**Department of Corrections**

**2017-2018 Regulatory Agenda**

**November 8, 2017**

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**03-201: Department of Corrections – General**

**03-208: Maine Parole Board**

**03-201**

AGENCY UMBRELLA-UNIT NUMBER: **03-201**

AGENCY NAME: **Department of Corrections - General**

**EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:   
Chapter 10, Subsection 27.2** – Supervised Community Confinement

**Chapter 11, Subsection 18.19.1** – Use of Mechanical Restraints on a Pregnant Prisoner or Pregnant Resident

**EXPECTED 2017 – 2018 RULEMAKING ACTIVITY:**

**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 make revisions required by changed circumstances.

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PURPOSE: This rule will be repealed, as the statutory authority for the rule has been repealed.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

AFFECTED PARTIES: Community agencies having fiscal agreements with the Department

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

**CHAPTERS 10 (ADULT) and 12 (JUVENILE), 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. 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**PURPOSE: This rule will be repealed as the Department has comprehensive grievance**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 which include this subject**

**ANTICIPATED SCHEDULE: Fall/Winter adoption.**

**AFFECTED PARTIES: Clients of the Department of Corrections**

**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: To revise the rule regarding the accommodation of prisoner religious rights, as necessary.

ANTICIPATED SCHEDULE: Winter/Spring 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: Winter/Spring 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) and 12 (JUVENILE) 13 (Community Corrections), Sec. 29.1:** Grievance Process, General

STATUTORY AUTHORITY: 34-A MRSA §1402

PURPOSE: Revision of existing rule as necessary to clarify and streamline the process. ANTICIPATED SCHEDULE: Winter/Spring 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) and 12 (JUVENILE), Sec. 29.2:** Grievance Process, Medical and Mental Health Care

STATUTORY AUTHORITY: 34-A MRSA §1402

PURPOSE: Revision of existing rule as necessary to clarify and streamline the process.

ANTICIPATED SCHEDULE: Winter/Spring 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 & 1208-A

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. 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 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 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:** Certification of Community Intervention Programs

STATUTORY AUTHORITY: 34-A MRSA §1206-A

PURPOSE: To establish rules to certify community intervention programs.

ANTICIPATED SCHEDULE: Spring/Summer adoption

AFFECTED PARTIES: Regulated parties; community intervention programs

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

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

AGENCY: **State Parole Board**

**EMERGENCY RULES ADOPTED SINCE THE PREVIOUS REGULATORY AGENDA:** None

**EXPECTED 2017 - 2018 RULEMAKING ACTIVITY:**

**None**