

Department of Corrections
2023-2024 Regulatory Agenda
June 28, 2023

RULE-MAKING LIAISON: Mary Lucia, Policy Development Coordinator, State House Station 111, Augusta, Maine 04333. Telephone: (207) 530-0983.
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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 2023 – 2024 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 review of this rule may be needed to ensure compliance with newly enacted laws.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Community Corrections Professional Standards Council

STATUTORY AUTHORITY: 34-A MRSA §§ 1208-B, 1210-E & 1210-F

PURPOSE: This rule sets forth requirements for jails. This rule is needed to ensure compliance with newly enacted laws.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Benefited parties: Confined persons and staff. Regulated parties: Jails.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3 County Jail Operations Fund Distribution of Funds Formula

STATUTORY AUTHORITY: 34-A MRSA §1210-D

PURPOSE: This rule sets forth the formula for the distribution of funds from the fund to the counties for jail operations. A review of this rule may be needed to ensure compliance with newly enacted laws.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Benefited parties: None. Regulated parties: municipal and county detention and correctional facilities.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Line of Duty Death Benefits for Corrections Officers

STATUTORY AUTHORITY: 25 M.R.S.A. §1612

PURPOSE: This rule sets forth procedures governing the award of a death benefit to the child, spouse, or parent of a corrections officer who dies while in the line of duty. A repeal and replacement or an amendment to the rule is needed to make statutory updates.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Regulated parties.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10, Sec. 2.12: Prisoner/Resident Accounts - Fiscal Management

STATUTORY AUTHORITY: 34-A MRSA §3039

PURPOSE: This rule sets forth procedures for the management of prisoner and resident fiscal accounts. A repeal and replacement or an amendment to the rule is needed to adjust fiscal procedures, make other updates and clarifications.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Regulated parties: Juveniles and adults in the custody 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, 2024.

AFFECTED PARTIES: Community agencies having fiscal agreements with the Department

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 residents and 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, 2024.

AFFECTED PARTIES: Regulated parties: Adults in the custody or under the supervision of 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, 2024.

AFFECTED PARTIES: Clients of the Department of Corrections

CONSENSUS -BASED RULE DEVELOPMENT: N/A

CHAPTER 10, Sec. 20.1: Prisoner Discipline

STATUTORY AUTHORITY: 34-A MRSA §3032

PURPOSE: This rule describes disciplinary offenses and punishments for prisoners in Departmental adult facilities. This rule will be repealed and replaced to make updates to the discipline system.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10 (ADULT), Sec. 20.2: Prisoner Drug and Alcohol Testing

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

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

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10 (ADULT), Sec. 24.3: Religious Services

STATUTORY AUTHORITY: 34-A MRSA §3048

PURPOSE: This rule provides 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. This rule will be repealed and replaced to update and clarify religious accommodations for prisoners.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

AFFECTED PARTIES: Regulated parties: 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, 2024.

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 are needed to make updates in accordance with professional practices.

ANTICIPATED SCHEDULE: Prior to October 1, 2024.

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, 2024.
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: This rule 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, 2024.
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 rule governing the transitioning of juveniles into the community through work release and other programs.
ANTICIPATED SCHEDULE: Prior to October 1, 2024.
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.
ANTICIPATED SCHEDULE: Prior to October 1, 2024.
AFFECTED PARTIES: Benefited parties: Program staff and participants. Regulated parties: Batterer intervention programs.
CONSENSUS-BASED RULE DEVELOPMENT: N/A

EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:
None

EXPECTED 2023 - 2024 RULE-MAKING ACTIVITY: None

AGENCY UMBRELLA-UNIT NUMBER: **03-208**
AGENCY: **State Parole Board**
