph;

(2) The registrant's city or town of domicile and residence;

(3) The registrant's place of employment and college or school being attended, if applicable, and the corresponding mailing address and physical location;

(4) The statutory citation and name of the offense for which the registrant was convicted;

(5) Whether the registrant is a Tier I registrant, a Tier II registrant or a Tier III registrant;

(6) Verification requirements and date of last verification; and

(7) The registrant's address and its location on a map. [PL 2011, c. 663, §3 (NEW).]

B. The bureau shall establish an e-mail notification system to alert a member of the public who has subscribed annually to the e-mail notification system when a registrant moves into the subscriber's geographic area. [PL 2011, c. 663, §3 (NEW).]

C. Upon receiving a written request that includes the name and date of birth of a registrant, the bureau shall provide the following information concerning a registrant to the requestor:

(1) The registrant's name, aliases, date of birth, sex, race, height, weight, eye color, mailing address and physical location of domicile and residence;

(2) The registrant's place of employment and college or school being attended, if applicable, and the corresponding mailing address and physical location;

(3) A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed; and

(4) The registrant's photograph. [PL 2011, c. 663, §3 (NEW).]
[PL 2015, c. 280, §14 (AMD).]

8. Registrant access to information. The bureau shall provide all information described in subsection 1 to a registrant who requests that person's own information.

[PL 2011, c. 663, §3 (NEW).]

9. Registry information. Registry information created, collected or maintained by the bureau, including, but not limited to, information relating to the identity of persons accessing the registry, is confidential except information provided to the public pursuant to subsection 7.
[PL 2011, c. 663, §3 (NEW).]

10. Maintenance by bureau. Only the bureau is authorized to maintain a sex offender registry on the Internet for purposes of public access.
[PL 2011, c. 663, §3 (NEW).]

11. Law enforcement agency website. Notwithstanding subsection 10, a law enforcement agency may maintain its own sex offender website and may make that information available for use by the public if:

A. A notice is prominently posted on the website that expressly states that the website is not the official state sex offender registry under subsection 7, paragraph A and that the law enforcement agency posting the website is solely responsible for the website's content; [PL 2011, c. 663, §3 (NEW).]

B. The website provides a link to the bureau's Internet sex offender registry under subsection 7, paragraph A; [PL 2011, c. 663, §3 (NEW).]

C. The website contains information regarding only registrants who are domiciled, reside, attend college or school or work within the posting law enforcement agency's jurisdiction; and [PL 2011, c. 663, §3 (NEW).]

D. The information on the website is updated by the law enforcement agency as frequently as available resources permit, but no less often than every 7 days. The law enforcement agency shall also prominently post on the website the date and time of the most recent update to the website. [PL 2011, c. 663, §3 (NEW).]

[PL 2011, c. 663, §3 (NEW).]

12. Access to registrant information existing in electronic form restricted. Notwithstanding Title 1, chapter 13:

A. The bureau may not disseminate in electronic form information about a registrant that is created, collected or maintained in electronic form by or for the bureau, except for the information provided pursuant to subsection 2 and made available to the public through the bureau's website pursuant to subsection 7, paragraph A and made available to the Background Check Center established pursuant to Title 22, chapter 1691; and [PL 2015, c. 299, §27 (AMD).]

B. Except for information made available to the public through a website maintained by a law enforcement agency pursuant to subsection 11, a law enforcement agency may not disseminate in electronic form information about a registrant that is collected or maintained in electronic form by or for that law enforcement agency. [PL 2011, c. 663, §3 (NEW).]

[PL 2015, c. 299, §27 (AMD).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW). PL 2013, c. 267, Pt. B, §30 (AMD). PL 2015, c. 280, §§13, 14 (AMD). PL 2015, c. 299, §27 (AMD).

§11282. Duty of offender to register

1. Notification by court, department, bureau or law enforcement agency. An offender has a duty to register under this chapter after notification has been given to the offender by a court of jurisdiction, the department, the bureau or a law enforcement agency. The court shall notify the offender at the time of sentence of the duty to register pursuant to this chapter. Notification of the duty

to register under this chapter also may be given to the offender at any time after the imposition of sentence.

At any time, the bureau may correct the term of a registration erroneously assigned to an offender or registrant. In such instances, the bureau shall notify the offender or registrant, the district attorney and the court in the jurisdiction where the conviction occurred and the law enforcement agency having jurisdiction where the offender or registrant is domiciled, resides, is employed or attends college or school, if applicable.
[PL 2011, c. 663, §3 (NEW).]

2. When duty to register must be exercised. Following notification by a court, the department, the bureau or a law enforcement agency under subsection 1, an offender shall register as follows.

A. If the offender is sentenced to a wholly suspended sentence with probation or administrative release, or to a punishment alternative not involving imprisonment, the duty to register is triggered at the time the person commences in actual execution of the wholly suspended sentence or at the time of sentence imposition when no punishment alternative involving imprisonment is imposed, unless the court orders a stay of execution, in which event the duty is triggered by the termination of the stay. [PL 2011, c. 663, §3 (NEW).]

B. If the offender is sentenced to a straight term of imprisonment or to a split sentence, the duty to register is triggered by discharge or conditional release. [PL 2011, c. 663, §3 (NEW).]

C. If the offender is committed under Title 15, section 103, the duty to register is triggered by discharge or conditional release under Title 15, section 104-A. [PL 2011, c. 663, §3 (NEW).]

D. If the events stated in paragraphs A to C have passed, an offender must register within 3 days after having received notice of that duty from a court, the department, the bureau or a law enforcement agency. [PL 2011, c. 663, §3 (NEW).]

E. Proof that the name and date of birth of the person notified of the duty to register pursuant to this chapter are the same as those of a person who has been found not guilty by reason of insanity or convicted of an offense requiring registration pursuant to this chapter gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person notified of the duty to register is the same person as that person convicted of the offense requiring registration. [PL 2011, c. 663, §3 (NEW).]
[PL 2011, c. 663, §3 (NEW).]

3. Duty to notify law enforcement agency. An offender shall notify the law enforcement agency having jurisdiction in those areas where the offender is domiciled, resides, works or attends school within 24 hours of becoming a domiciliary or a resident or beginning work or attending school. If the location is a municipality with an organized municipal police department, the law enforcement agency having jurisdiction is the municipal police department. If the location is a school having an organized police department, the law enforcement agency having jurisdiction is the campus police department. If the location is neither a municipality nor a school with an organized police department, the law enforcement agency having jurisdiction is the sheriff's department.
[PL 2011, c. 663, §3 (NEW).]

4. Responsibility of ensuring initial registration. The department, the county jail or the state mental health institute that has custody of an offender shall inform the offender, prior to discharge or conditional release, of the duty to register. If an offender does not serve a period of institutional confinement, the court shall inform the offender at the time of sentencing of the duty to register. The department, county jail, state mental health institute or court shall:

A. Inform the offender of the duty to register and obtain the information required for the initial registration; [PL 2011, c. 663, §3 (NEW).]

B. Inform the offender of the requirement to notify the law enforcement agency having jurisdiction pursuant to subsection 3; [PL 2011, c. 663, §3 (NEW).]

C. Inform the offender that if the offender changes domicile or changes residence, place of employment or college or school being attended, the offender shall give the new address to the bureau in writing within 3 days and shall notify the law enforcement agency having jurisdiction within 24 hours; [PL 2011, c. 663, §3 (NEW).]

D. Inform the offender that if that offender changes domicile to another jurisdiction, the offender shall register the new address with the bureau and if the new jurisdiction has a registration requirement, the offender shall register with a designated law enforcement agency in the new state not later than 3 days after establishing domicile in the new state; [PL 2011, c. 663, §3 (NEW).]

E. Inform the offender that if that offender has part-time or full-time employment in another state, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year or if that offender enrolls in any type of school in another state on a part-time or full-time basis, the offender shall give the bureau the offender's place of employment or school to be attended in writing within 3 days after beginning work or attending school and if the other state has a registration requirement, shall register with the designated law enforcement agency in the other state; [PL 2011, c. 663, §3 (NEW).]

F. Obtain fingerprints and a current photograph of the offender. The court may order the offender to submit to the taking of fingerprints and a photograph at a specified law enforcement agency within 3 days if the fingerprints and photograph have not already been obtained in connection with the offense that necessitates registration; and [PL 2011, c. 663, §3 (NEW).]

G. Enforce the requirement that the offender read and sign a form provided by the bureau that states that the duty of the offender to register under this section has been explained. [PL 2011, c. 663, §3 (NEW).]

[PL 2011, c. 663, §3 (NEW).]

5. Transfer of initial registration information to bureau and FBI. The department, county jail, state mental health institute or court within 3 days of receipt of the information described in subsection 4 shall forward the information to the bureau. If the court orders the offender to submit to the taking of fingerprints and a photograph at a specified law enforcement agency, the law enforcement agency shall submit the fingerprints and photograph to the bureau within 3 days. The bureau shall immediately enter the information into the registration system, notify the law enforcement agencies having jurisdiction where the offender expects to be domiciled and reside and transmit the information to the FBI for inclusion in the national FBI sex offender database.

[PL 2011, c. 663, §3 (NEW).]

6. Verification. During the period a registrant is required to register, the bureau shall require the registrant to verify all registration information unless verifications are suspended. The following provisions govern the verification of registration information.

A. At least 10 days prior to the required verification date, the bureau shall mail a nonforwardable verification form to the last reported mailing address of the registrant. The verification form is deemed received 3 days after mailing unless returned by postal authorities. [PL 2011, c. 663, §3 (NEW).]

B. The registrant shall bring the completed verification form and a current photograph of the registrant to the law enforcement agency having jurisdiction within 5 days of receipt of the form. [PL 2011, c. 663, §3 (NEW).]

C. The law enforcement agency having jurisdiction shall verify the registrant's identity, have the registrant sign the verification form, take the registrant's fingerprints, complete the law enforcement

portion of the verification form and immediately forward the fingerprints, photograph and form to the bureau. [PL 2011, c. 663, §3 (NEW).]

[PL 2015, c. 280, §15 (AMD).]

7. Frequency of verification. The frequency of in-person verification of registration information is dependent upon the registrant's tier classification as follows.

A. A Tier III registrant shall register for the duration of the registrant's life and shall verify registration information every 3 months after the registrant's initial registration date. [PL 2015, c. 280, §16 (AMD).]

B. A Tier II registrant shall register for 25 years and shall verify registration information every 6 months after the registrant's initial registration date. [PL 2015, c. 280, §16 (AMD).]

C. A Tier I registrant shall register for 10 years and shall verify registration information annually after the registrant's initial registration date. [PL 2011, c. 663, §3 (NEW).]

[PL 2015, c. 280, §16 (AMD).]

8. Change of domicile, residence, place of employment or college or school being attended. An offender or registrant shall notify the bureau in writing of a change of residence, domicile, place of employment or college or school being attended within 3 days and shall notify the law enforcement agency having jurisdiction within 24 hours after changing that domicile, residence, place of employment or college or school being attended.

A. If the offender or registrant establishes a new domicile, residence, place of employment or college or school being attended in the State, the bureau shall notify, within 3 days, both the law enforcement agency having jurisdiction where the offender or registrant was formerly domiciled or resided or was employed or enrolled and the law enforcement agency having jurisdiction where the offender or registrant is currently domiciled, residing, employed or enrolled. [PL 2011, c. 663, §3 (NEW).]

B. If the offender or registrant establishes a domicile, residence, place of employment or college or school being attended in another state, the bureau shall notify, within 3 days, the law enforcement agency having jurisdiction where the offender or registrant was formerly domiciled or resided or was employed or enrolled and the law enforcement agency having jurisdiction where the offender or registrant is currently domiciled, residing, employed or enrolled. [PL 2011, c. 663, §3 (NEW).]

[PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW). PL 2015, c. 280, §§15, 16 (AMD).

§11283. Duty of person establishing domicile or residence in this State to register

A person who has been sentenced for a military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151 or in a jurisdiction other than this State who is required under that jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or would have been required to register if the person had remained in the jurisdiction or, if not so required, who has been sentenced for an offense that includes the essential elements of a Tier I, Tier II or Tier III offense shall register as a Tier I registrant, a Tier II registrant or a Tier III registrant, whichever is applicable, within 3 days and shall notify the law enforcement agency having jurisdiction within 24 hours of establishing domicile or residence in this State. The person shall contact the bureau, which shall provide the person with the registration form and direct the person to take the form and a current photograph of the person to the law enforcement agency having jurisdiction. The law enforcement agency shall supervise the completion of the form, take the person's fingerprints and immediately forward the form, photograph and fingerprints to the bureau. [PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

§11284. Duty of person employed or attending college or school in this State to register

The following provisions govern registration duties for a person not domiciled or residing in this State but who is employed or attending college or school in this State. [PL 2011, c. 663, §3 (NEW).]

1. Time. A person who has been sentenced for a military, tribal or federal offense requiring registration pursuant to the federal Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248, 42 United States Code, Chapter 151 or in a jurisdiction other than this State and who is required under that jurisdiction to register pursuant to that jurisdiction's sex offender registration statute or would have been required to register if the person had remained in that jurisdiction or, if not so required, who has been sentenced for an offense that includes the essential elements of a Tier I, Tier II or Tier III offense shall register as a Tier I registrant, a Tier II registrant or a Tier III registrant, whichever is applicable, within 3 days and shall notify the law enforcement agency having jurisdiction:

A. Within 24 hours of beginning full-time or part-time employment, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year in this State; or [PL 2011, c. 663, §3 (NEW).]

B. Within 24 hours of beginning college or school on a full-time or part-time basis in this State. [PL 2011, c. 663, §3 (NEW).]

[PL 2011, c. 663, §3 (NEW).]

2. Process for notifying bureau. The person under subsection 1 shall contact the bureau, which shall provide the person with a registration form and direct the person to take the form and a current photograph of the person to the law enforcement agency having jurisdiction. The law enforcement agency shall supervise the completion of the form, take the person's fingerprints and immediately forward the form, photograph and fingerprints to the bureau.

[PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

§11285. Duration of registration

The following provisions govern the duration of registration. [PL 2011, c. 663, §3 (NEW).]

1. Offender convicted and sentenced in State for Tier I offense. An offender convicted and sentenced in this State for a Tier I offense shall register for a period of 10 years. The 10-year period commences from the date the person in fact initially registers once the legal duty arises under section 11282, subsection 2.

[PL 2011, c. 663, §3 (NEW).]

2. Offender convicted and sentenced in another jurisdiction for Tier I offense. An offender convicted and sentenced in another jurisdiction and required to register in this State pursuant to section 11283 or 11284 shall register for a period of 10 years or as provided in subsection 7. The following provisions apply.

A. A Tier I registrant shall register in this State for a period of 10 years if, pursuant to the other jurisdiction's sex offender registration statute, the registration period is for a period of no more than 10 years. The 10-year period commences from the date the person in fact initially registers in this State once the legal duty to register arises under section 11283 or 11284. However, the Tier I registrant may receive day-for-day credit for the time actually registered pursuant to the other jurisdiction's sex offender registration statute prior to registering in this State upon applying to the

bureau for credit. The bureau may grant credit if the registrant provides sufficient documentation in accordance with any rules adopted by the bureau. [PL 2011, c. 663, §3 (NEW).]

B. A Tier I registrant shall register for a period of 10 years if registration was not required in that other jurisdiction and the person has been sentenced in that jurisdiction for a crime that includes the essential elements of a Tier I offense. The 10-year period commences from the date the person in fact initially registers in this State once the legal duty to register arises under section 11283 or 11284. However, the Tier I registrant may receive day-for-day credit from the time of sentencing in the other jurisdiction to when the offender in fact initially registers in this State once the legal duty to register arises under section 11283 or 11284 and upon applying to the bureau for credit. The bureau may grant credit if the registrant provides sufficient documentation in accordance with any rules adopted by the bureau. [PL 2011, c. 663, §3 (NEW).]

[PL 2011, c. 663, §3 (NEW).]

3. Offender convicted and sentenced in State for Tier II offense. An offender convicted and sentenced in this State for a Tier II offense shall register for a period of 25 years. The 25-year period commences from the date the person in fact initially registers once the legal duty arises under section 11282, subsection 2.

[PL 2011, c. 663, §3 (NEW).]

4. Offender convicted and sentenced in another jurisdiction for Tier II offense. An offender convicted and sentenced in another jurisdiction and required to register in this State pursuant to section 11283 or 11284 shall register for a period of 25 years. The following provisions apply.

A. A Tier II registrant shall register in this State for a period of 25 years if, pursuant to the other jurisdiction's sex offender registration statute, the registration period is for a period of more than 10 years and no more than 25 years. The 25-year period commences from the date the person in fact initially registers in this State once the legal duty to register arises under section 11283 or 11284. However, the Tier II registrant may receive day-for-day credit for the time actually registered pursuant to the other jurisdiction's sex offender registration statute prior to registering in this State upon applying to the bureau for credit. The bureau may grant credit if the registrant provides sufficient documentation in accordance with rules adopted by the bureau. [PL 2011, c. 663, §3 (NEW).]

B. A Tier II registrant shall register for a period of 25 years if registration was not required in that other jurisdiction and the person has been sentenced in that jurisdiction for a crime that includes the essential elements of a Tier II offense. The 25-year period commences from the date the person in fact initially registers in this State once the legal duty to register arises under section 11283 or 11284. However, the Tier II registrant may receive day-for-day credit from the time of sentencing in the other jurisdiction to when the offender in fact initially registers in this State once the legal duty to register arises under section 11283 or 11284 and upon applying to the bureau for credit. The bureau may grant credit if the registrant provides sufficient documentation in accordance with any rules adopted by the bureau. [PL 2011, c. 663, §3 (NEW).]

[PL 2011, c. 663, §3 (NEW).]

5. Offender convicted and sentenced in State for Tier III offense. An offender convicted and sentenced in this State for a Tier III offense shall register for the duration of the offender's life.

[PL 2011, c. 663, §3 (NEW).]

6. Offender convicted and sentenced in another jurisdiction for Tier III offense. An offender convicted and sentenced in another jurisdiction and required to register in this State pursuant to section 11283 or 11284 shall register for the duration of the registrant's life.

A. A Tier III registrant shall register in this State for the duration of the registrant's life if, pursuant to the other jurisdiction's sex offender registration statute, the registration period is for the duration of the offender's life. [PL 2011, c. 663, §3 (NEW).]

B. A Tier III registrant shall register in this State for the duration of the registrant's life if registration was not required in that other jurisdiction and the person was convicted and sentenced in that jurisdiction for a crime that includes the essential elements of a Tier III offense. [PL 2011, c. 663, §3 (NEW).]

[PL 2011, c. 663, §3 (NEW).]

7. Additional offense. Notwithstanding section 11273, subsections 14 and 15, a person who has been convicted and sentenced at any time for 2 or more offenses each of which is a Tier I offense or Tier II offense or includes the essential elements of a Tier I offense or Tier II offense is required to register as a Tier III registrant. For purposes of this subsection, convictions that occur on the same day count as separate offenses.

[PL 2011, c. 663, §3 (NEW).]

8. Suspending verifications. Notwithstanding any other provision of this section, the bureau, pursuant to any rules the bureau may adopt, may suspend the requirement that the registrant or offender verify registration information during any period in which a registrant or offender:

A. Leaves this State, establishes a domicile or residence in another state and remains physically absent from this State; [PL 2015, c. 280, §17 (NEW).]

B. Is incarcerated; or [PL 2015, c. 280, §17 (NEW).]

C. Is incapacitated or hospitalized. [PL 2015, c. 280, §17 (NEW).]

[PL 2015, c. 280, §17 (RPR).]

9. Relief from duty to register. The following provisions apply to relief from the duty to register.

A. An offender's or a registrant's duty to register is not required if the circumstances triggering the registration requirements under section 11283 or 11284 no longer exist. [PL 2011, c. 663, §3 (NEW).]

B. If the underlying conviction in this State or in another jurisdiction that triggers the registration requirement is reversed, vacated or set aside or if the offender or registrant is pardoned for the crime, registration is no longer required. [PL 2011, c. 663, §3 (NEW).]

[PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW). PL 2015, c. 280, §17 (AMD).

§11286. Duty of person traveling beyond the jurisdiction of the United States

An offender shall notify the bureau at least 21 days prior to travel beyond the jurisdiction of the United States. The offender shall provide the bureau with information about the date of departure from and return to the United States and the destination beyond the jurisdiction of the United States. [PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

§11287. Fee

The bureau may charge a $25 annual fee to persons required to register under this chapter. Registrants shall pay the fee at the time of initial registration and shall pay the fee on each anniversary of their initial registration. [PL 2011, c. 663, §3 (NEW).]

The fee must be credited to the General Fund and the Highway Fund in an amount consistent with budgeted appropriations and allocations in the fiscal year of the credit. [PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

§11288. Violation

1. Failure to comply; first offense. An offender who in fact fails to comply with any duty imposed under this chapter or a rule adopted pursuant to this chapter commits a Class D crime.
[PL 2011, c. 663, §3 (NEW).]

2. Failure to comply; 2nd offense. A person who has one prior conviction under this section or section 11227 and who in fact fails to comply with any duty imposed under this chapter or a rule adopted pursuant to this chapter commits a Class C crime.
[PL 2015, c. 280, §18 (AMD).]

3. Failure to comply; 3rd offense. A person who has 2 or more prior convictions under this section or section 11227 and who in fact fails to comply with any duty imposed under this chapter or a rule adopted pursuant to this chapter commits a Class B crime.
[PL 2015, c. 280, §18 (AMD).]

4. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2011, c. 663, §3 (NEW).]

5. Prior convictions. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.
[PL 2011, c. 663, §3 (NEW).]

6. Affirmative defense. It is an affirmative defense that the failure to comply with a duty imposed under this chapter or a rule adopted pursuant to this chapter resulted from just cause.
[PL 2011, c. 663, §3 (NEW).]

7. Permissible inference. Proof that the name and date of birth of the person charged with a violation of this section are the same as those of a person who has been sentenced for an offense requiring registration pursuant to this chapter gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person charged with a violation of this section is the same person as that person convicted of the offense requiring registration.
[PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW). PL 2015, c. 280, §18 (AMD).

§11289. Certification by record custodian

1. Certificate admissible. Notwithstanding any other law or rule of evidence, a certificate by the custodian of the records of the bureau, when signed and sworn to by that custodian, or the custodian's designee, is admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or in any documents attached to the certificate.
[PL 2015, c. 280, §19 (NEW).]

2. Qualified witness. With 10 days' written notice to the prosecution, the defendant may request that a qualified witness testify to the matters of which the certificate under subsection 1 constitutes prima facie evidence. The notice must specify those matters concerning which the defendant requests testimony. The certificate is not prima facie evidence in those matters.
[PL 2015, c. 280, §19 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW). PL 2015, c. 280, §19 (RPR).

SUBCHAPTER 3

NOTIFICATION

§11301. Immunity from liability

Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects any state, municipal or county official or employee to liability in a civil action. The immunity provided under this section applies to the release of relevant information to other officials or employees or to the general public. [PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

§11302. Community education

The department shall provide law enforcement agencies technical assistance concerning community education curricula for purposes of notification to the public of a registrant's conditional release or discharge. [PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

§11303. Mandatory notification of conditional release or discharge of registrants

The department, county jails, state mental health institutes and the bureau are governed by the following notice provisions when a registrant is conditionally released or discharged. [PL 2011, c. 663, §3 (NEW).]

1. Duties. The department, a county jail or a state mental health institute shall give the bureau notice of the following:

A. The address where the registrant will be domiciled and reside; [PL 2011, c. 663, §3 (NEW).]

B. The address where the registrant will work and attend college or school, if applicable; [PL 2011, c. 663, §3 (NEW).]

C. The mailing address of the registrant; and [PL 2011, c. 663, §3 (NEW).]

D. The geographic area to which a registrant's conditional release is limited, if any. [PL 2011, c. 663, §3 (NEW).]

[PL 2011, c. 663, §3 (NEW).]

2. Duties of the bureau. Upon receipt of the information concerning the conditional release or discharge of a registrant pursuant to subsection 1, the bureau shall forward the information to all law enforcement agencies that have jurisdiction in those areas where the registrant may be domiciled, reside, work or attend college or school.

[PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

§11304. Public notification

1. Department. Upon the conditional release or discharge of a registrant from a state correctional institution, the department shall give notice of the information under section 11303, subsection 1 to members of the public the department determines appropriate to ensure public safety.

[PL 2011, c. 663, §3 (NEW).]

2. Law enforcement agencies. Upon receipt of the information concerning the conditional release or discharge of a registrant pursuant to section 11303, subsection 2, a law enforcement agency shall

notify members of the public that the law enforcement agency determines appropriate to ensure public safety.
[PL 2011, c. 663, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 663, §3 (NEW).

CHAPTER 19

SEX OFFENDER MANAGEMENT AND RISK ASSESSMENT ADVISORY COMMISSION

§11401. Establishment

The Sex Offender Management and Risk Assessment Advisory Commission, referred to in this chapter as "the commission," established by Title 5, section 12004-I, subsection 4-C, is created for the purpose of making recommendations pertaining to sex offender management and risk assessment. For purposes of this chapter, "sex offender" has the same meaning as "offender" in section 11273, subsection 10. For purposes of this chapter, "registrant" has the same meaning as in section 11273, subsection 11. [PL 2015, c. 86, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 86, §4 (NEW).

§11402. Membership; terms; vacancies

1. Composition; qualifications. The commission is composed of 7 members, appointed by the Attorney General. The members may be qualified by reason of their expertise in sex offender matters, including but not limited to risk assessment methods, corrections, sex offender law and the prosecution or defense of sex offender crimes.
[PL 2015, c. 86, §4 (NEW).]

2. Terms. Members of the commission serve for a term of 2 years and may be reappointed. Members continue to serve until their replacements are designated.
[PL 2015, c. 86, §4 (NEW).]

3. Vacancy. In the event of the death or resignation of a member, the Attorney General shall appoint a member to complete the unexpired term.
[PL 2015, c. 86, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 86, §4 (NEW).

§11403. Duties; powers

1. Consultation. The commission shall consult with experts in the field of sex offender matters, including but not limited to state or federal agencies, courts, correctional facilities, organizations whose affairs pertain to sex offender matters and other interested parties as the commission determines necessary.
[PL 2015, c. 86, §4 (NEW).]

2. Recommendations. The commission may study and make policy recommendations regarding sex offender risk assessment and management to agencies of the executive branch, the judicial branch and the Legislature or to any other entity the commission determines appropriate.
[PL 2015, c. 86, §4 (NEW).]

3. Review laws; legislation. The commission shall examine the sex offender registration and notification laws and any other state laws pertaining to sex offender risk assessment and management and may submit to the Legislature, at the start of each legislative session, such changes to those laws as the commission determines appropriate.
[PL 2015, c. 86, §4 (NEW).]

4. Funding. The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this section.
[PL 2015, c. 86, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 86, §4 (NEW).

§11404. Organization; meetings

The Attorney General shall notify all members of the commission of the time and place of the first meeting of the commission. At that meeting, the commission shall elect a chair, vice-chair and secretary-treasurer and adopt provisions regarding the administration of the commission and its affairs. The commission may meet as frequently as the commission determines necessary. [PL 2015, c. 86, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 86, §4 (NEW).

§11405. Expenses

Members of the commission may not be compensated for expenses incurred or related to the activities of the commission. [PL 2015, c. 86, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 86, §4 (NEW).

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