

Department of Corrections

Summary of Public Comments and Responses

The Maine Department of Corrections proposes to repeal and replace Rule Chapter 11, Section 2.12 Resident Accounts. A public hearing was held on May 29, 2025.

This document combines all oral and written comments received during the public comment period ending June 9, 2025 and the responses thereto. Note: In addition to the substantive changes made to the proposed rule in response to comments received as explained below and the clarification that the web-based system in fact accepts debit as well as credit cards, there are a few nonsubstantive fixes, and the adopted rule is now referred to as being “Section 2.12,” instead of “Subsection 2.12.”

The Department of Corrections (DOC) thanks all commenters for providing oral and/or written comments.

The following persons attended the public hearing on behalf of themselves or their organizations:

Person/Organization Representing
1. Joseph Jackson, Executive Director of the Maine Prisoner Advocacy Coalition (MPAC) and Co-Executive Director at Maine Inside Out

The following persons submitted written comments:

Person/Organization Representing	Person/Organization Representing
1. Foster Bates #52366, on behalf of the Maine State Prison Branch of the N.A.A.C.P.	2. Andre Frazier #174043 Maine State Prison
3. Timothy Hayes #1773 Maine State Prison	4. Walter Moore #84756 Maine State Prison
5. Donald Robichaud #1751 Maine State Prison	6. Pedro Santiago #26561 Maine State Prison
7. Jan Collins of MPAC (submitted a copy of the Maine State Prison Branch of the N.A.A.C.P. comments)	

Note: Foster Bates submitted written comments on his own behalf as well, but they arrived after the comment deadline and so will not be addressed specifically. However, they do not differ in substance from the comments he submitted on behalf of the N.A.A.C.P.

Comments and Responses

1. Written comments of Andre Frazier, DOC resident (MDOC # 174043)

COMMENT: The commenter states he would like to see an increase to the \$100 limit that a person can deposit at a time through the direct deposit web-based card system because there is a fee of \$4.95. He suggests an increase to \$1000, which he claims is how it is done by the New Jersey Department of Corrections.

RESPONSE: This rule does not address this issue at all, nor is there any intention for it to do so. The current \$100 limit has been set by InforME and the DOC and is subject to being changed depending on varying circumstances. If it changes, it will be done outside of the rule.

2. Written comments of Timothy Hayes, DOC resident (MDOC # 1773)

COMMENT: The commenter states that he would like the Department to reconsider the proposal to stop personal checks, money orders, and checks written by banks from coming in. He states that some people in the community do not have access to the internet and have to send checks or money orders, and some residents do not have family and must write their banks to get money sent to them in check form. He says this proposal will make it very hard for his family to help him with money.

RESPONSE: The DOC will change this so that cashier's checks and certified checks from banks and credit unions sent in by family and friends will be accepted. It does not require the internet to get these types of checks and the effort involved is the same as for money orders. However, personal checks and money orders will still not be accepted as they are the most susceptible to fraud and forgery. Also, it was never the DOC's intention to stop checks issued directly by banks to residents who are account holders, and this will be clarified.

3. Written comments of Walter Moore, DOC resident (MDOC # 84756)

COMMENT: The commenter states he disagrees with the proposed changes because he is concerned that he will not be able to receive his funds sent to him by his bank.

RESPONSE: See the response to the comments from DOC resident Hayes.

4. Written comments of Donald Robichaud, DOC resident (MDOC # 1751)

COMMENT: The commenter provides comments about the proposal to not allow checks and money orders and does not want this to be adopted. He reasons that his "people" are in their 70s and 80s and still have a landline phone and do not have a cell phone or computer, nor do they know how to use them. They have been sending him checks since he has been "here" for 23 years.

RESPONSE: See the response to the comments from DOC resident Hayes.

5. Written comments of Pedro Santiago, DOC resident (MDOC # 26561)

COMMENT: The commenter states that the proposed provisions place substantial limitations on residents' ability to access personal funds through bank-issued or investment firm checks and these are resources that are often essential for those without outside support. He requests that the Department allow "personal" checks directly from financial institutions to be deposited into a resident's account, particularly in cases where no outside support is available.

RESPONSE: It will be clarified that these types of checks (which are not properly characterized as personal checks) are not prohibited.

6. Written comments of the Maine State Prison Branch of the N.A.A.C.P. (submitted by DOC resident Foster Bates and also by Jan Collins of MPAC)

COMMENT: The proposed changes to the current rule, particularly those eliminating traditional means of sending funds—such as personal checks, cashier's checks, certified checks, and money orders—while requiring the use of a web-based card system, present severe hardship for incarcerated individuals and their loved ones, particularly the elderly, people with disabilities, those with language barriers, and those

from low-income backgrounds who might not have access to computers and who often rely on traditional methods of financial transactions. Also, there are fees for the use of the web-based system, which benefits the DOC financially and disadvantages those with lower incomes. The reduction of hold periods for certain checks from fourteen to seven calendar days is acknowledged as an improvement, but it does not compensate for the larger issue of eliminating widely accessible payment methods. It is also requested that the DOC shorten the hold periods on checks even more than is proposed and install a bank check reader in all facility business offices to verify incoming checks.

RESPONSE: See above responses regarding changes that will be made to the proposed rule regarding acceptable means of sending funds to residents. The fees charged for the use of the web-based card system do not go to the DOC but are used to support the cost of operating this InforME service. In fact, DOC itself pays fees for this service. (Notably, institutions that provide money orders, cashier's checks, and certified checks also charge fees.) The web-based system is preferred because it makes fraud very difficult and, if it does occur, easier for family and friends to have rectified, is more convenient for family and friends with computers and internet access (which is now widespread), is more efficient for staff, and has faster processing times than paper transactions, which greatly benefits residents. The facility business offices already use bank check readers, but they do not instantly detect fraudulent checks, and that is why there are hold periods. The hold periods for checks will not be shortened any more. They will already be cut in half, and 7 calendar days is the minimum time needed to be sure checks are valid.

7. Oral comments of Joseph Jackson of MPAC

COMMENT: There are a number of reasons to oppose the provision not allowing personal checks, cashier's checks, certified checks, and money orders: (1) other agencies accept checks (like towns for taxes); (2) accepting these checks creates less of a financial burden on family members and friends of relatives; (3) many family members and friends of residents are lower income and don't have credit or debit cards for using with the web-based system; and (4) eliminating the use of checks to pay residents who have outside employers will make it hard on the employers and the residents.

RESPONSE: See above responses regarding changes that will be made to the proposed rule regarding acceptable means for family and friends to send funds to residents. As for payroll checks, there is nothing in the proposed rule that eliminates their use and in fact they are mentioned in the rules as having hold periods on them.