

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

—
H.P. 1159 - L.D. 1588

**An Act To Amend the Laws Regarding the Maine Correctional Center and
To Establish the Bolduc Correctional Facility in Statute**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA §3402, as amended by PL 1985, c. 785, Pt. B, §156, is further amended to read:

§3402. Warden

1. Chief administrative officer. The chief administrative officer of the Maine Correctional Center is called the ~~superintendent~~ warden.

2. Duties. In addition to other duties set out in this Title, the ~~superintendent~~ warden shall supervise and control the prisoners, pretrial detainees, employees, grounds, buildings and equipment at the center.

3. Powers. In addition to other powers granted in this Title, the ~~superintendent~~ warden has the following powers.

A. The ~~superintendent~~ warden may appoint ~~2 assistant superintendents~~ deputy wardens, subject to the Civil Service Law. ~~An assistant superintendent~~ A deputy warden designated by the ~~superintendent~~ warden has the powers, duties, obligations and liabilities of the ~~superintendent~~ warden when the ~~superintendent~~ warden is absent from the center location or is unable to perform the duties of the office.

B. The ~~superintendent~~ 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.

Sec. 2. 34-A MRSA §3403, as amended by PL 1995, c. 502, Pt. F, §§25 and 26, is further amended to read:

§3403. Prisoners generally

1. Conditions of confinement. Conditions of confinement of prisoners are governed as follows.

A. The ~~superintendent~~ 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.

B. The ~~superintendent~~ 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.

2. Housing. The ~~superintendent~~ warden shall maintain separate housing facilities for men and women.

Sec. 3. 34-A MRSA §3405, sub-§1, as repealed and replaced by PL 1983, c. 581, §§42 and 59, is amended to read:

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 ~~superintendent~~ warden; and

B. May carry weapons and other security equipment when authorized by the ~~superintendent~~ warden inside and outside the center in connection with their assigned duties or training.

Sec. 4. 34-A MRSA §3407, sub-§1, as enacted by PL 1983, c. 581, §§43 and 59, is amended to read:

1. Duties of commissioner. The commissioner shall immediately notify the ~~superintendent~~ warden and the sheriff of the county in which the sentencing court is located;

Sec. 5. 34-A MRSA §3407, sub-§2, ¶B, as amended by PL 1999, c. 583, §26, is further amended to read:

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 ~~superintendent~~ warden, accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707;

Sec. 6. 34-A MRSA §3407, sub-§4, as amended by PL 2009, c. 391, §19, is further amended to read:

4. Duties of the warden. The ~~superintendent~~ warden shall:

A. File the record, as provided by Title 15, section 1707, in the ~~superintendent's~~ warden's office.

Sec. 7. 34-A MRSA c. 3, sub-c. 9 is enacted to read:

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.

§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.

§4203. Director

1. Chief administrative officer. The chief administrative officer of the facility is called the director and is responsible to the commissioner.

2. Duties. In addition to other duties set out in this Title, the director has the following duties.

A. The director shall exercise proper supervision over the employees, grounds, buildings and equipment at the facility.

B. The director shall supervise and control the prisoners at the facility in accordance with departmental rules.

3. Powers. In addition to other powers granted in this Title, the director may appoint one assistant director, subject to the Civil Service Law; the assistant director has the powers, duties, obligations and liabilities of the director when the director is absent or unable to perform the director's duties.

§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.

2. Education. The director shall maintain suitable courses for academic and career and technical education of the prisoners. The director shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the facility's programs.

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.

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.

C. The prisoners employed under this subsection may not be compensated monetarily for work performed.

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.

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.

Sec. 8. 34-A MRSA §5802, first ¶, as enacted by PL 1983, c. 459, §6, is amended to read:

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 ~~sections~~ section 5803 ~~to 5805~~ applicable to the sentence being served by the prisoner or inmate. It may revoke a parole when a condition of the parole is violated.

Sec. 9. 34-A MRSA §5802, sub-§2, as enacted by PL 1983, c. 459, §6, is amended to read:

2. Custody and control. While on parole, the parolee is under the custody of the warden ~~or superintendent~~ of the institution from which ~~he~~ the parolee was released, but under the immediate supervision of and subject to the rules of the division or any special conditions of parole imposed by the board.

Sec. 10. 34-A MRSA §5804, as enacted by PL 1983, c. 459, §6, is repealed.

Sec. 11. 34-A MRSA §5805, as enacted by PL 1983, c. 459, §6, is repealed.

Sec. 12. 34-A MRSA §5808, as enacted by PL 1983, c. 459, §6, is amended to read:

§5808. Discharge from parole

Any parolee who faithfully performs all the conditions of parole and completes ~~his~~ the parolee's sentence is entitled to a certificate of discharge to be issued by the warden ~~or superintendent~~ of the institution to which ~~he~~ the parolee was committed.

Sec. 13. 34-A MRSA §5809, as enacted by PL 1983, c. 459, §6, is amended to read:

§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 ~~superintendent or~~ warden of the institution from which ~~he~~ the parolee was released to issue ~~him~~ the parolee a certificate of discharge, except ~~that~~ 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.

Sec. 14. 34-A MRSA §5810, as enacted by PL 1983, c. 459, §6, is amended to read:

§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 ~~or superintendent~~ of the institution shall forward to the State Police a copy of ~~his~~ 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 ~~his~~ the prisoner's sentence, the ~~Warden of the Maine State Prison~~ 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 ~~which he~~ that the warden may ~~deem~~ consider necessary for a full comprehension of the case.