

Department of Corrections
2020-2021 Regulatory Agenda (Amended)
June 11, 2021

RULE-MAKING LIAISON: Mary Lucia, Policy Development Coordinator, State House Station 111, Augusta, Maine 04333. Telephone: (207) 530-0983. E-mail: Mary.A.Lucia@maine.gov

03-201: Department of Corrections
03-208: State Parole Board

AGENCY UMBRELLA-UNIT NUMBER: **03-201**
AGENCY NAME: **Department of Corrections**

EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:
None

EXPECTED 2020 – 2021 RULE-MAKING ACTIVITY:

CHAPTER 1: Detention and Correctional Standards for Counties and Municipalities and Additional Accommodations

STATUTORY AUTHORITY: 34-A MRSA §§ 1208, 1208-A, 1208-B and 30-A § 1583

PURPOSE: This rule sets forth standards for county and municipal detention facilities. A repeal and replacement or an amendment to the rule may be needed for conformance with statutes and to make updates in accordance with professional practices.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Benefited parties: Confined persons & staff. Regulated parties:

municipal and county detention and correctional facilities and additional accommodations.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Change of Use, Downsizing, or Closure of Correctional Facilities

STATUTORY AUTHORITY: 34-A MRSA §1803, sub-§2

PURPOSE: A repeal is needed because the Board and its statutory authority no longer exists.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Benefited parties: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5, Sec. 5.1: Advisory Rulings

STATUTORY AUTHORITY: 5 MRSA §9001

PURPOSE: This rule establishes the procedures for the submission, consideration, and disposition of requests for advisory rulings.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Benefited parties: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: (ADULT), Sec. 6.6: Payment of Restitution or Fines

STATUTORY AUTHORITY: 34-A MRSA §§ 3035, 3809-A and 4111

PURPOSE: This rule sets forth procedures for the collection of court ordered restitution, whether as a separate sentence or disposition, or as a condition of probation. It also applies to all prisoners and juvenile clients who have a court ordered fine. A repeal and

replacement or an amendment to the rule is needed for anticipated modifications to the payment of restitution fines process.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Adults in the custody or under the supervision of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10, Sec. 2.15: Agreements with Community Agencies - Fiscal Management

STATUTORY AUTHORITY: 34-A MRSA §1206

PURPOSE: This rule will be repealed, as the statutory authority for the rule has been repealed.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Community agencies having fiscal agreements with the Department

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10 (ADULT), Sec. 14.8: Section 504 Grievance Procedure

STATUTORY AUTHORITY: 34-A MRSA 1402

PURPOSE: This rule will be repealed as the Department has comprehensive grievance procedures that address this subject.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Clients of the Department of Corrections

CONSENSUS -BASED RULE DEVELOPMENT: N/A

CHAPTER 10 (ADULT), Sec. 27.2: Supervised Community Confinement

STATUTORY AUTHORITY: 34-A MRSA §3036-A

PURPOSE: This rule provides for a supervised community confinement program for certain prisoners committed to the Department. This rule will be repealed and replaced to conform to a change in the statute effecting eligibility standards for prisoner participation.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10 (ADULT), Sec. 27.3: Community Transition Program

STATUTORY AUTHORITY: 34-A, MRSA §3035

PURPOSE: This rule provides for certain prisoners committed to the Department to participate in Community Transition Program prior to release from confinement. A repeal and replacement or an amendment to the rule may be needed for updates regarding prisoner participation in the Community Transition Program.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTERS 10 (ADULT), Sec. 27.4: Furlough Pass/Furlough Leave Program

STATUTORY AUTHORITY: 34-A MRSA §3035

PURPOSE: This rule sets forth procedures on eligibility, requirements, and conditions for clients under sentence to the Department to participate in a furlough. A repeal and replacement or an amendment to the rule may be needed for updates regarding prisoner participation in furloughs.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTERS 10 (ADULT) and 12 (JUVENILE), Sec. 29.1: Grievance Process, General
STATUTORY AUTHORITY: 34-A MRSA §1402

PURPOSE: This rule establishes procedures for hearing grievances of clients. A repeal and replacement or an amendment to the rule may be needed for addressing the grievance process.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles and adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTERS 10 (ADULT) and 12 (JUVENILE), Sec. 29.2: Grievance Process, Medical and Mental Health Care

STATUTORY AUTHORITY: 34-A MRSA §1402

PURPOSE: This rule establishes procedures for hearing medical grievances of clients. A repeal and replacement or an amendment to the rule may be needed for addressing the medical grievance process.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles and adults in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10, Sec. 30.7: Variances

STATUTORY AUTHORITY: 34-A MRSA §§1208 & 1208-A

PURPOSE: This rule establishes procedures to govern the submission and consideration of requests for variances from county or municipal detention facility from established Departmental standards, including provisions for Department consideration of appeals of decisions. An amendment of the rule is needed to clarify and add new information regulating municipal and county variances.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Benefited parties: Confined persons & staff. Regulated parties: municipal and county detention and correctional facilities.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12 (JUVENILE), Sec. 15.3: Resident Discipline System

STATUTORY AUTHORITY: 34-A MRSA §3032

PURPOSE: This rule describes disciplinary offenses and punishments for juveniles in Departmental facilities and establishes a fair and orderly procedure for processing disciplinary complaints. A repeal and replacement is needed to make updates in accordance with professional practices.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles in the custody of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12 (JUVENILE), Sec. 15.4: Drug and Alcohol Testing of Juvenile Clients

STATUTORY AUTHORITY: 34-A MRSA §§ 1402 and 3032

PURPOSE: This rule sets forth procedures for drug and alcohol testing of juvenile clients. This rule will be repealed and replaced to modify the procedures for juvenile client drug and alcohol testing.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles in the custody or under the supervision of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTERS 12 (JUVENILE), Sec. 20.1: Furlough Pass/Furlough Leave Program

STATUTORY AUTHORITY: 34-A MRSA §3035

PURPOSE: These rules sets forth procedures on eligibility, requirements, and conditions for clients under sentence to the Department to participate in a furlough. This rule will be repealed and replaced to clarify when a resident of a juvenile facility may be eligible for or removed from furlough and to add an appeal provision.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles committed to the Department.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12 (JUVENILE), Sec. 20.4: Community Transition Program

STATUTORY AUTHORITY: 34-A, MRSA §3035

PURPOSE: To propose a policy governing the transitioning of juveniles into the community through work release and other programs.

ANTICIPATED SCHEDULE: Prior to October 1, 2021.

AFFECTED PARTIES: Regulated parties: Juveniles committed to the Department.

CONSENSUS BASED RULE DEVELOPMENT: N/A

CHAPTER 15: Batterer Intervention Program Certification

STATUTORY AUTHORITY: 19-A MRSA § 4014

PURPOSE: This rule sets forth standards and procedures for the certification of batterer intervention programs. An amendment to the rule is needed to revise the standards for the batterer intervention programs in light of the challenges presented by the COVID emergency.

ANTICIPATED SCHEDULE: Prior to February 1, 2021

AFFECTED PARTIES: Benefited parties: Program staff and participants. Regulated parties: Batterer intervention programs.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

AGENCY UMBRELLA-UNIT NUMBER: **03-208**

AGENCY: **State Parole Board**

EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:

None

EXPECTED 2020 - 2021 RULE-MAKING ACTIVITY:

None