

Annual List of Rule-Making Activity
Rules Adopted January 1, 2015 to December 31, 2015
Prepared by the Secretary of State, pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: 34-A MRS §§ 1208-B, 1210-D
Chapter number/title: Ch. 3, County Jail Operations Fund Distribution of Funds Formula
Filing number: 2015-163
Effective date: 8/31/2015
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The Legislature enacted by an emergency statute a requirement that the Department of Corrections adopt rules for the distribution to the counties of payments from the County Jail Operations Fund. The Supreme Judicial Court determined on August 6, 2015 that this statute was effective. The counties are in immediate need of these payments in order to continue operations of their jails.

Basis statement:

The Legislature enacted by an emergency statute a requirement that the Department of Corrections adopt rules for the distribution to the counties of payments from the County Jail Operations Fund. The Supreme Judicial Court determined on August 6, 2015 that this statute was effective. The counties are in immediate need of these payments in order to continue operations of their jails.

This rule determines the funding formula to be used by the Department of Corrections in providing counties with payments from the County Jail Operations Fund and sets out the information to be provided to the Department in order for it to distribute payments in accordance with statutory provisions.

Fiscal impact of rule:

Existing funding; no fiscal impact.

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Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: 34-A MRS §3035
Chapter number/title: Ch. 10, Policy and Procedures Manual – Adult: **Subsection 27.3**,
Community Transition Program
Filing number: 2015-187
Effective date: 10/21/15
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement:

The revisions to this rule will allow employers in the State of Maine, especially those who are having difficulties in finding employees, to have an additional pool of potential employees, while at the same time providing additional and more extensive work opportunities for prisoners to assist with community reintegration. These revisions are necessary to adopt on an emergency basis in order to ensure a viable work force for Maine employers who otherwise might be unable to sustain their businesses. The Maine Department of Corrections is proposing revision of the existing rule, Ch. 10 Subsection 27.3, “Community Transition Program”, pursuant to 34-A MRS §3035. The revisions include extending the eligibility for community transition programs from one year to two years prior to a prisoner’s current release date and changing the requirement of requiring a prisoner to serve 120 days in a Department facility to 30 days.

The revisions will allow eligible prisoners an additional year to participate in community transition programs, consisting of Work Release, Education Release and/or Public Service Release. It will also permit prisoners with short sentences to take greater advantage of these programs.

Fiscal impact of rule:
None

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Umbrella-Unit: 03-201
Statutory authority: 34-A MRS §§ 1208-B, 1210-D
Chapter number/title: Ch. 3, County Jail Operations Fund Distribution of Funds Formula
Filing number: 2015-207
Effective date: 11/9/15
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Legislature enacted by an emergency statute a requirement that the Department of Corrections adopt rules for the distribution to the counties of payments from the County Jail Operations Fund. The Supreme Judicial Court determined on August 6, 2015 that this statute was effective. The counties are in immediate need of these payments in order to continue operations of their jails.

Basis statement:

The Legislature enacted by an emergency statute a requirement that the Department of Corrections adopt rules for the distribution to the counties of payments from the County Jail Operations Fund. The Supreme Judicial Court determined on August 6, 2015 that this statute was effective. The counties are in immediate need of these payments in order to continue operations of their jails.

This rule determines the funding formula to be used by the Department of Corrections in providing counties with payments from the County Jail Operations Fund and sets out the information to be provided to the Department in order for it to distribute payments in accordance with statutory provisions.

Fiscal impact of rule:

Existing funding; no fiscal impact

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Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: 34-A MRS §3035
Chapter number/title: Ch. 10, Policy and Procedures Manual – Adult: **Subsection 27.4**, Furlough Pass / Furlough Leave Program (repeals Subsection 18.6, Community Rehabilitative Programs Furlough Policy – Classification)
Filing number: 2015-208
Effective date: 11/9/15
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Maine Department of Corrections repeals Ch. 10 Subsection 18.6, “Community Rehabilitative Programs Furlough Policy – Classification”, and its replacement with Ch. 10 Subsection 27.4, “Furlough Pass / Furlough Leave Program”.

This rule has not been revised since 1988 and needed to be updated to better reflect the current thinking and national trends related to the rehabilitative purposes of furloughs.

Basis statement:

The Maine Department of Corrections is repealing the existing rule, Ch. 10 Subsection 18.6, ‘Community Rehabilitative Programs Furlough Policy – Classification’, and replacing it with Ch. 10 Subsection 27.4, “Furlough Pass / Furlough Leave Program”.

The revisions clarify the purpose of a furlough, better aligning the purposes with the reasons stipulated in the statute; change when a prisoner is eligible for a furlough from five years prior to his or her current release date to two (2) years prior to his or her current release date; provide that only a prisoner who is eligible for community custody status is eligible for a furlough; clarify the conditions a prisoner must abide by on a furlough, the furlough application process, and monitoring of a prisoner while on furlough.

Fiscal impact of rule:

None

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Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: 34-A MRS §3035
Chapter number/title: Ch. 10, Policy and Procedures Manual – Adult: **Subsection 27.3**,
Community Transition Program
Filing number: 2015-224
Effective date: 11/12/15
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

This revision allows work release for prisoners who are not yet classified community custody, but who pose negligible risk in the community. Further, these prisoners will be under Department staff supervision while on work release. This revision is necessary to adopt on an emergency basis in order to provide a work force for a Maine employer needing extra employees for a seasonal business with a time sensitive production need.

Basis statement:

The revisions to this rule will enable the Commissioner to allow prisoners classified minimum custody to participate in a work release program without meeting the ordinary eligibility and application requirements if the program is for a specified period of time necessary to complete a special work release project. All prisoners participating in the program must be under the supervision of Department staff while at the work release site.

This revision allows work release for prisoners who are not yet classified community custody, but who pose negligible risk in the community. Further, these prisoners will be under Department staff supervision while on work release. This revision is necessary to adopt on an emergency basis in order to provide a work force for a Maine employer needing extra employees for a seasonal business with a time sensitive production need.

Fiscal impact of rule:

None