

# Proposed Board of Corrections Legislation

*February 1, 2008*

## STATE BOARD OF CORRECTIONS

Proposed Legislation agreed to by the Maine Sheriffs Association, Maine County Commissioners Association and the Maine Department of Corrections February 1, 2008

Sec. 1. 5 MRSA § 12004-G, sub-36 is enacted to read:

State Board of Corrections. The primary responsibility of the State Board of Corrections is to oversee correctional operations in the State of Maine.

The primary powers of this board include determination of correctional facility use, setting standards, policies and procedures for state and county correctional practices, administration of funds, holding of hearings and the adoption of rules.

NAME OF ORGANIZATION RATE OF COMPENSATION STATUTORY REFERENCE 1. State Board of Corrections Expenses Only 34-A MRSA § 1801

Sec. 2. 34-A MRSA § 1801 is enacted to read:

The State Board of Corrections is established by Title 5 MRSA §12004-G (36) to carry out the purposes of this section.

Purpose of the Board The purpose of the State Board of Corrections is to plan for and implement a corrections system that demonstrates sound fiscal management, achieves efficiencies, reduces recidivism and ensures the safety and security of correctional officers, inmates and surrounding communities.

Sec. 3. 34-A MRSA § 1802 is enacted to read:

§ 1802. Board Membership 1. Appointments. The state board shall consist of 9 members who shall be appointed by the Governor. Each appointment shall be subject to review by the joint standing committee having jurisdiction over criminal justice and public safety matters and to confirmation by the Legislature.

1. Qualifications and requirements.

a. One member shall be a sheriff selected from a list of 3 nominations submitted to the Governor by a statewide organization representing sheriffs.

b. One member shall be a county commissioner selected from a list of 3 nominations submitted to the Governor by a statewide organization representing county commissioners

c. Two members shall be representatives of the State Department of Corrections or the executive branch.

d. The remaining five members shall be broadly representative of the public and the regions of the state. One of the five members appointed under this paragraph shall be selected from a list of

3 nominations submitted to the Governor by a statewide organization representing county commissioners.

e. No member appointed under paragraph (d) shall be an elected state, county or municipal official, or derive income in substantial portion from work as an employee of a state, county or municipal government or in the field of corrections

1. Terms. Members of the Board shall serve at the pleasure of the Governor and shall be appointed for terms of 2 years, except that of the initial appointees under paragraph (d), 3 members shall serve initial terms of one year. A vacancy must be filled for the remainder of the unexpired term.
2. Chair. The Governor shall name one public member appointed under subsection (2)(d) to serve as chair. The term of the chair is 2 years.
3. Compensation. Members are entitled to compensation according to the provisions of Title 5, section 12004-G.
4. Assistance. The department shall provide administrative support for the operations of the board, including but not limited to filing public notices, taking meeting minutes and recording decisions.
5. Board Meetings. The Board shall meet at least 4 times per year and as often as necessary at the discretion of the chair. Any three members of the board may call a meeting.
6. Quorum. Six members of the board constitute a quorum for a vote of the board, 6 members constitute a quorum for rulemaking hearings held by the board and 3 members constitute a quorum for other hearings held by the board that do not involve decision making.

Sec. 4. 34-A MRSA § 1803 is enacted to read:

§ 1803. Board responsibilities and duties The Board is charged with the following duties and responsibilities.

1. Manage the cost of corrections. Develop a plan to achieve systemic cost savings and cost avoidance throughout the state and county corrections system with the goal of reducing the rate of growth in corrections expenditures. Additionally, the board shall:
  - a. Set and enforce a yearly growth limit for each county jail and approve any budget requests to exceed set limit.
  - b. Develop reinvestment strategies within the system to improve services and reduce recidivism.
  - c. Establish boarding rates for the system.
    1. Determine correctional facility use and purpose. a. Determine individual correctional facility use including the location of specialty units, which may include medical, mental health, women's, substance abuse units and the housing of pre-trial and sentenced populations .
- b. Review staffing levels at each correctional facility to ensure that safe conditions exist for both staff and inmates.
- c. Review the use of all state and county correctional facilities. The board may, at its discretion, downsize or close facilities or reassign services.

d. Adopt standards for consistent system wide pre-trial, revocation and re-entry practices.

1. Certificate of Need. The board shall approve any future new state or county capital correctional construction projects or any new correctional programs or services. The board shall establish a "Certificate of Need" process that will be utilized for the review and approval of any future state or county capital correctional construction projects or the implementation of any new correctional programs or services.
2. Administrative duties. a. Identify opportunities for and approve cost-saving agreements including, but not limited to: purchasing or contract agreements; shared staff and staff training; transportation; and technology initiatives, to maximize cost efficiencies.

b. Assist correctional facilities to achieve and maintain professional correctional accreditation.

c. Administer Board of Corrections funds.

d. Promote and support the use of evidence-based practices.

1. Rulemaking. Subject to the Maine Administrative Procedure Act, the Board shall adopt, amend or repeal reasonable rules and emergency rules necessary for the interpretation, implementation and enforcement of any provision of law that the department is charged with administering. The board shall also adopt, amend and repeal rules as necessary for the conduct of its business. Rules promulgated under this section are routine technical rules.
2. Appeals. Any person who is aggrieved by a final decision of the board shall be entitled to judicial review pursuant to 5 MRSA § 11001.
3. Reporting. Report at least annually to the joint standing committee having jurisdiction over criminal justice and public safety matters including any recommendations for amending laws relating to the correctional system or the board.