

Notice of Agency Rulemaking Proposal

AGENCY: 03-201 Maine Department of Corrections

CHAPTER NUMBER AND TITLE: Ch. 1, Detention and Correctional Standards for Maine Counties and Municipalities

TYPE OF RULE (*check one*): Routine Technical Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: This rule is proposed to be amended to clarify and update several of its provisions.

Copies of the proposed rule are available upon request by contacting the Department contact person identified below or on the Department of Corrections website at <https://www.maine.gov/corrections/policies>. Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment.

Date, time and location of PUBLIC HEARING (*if any*): There will be a Rulemaking Public Hearing on December 5, 2024 at 1:00 P.M. to 3:00 P.M. in person in the MDOC Board Room, 3rd Floor, Tyson Building, 45 Tyson Drive, Augusta, ME and also as a virtual meeting on Microsoft Teams. Persons may elect to participate virtually by emailing mary.a.lucia@maine.gov and requesting a Microsoft Teams invitation.

In addition, directions on how to attend the hearing will be posted on the Department of Corrections website and sent upon request to interested persons.

The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed below before November 25, 2024.

COMMENT DEADLINE: December 16, 2024

Written comments may be submitted by mail, e-mail, or fax to the contact person before the end of the comment period or by submitting a comment on the above website. To ensure the comments are considered, they must include the name of the commenter and the organization represented, if any.

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*):

Mary Lucia
Department of Correction
111 SHS
Augusta ME 04333
Phone: (207) 530-0983
Fax: (207) 287-4370
mary.a.lucia@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None

STATUTORY AUTHORITY FOR THIS RULE: Title 34-A, sections 1208 & 1208-B

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different): N/A

AGENCY WEBSITE: <https://www.maine.gov/corrections/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: mary.a.lucia@maine.gov

- The summary provided above is for publication in both the newspaper and website notices.
- The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.
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Please approve bottom portion of this form and assign appropriate AdvantageME number.



APPROVED FOR PAYMENT _____

DATE: 11/6/24

(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
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Additional Information for the Web *(if any)*

DETAILED SUMMARY: The following are the proposed amendments to the current rule:

Standard C.12. is proposed to be amended to clarify that a count requires the observation of living breathing flesh and that staff performing a count must immediately notify their supervisor if they do not observe that or if an inmate is missing.

Standard D.3. is proposed to be amended to add that staff supervising inmates must notify their supervisor and take immediate action to protect an inmate's safety if the inmate is not responsive.

Standards J.2. and J.4. are proposed to be amended to allow a jail to contract with a third party vendor to process and deliver incoming mail, other than legal mail, when there are safety concerns related to the introduction of contraband by incoming mail and to allow extra time for the delivery of incoming mail, other than legal mail.

Standard K.16 is proposed to be amended to require that a jail which is proposing to transfer an inmate to another detention or correctional facility or to a state psychiatric facility, or which has transferred an inmate, provide to the receiving facility a summary of treatment and care that has been provided in the jail, including any court paperwork related to treatment, and to require that additional information be provided upon request.

Standard K.19 is proposed to be amended to require that reports of inmate participation in medication-assisted treatment be submitted to the Department of Corrections on a quarterly basis using the reporting form required by the Department.

Standard P.9 is proposed to be amended and Standard P. 31 is proposed to be added to require that a jail not exceed its rated capacity, require that certain steps be taken if a jail does exceed its rated capacity, and prohibit a jail from refusing to accept an arrested individual except as set out in Standard E.2. (which relates to a person who is unconscious or shows sign of or complains of other serious injury or wounds).