

Department of Corrections
2024-2025 Regulatory Agenda
July 2, 2024

RULE-MAKING LIAISON: Mary Lucia, Policy Development Coordinator, State House Station 111, Augusta, Maine 04333. Telephone: (207) 530-0983.
E-mail: Mary.A.Lucia@maine.gov

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 2024 – 2025 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

PURPOSE: This rule sets forth standards for county and municipal detention and correctional facilities. An amendment of this rule may be needed to implement new standards and/or clarify current standards to address situations that have come to light since the last revision.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

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, 2025.

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-E

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

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

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

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 and make other updates and clarifications.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: (ADULT), Sec. 6.6: Payment of Restitution or Fines

STATUTORY AUTHORITY: 17-A MRSA §§ 2006, 2011 & 2016 and 34-A MRSA §§ 3035 & 3809-A

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 and fines process and to comply with newly enacted laws.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10 (ADULT), Sec. 20.1: Prisoner Discipline

STATUTORY AUTHORITY: 34-A MRSA §3032

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 This rule will be repealed and replaced to make updates to the discipline system.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

AFFECTED PARTIES: Regulated parties: Adults in the custody 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 resident of a Departmental adult facility who expresses a desire to practice a religion of their 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 in order to update and clarify religious accommodations.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10 (ADULT), Sec. 27.2: Supervised Community Confinement

STATUTORY AUTHORITY: 34-A MRSA §3036-A

PURPOSE: This rule provides for a supervised community confinement program for certain adult residents committed to the Department. A repeal and replacement or an amendment to the rule may be needed to adjust procedures and make other updates and clarifications.

ANTICIPATED SCHEDULE: Prior to October 1, 2025

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10 (ADULT), Sec. 29.1: Adult Resident Grievance Process, General

STATUTORY AUTHORITY: 34-A MRSA § 1402

PURPOSE: This rule sets forth procedures for grievances brought by residents of Departmental adult facilities, other than health care grievances. This rule may be repealed and replaced or amended to modify these procedures.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10 (ADULT), Sec. 29.2: Adult Resident Grievance Process, Health Care

STATUTORY AUTHORITY: 34-A MRSA § 1402

PURPOSE: This rule sets forth procedures for grievances brought by residents of Departmental adult facilities relating to health care. This rule may be repealed and replaced or amended to modify these procedures.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

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 may be needed to clarify and add new information regulating municipal and county variances.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

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 is needed to make updates in accordance with professional practices.

ANTICIPATED SCHEDULE: Prior to October 1, 2025.

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, 2025.

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, 2025.

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, 2025.

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

CONSENSUS BASED RULE DEVELOPMENT: N/A

EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:

None

EXPECTED 2024 - 2025 RULE-MAKING ACTIVITY: None

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

AGENCY: **State Parole Board**
