

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

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EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA: None

EXPECTED 2008 - 2009 RULE-MAKING ACTIVITY:

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

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

PURPOSE: Revision of existing rule. The purpose of the amendment is to make revisions to the jail standards to keep pace with professional practices.

ANTICIPATED SCHEDULE: Winter/Spring adoption

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

STATUTORY AUTHORITY: 34-A MRSA §3039

PURPOSE: Repeal and replacement of existing rule. The purpose of the amendment is to comply with a revision to the statute regarding the adopting authority and to make other revisions required by changed circumstances.

ANTICIPATED SCHEDULE: Summer/Fall adoption

AFFECTED PARTIES: Regulated parties: Prisoners of the Department and confined juveniles.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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PURPOSE: This rule will be repealed, as the statutory authority for the rule has been repealed.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

AFFECTED PARTIES: Community agencies having fiscal agreements with the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 6.6: Payments of Restitution or Fines

STATUTORY AUTHORITY: 17-A MRSA §1330 and 34-A MRSA §§ 3035, 3809-A, and 4111

PURPOSE: Repeal and replacement of existing rule. The purpose of the amendment is to clarify and add new information regulating the payment and collection of restitution and/or fines.

ANTICIPATED SCHEDULE: Winter/Spring adoption

AFFECTED PARTIES: Regulated parties: Adult offenders sentenced to the Department and juvenile offenders committed to the Department.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 15.4: Drug and Alcohol Testing of Juvenile Clients

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

PURPOSE: Repeal and replacement of existing rule. The purpose of the amendment is to move this rule into Chapter 12 (Juvenile Chapters) and to modify the procedure for juvenile client drug testing.

ANTICIPATED SCHEDULE: Winter/Spring adoption

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 18.6: Community Rehabilitative Programs Furlough Policy

STATUTORY AUTHORITY: 34-A MRSA §3035

PURPOSE: Repeal and replacement of existing rule. The purpose of the amendment is to clarify when a prisoner may be eligible for or removed from furlough, to renumber the policy as Section 27.4 and to revise the title of the policy.

ANTICIPATED SCHEDULE: Winter/Spring adoption

AFFECTED PARTIES: Regulated parties: Prisoners of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 18.22: Testing and Release of HIV Information (Adult)

CHAPTER 12, Sec. 13.22: Testing and Release of HIV Information (Juvenile)

STATUTORY AUTHORITY: 5 MRSA §19023

PURPOSE: Revision of existing rule.

ANTICIPATED SCHEDULE: Winter/Spring adoption

AFFECTED PARTIES: Regulated parties: Prisoners of the Department and confined juveniles.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 20.1: Prisoner Discipline

STATUTORY AUTHORITY: 34-A MRSA §3032

PURPOSE: Repeal and replacement of existing rule. The purpose of the amendment is to clarify and/or add new disciplinary offenses for adult offenders.

ANTICIPATED SCHEDULE: Winter/Spring adoption

AFFECTED PARTIES: Regulated parties: Prisoners of the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 20.2: Drug and Alcohol Testing of Adult Clients

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

PURPOSE: Repeal and replacement of existing rule. The purpose of the amendment is to modify the procedure for adult client drug testing.

ANTICIPATED SCHEDULE: Winter/Spring adoption

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 24.3: Religious Services, General Guidelines

STATUTORY AUTHORITY: 34-A MRSA §3048

PURPOSE: Enact a rule to provide for the accommodation of prisoner religious rights.

ANTICIPATED SCHEDULE: Fall/Winter adoption

AFFECTED PARTIES: Regulated parties: Prisoners of the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 27.2: Supervised Community Confinement

STATUTORY AUTHORITY: 34-A MRSA §3036-A

PURPOSE: Repeal and replacement of existing rule. The purpose of the amendment is to address changes in eligibility standards for prisoner participation and requirements while on supervised community confinement.

ANTICIPATED SCHEDULE: Fall/Winter adoption

AFFECTED PARTIES: Regulated parties: Prisoners of the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 27.3: Community Transition Program

STATUTORY AUTHORITY: 34-A, MRSA §3035

PURPOSE: Repeal and replacement of existing rule. The purpose of the amendment is to address changes in eligibility standards for prisoner participation.

ANTICIPATED SCHEDULE: Winter/Spring adoption

AFFECTED PARTIES: Regulated parties: Prisoners of the Department.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTERS 10 (ADULT) 12 (JUVENILE), Sec. 29.1: Grievance Process, General

STATUTORY AUTHORITY: 34-A MRSA §1402 and §1203

PURPOSE: Repeal of existing rule and replacement with two (2) new rules. The purpose is to clarify and add new information regulating the Department's client grievance policy and procedures for general issue grievances and to separate juvenile and adult grievance procedures.

ANTICIPATED SCHEDULE: Summer/Fall adoption

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

STATUTORY AUTHORITY: 34-A MRSA §1402 and §1203

PURPOSE: Repeal of existing rule and replacement with two (2) new rules. The purpose is to clarify and add new information regulating the Department's client grievance policy and procedures for general issue grievances and to separate juvenile and adult grievance procedures.

ANTICIPATED SCHEDULE: Summer/Fall adoption

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10, Sec. 30.7: Variances

STATUTORY AUTHORITY: 34-A MRSA §1208

PURPOSE: Revision of existing rule. The purpose of the amendment is to clarify and add new information regulating municipal and county variances.

ANTICIPATED SCHEDULE: Winter/Spring adoption

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 12, Sec. 15.3: Resident Discipline System

STATUTORY AUTHORITY: 34-A MRSA §3032

PURPOSE: Repeal and replacement of existing rule. The purpose of the amendment is to clarify and/or add new disciplinary offenses for residents of the juvenile facilities.

ANTICIPATED SCHEDULE: Winter/Spring adoption

AFFECTED PARTIES: Regulated parties: Confined juveniles.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 12, Sec. 20.0: 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: Spring/Summer adoption

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

CONSENSUS BASED RULE DEVELOPMENT: not contemplated

CHAPTER 12, Sec. 20.1: Furlough Pass/Furlough Leave Program

STATUTORY AUTHORITY: 34-A MRSA §3035

PURPOSE: Revision of existing rule. The purpose of the amendment is 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: Winter/Spring adoption

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

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 15: Batterers' Intervention Program Certification

STATUTORY AUTHORITY: 34-A MRSA

PURPOSE: Revision. The purpose of the amendment is to revise standards for the certification of batterers' intervention programs.

ANTICIPATED SCHEDULE: Winter/Spring adoption

AFFECTED PARTIES: Regulated parties: batterers' intervention programs.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

AGENCY: **State Parole Board**

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EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA: None

EXPECTED 2007 - 2008 RULE-MAKING ACTIVITY:

CHAPTER 1: State Parole Board

STATUTORY AUTHORITY: 34-A MRSA

PURPOSE: Revision. The purpose of the amendment is to revise standards for the State Parole Board.

ANTICIPATED SCHEDULE: Winter adoption

AFFECTED PARTIES: Regulated parties: State adult facilities and community corrections prisoners sentenced to the Department.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated