

Maine Corrections Master Plan

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1978 CORRECTIONS MASTER PLAN

N.C.J.R.S.

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ABSTRACT

This Corrections Master Plan is an update and revision of the 1977 Corrections Plan submitted to the 108th Legislature by the Department of Mental Health and Corrections.

This plan addresses the adequacy and capacity of Maine's Correctional System based on information concerning the impact of the new Criminal Code on the State's corrections system.

The plan consists of two major sections. The first section describes the present correctional system. Included in this analysis are descriptions of the capacity of facilities and programs, profiles of admissions to the correctional system, and inmate population level forecasts through 1986. At the end of the section a summary of the issues and problems raised in the section is presented.

The second section addresses the Bureau of Corrections' philosophy, its goals and objectives and strategies for change. This section is summarized by a chart outlining the responsibilities for the implementation of the strategies.

The plan presents a balanced approach to the State's correctional needs. No one ideological focus guides the plan. Rather, an attempt has been made to develop a corrections system that is responsive to the diversity of criminal behavior. In this respect, the plan of action has attempted to meet two concerns - variety and flexibility. Variety in the correctional system is necessary to meet diverse needs. The erratic nature of the criminal justice system emphasizes a need to maintain a flexible posture to constantly changing conditions, many of which are outside the control of the Corrections Administrator.

The plan focuses upon three areas: probation and parole; the range, types and adequacy of programs; and, the flow of offenders into, through and out of the correctional system.

Within the division of probation and parole it is necessary to standardize the pre-sentence investigation and reporting process to the courts. Also, supervision of offenders needs to be improved using a new case management system.

At Maine State Prison and Maine Correctional Center, improvements are necessary in programs and living conditions. Some renovation of existing facilities and additional construction in the form of a gymnasium at Maine State Prison were identified.

The Bureau will attempt to expand its pre-release capability by adding two additional pre-release centers on a regional basis - one in Central Maine (Lewiston or Augusta), and another in the Portland area.

The flow of offenders through the correctional system will be formalized into a progressive system which allows offenders to be gradually re-integrated into the community. This process will include pre-release - a short period of adjustment in a regionally based pre-release facility; and in many instances supervised community release - a period of non-residential supervision in the offender's own community prior to the expiration of sentence.

Two other areas identified as deserving attention are programs and facilities for women offenders and the need to address the problems of deteriorating county jails and to determine their role in an overall correctional system.

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This corrections plan was developed with the participation and expert assistance of the following people:

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"we need not remain trapped in inherited answers.
An awareness of the causes and implications of
past choices should encourage us to greater
experimentation with our own solutions."

(David Rothman, The Discovery of the Asylum,
Little Brown and Co., Boston, 1971)

INTRODUCTION

This corrections plan is an update and revision of the 1977 Adult Corrections Plan submitted to the 108th Legislature by the Department of Mental Health and Corrections. The 1977 Plan has been revised to reflect information gathered on the corrections system since the enactment of the new Criminal Code.

There have been several attempts in the past six years to develop a comprehensive plan for Corrections in Maine. While some aspects of every plan have been implemented, the failure of previous plans to effect significant change in the State's corrections system is well known.

In previous years, correctional planning in Maine was handicapped by inadequate data. This plan, however, has relied on data gathered by the Pennsylvania State University Study of the impact of Maine's new criminal code on sentencing patterns and corrections based on one year experience under the new code. While this data is important, information concerning the effect of the new code is still limited, and other data describing the dynamics of the criminal justice system in Maine is still sparse. This fact necessarily places constraints on the Bureau's ability to develop comprehensive long range plans.

Objectives and Scope

The objectives of this plan are to:

- focus on those areas which the correctional administrator can affect.
- provide the flexibility necessary to respond to unpredictable events.
- provide a basis and direction for correctional action.

The plan consists of a summary report (presented in two sections) and several appendices.

The first section addresses the adequacy and capacity of the present state adult correctional system. In order to accomplish this, a "systems" view of correctional operations is taken. The components of the corrections system are analyzed, and problem areas identified. The second section presents the Department's philosophies, goals, objectives and strategies for improving Maine's correctional system.

This plan does not include an analysis of, and recommendations for, improvements in the county jail system. The Bureau of Corrections recognizes that county jails should be regarded as an important element of the State's total correctional capability. The role of the jails was discussed in planning meetings but it was concluded that definitive action on the county jail situation should await the outcome of two separate studies that are currently underway.

First, a comprehensive study of statewide detention practices is being sponsored by the Maine Sheriff's Association. This study will provide the necessary data base for planning at the county level and on a statewide basis.

Second, a legislative subcommittee is examining the feasibility of establishing a system of regional jails. A report is expected in early January 1979.

In addition, two counties, Franklin and Kennebec, have established citizen planning committees to assess the adequacy of their county jails, and several counties have taken the initiative in examining the feasibility of operating a regional jail of their own. The Kennebec County Citizen's Committee jail report (September 1977) is an important step in what should be a continuing effort of coordination between state and local planning efforts.

Methods

The key element guiding the development of this corrections plan has been the involvement of Bureau of Corrections administrators and staff in the planning process. The Bureau felt that it was important to involve key decision makers in the planning process to insure that the plan adequately addressed correctional problems and presented a realistic and achievable plan of action. Correctional staff were involved in the identification of issues and problems and in discussions relating to goals, objectives and strategies for implementation. The plan therefore represents a consensus on the major goals and objectives the Bureau has for Corrections through 1980.

The development of the adult corrections plan has followed a work plan which has included:

- a. A review of previous plans and studies of Maine's correctional system.
- b. A review of literature from other states and national sources.
- c. Site visits to programs and facilities in Maine.
- d. Interviews with correctional staff.
- e. Inmate interviews.
- f. Meeting with Judges, Prosecutors and Assistant Attorney Generals.
- g. A mail survey to key officials in Maine's criminal justice system.
- h. Analysis of crime and population data.
- i. Analysis of offender populations.
- j. Meetings with a review and advisory committee consisting of corrections administrators and staff.
- k. Use of consultants to make projections of inmate population and to review the planning process.

Finally, the development of the plan met with a series of obstacles which have delayed its completion. Specifically, there were unanticipated delays in receiving critical data from the Penn-State study of the impact of the criminal code and problems related to its analysis. Given the fact that previous plans failed to use data, and as a consequence were not implemented, the Department felt that a delay in the plan completion was justified to insure that accurate data was included.

SECTION I

DESCRIPTION OF EXISTING SYSTEM

- A. FACILITY CAPACITY AND TYPE
- B. PROBATION AND PAROLE
- C. SYSTEM FLOW
- D. SOURCE OF INMATES; FACILITY AND PROGRAM LOCATION
- E. OFFENDER PROFILE
- F. WOMEN OFFENDERS
- G. COSTS
- II. CRIMINAL CODE AND BUREAU OF CORRECTIONS STATUTES
- I. INMATE POPULATION FORECASTS
- J. SUMMARY OF ISSUES AND PROBLEMS

This section provides a brief description of the existing correctional system. First, characteristics of available facilities and probation are described. Elements included in this analysis are the capacity, type, location and operating costs of each facility. Second, a flow chart is provided which describes the movement of offenders through the corrections system, from sentencing to release. Third, the characteristics of offenders sentenced to Bureau of Corrections facilities are examined. This analysis includes: offense type, length of sentence, age of offenders, and sentencing patterns. Fourth, a description and analysis of key elements of the Criminal Code which affect corrections is provided. Statutes which directly affect Bureau operations are also examined. Fifth, forecasts of inmate population levels through 1986 are analyzed. Finally, a summary of key issues and problems is presented.

A. FACILITY CAPACITY AND TYPE

The present types of facilities and programs in the Bureau of Corrections, and corresponding capacities, determine Maine's ability to meet a variety of correctional demands.

The Bureau of Corrections has seven correctional facilities available for placement of sentenced offenders. Five facilities are operated by the State, and two are privately operated halfway houses.

For the purposes of this analysis, two types of capacity are used: operating capacity and bed space capacity.

- Operating capacity is defined as the maximum inmate capacity which can be safely and adequately maintained taking into account the physical design of the facility, present staffing patterns, and programs.

- Bed space capacity is the maximum number of bed spaces available at the facility excluding hospital beds, protective custody and disciplinary segregation spaces. The average capacity in the last column of Table I is the average daily capacity of the facility for fiscal year 1978.

With respect to facility type, four security classifications are used: maximum, medium, minimum and community residential facilities. The residential capacity and security designation of each facility is shown in Table I.

1. Maximum Security Facilities:

Fifty-five percent of the Bureau's total bed space capacity is of the maximum security type available at the Maine State Prison (MSP). The primary characteristics which distinguish the prison as a maximum security facility are:

- Hard perimeter security represented by a wall and manned, armed guard towers.
- Close internal security.
- Self contained programs: most programs at MSP operate within the prison walls.

Programs at MSP include various industries, some education, an inmate novelty program and psychiatric and psychological treatment.

Several living areas at MSP, specifically the East Wing and the protective custody units are in need of renovation. In addition, the building which is presently used as a gymnasium was not built for that purpose and is inadequate for a long-term facility such as MSP.

2. Medium Security Facilities:

The Maine Correctional Center (MCC) is designated as a medium security facility. It accounts for 20% of the State's capacity for males and serves as the State's only facility for adult women. Male offenders can be sentenced to MCC for a maximum of five years; there is no similar limitation for female offenders. Although the facility

is designated as a medium security facility, in practice it operates as both a medium and minimum security facility. An inefficient physical design limits MCC's effectiveness as a medium security facility. The poor design features throughout the interior and along the perimeter of the facility require a large complement of staff to maintain adequate security.

MCC provides educational and vocational programs within the facility and operates supervised work-release programs for qualified inmates. The discrepancy between operating and bed space capacity is due to both the physical characteristics of MCC and the lack of adequate programs capacity. There are waiting lists for many inmate programs. An additional problem is that many programs are of short duration and do not address the needs of longer term offenders.

Facilities for women at MCC consist of a cottage within the perimeter fence. This cottage is designated as medium security. Access to and from the cottage is closely supervised by staff. A house outside the main perimeter of MCC serves as a minimum security pre-release center for women. Women have limited access to the same programs as men. There is a serious lack of meaningful program activity for long-term women offenders. Issues relating to women offenders are discussed in more depth in Section I - F.

3. Minimum Security Facilities:

Minimum security facilities account for 18% of the total state corrections bed space capacity. Minimum security facilities include the Bangor Pre-Release Center, the Bolduc Unit and the Southern Maine Pre-Release Center. The Bangor Pre-Release Center and Southern Maine Pre-Release Center serve as work-release facilities. Selected inmates with less than six months remaining on their sentence are eligible to

be sent to a pre-release facility. The Bangor Pre-Release Center is located on the grounds of the Bangor Mental Health Institute; the Southern Maine Pre-Release Center is a few hundred yards from the main compound at MCC.

The Bolduc Unit was originally designed as a prison farm. It is currently used primarily for offenders sentenced to MSP who have been classified as minimum security risks. The Bolduc Unit operates various vocational training programs and utilizes resources at both the Unit and at MSP. Inmate employees of the prison's novelty store live at the Bolduc Unit.

4. Community Facilities:

The remaining bedspace capacity is in two "Halfway Houses" from which the Bureau purchases space: Pharos House in Portland and the Aroostook Halfway House in Houlton.

In Fiscal Year 1978, Pharos House, because of its location in Portland, has consistently operated at or near 100% capacity. The Aroostook Halfway House in Houlton had an average capacity of less than 40%. Its location, in a relatively remote area of the State, serves an important function by bringing offenders closer to their place of release. Use of the Aroostook Halfway House has increased dramatically in the past 6 months.

SUMMARY:

An analysis of the capacity and type of correctional facilities in Maine indicates that:

- The majority of bed space capacity in the State is of the maximum security type at MSP.
- The poor design of MCC reduce its effectiveness as a medium security facility.
- Community facilities in the form of "Halfway Houses" currently represent a small proportion of Maine's correctional capacity.

TABLE I

Capacity of State Correctional Facilities

<u>Men</u>	Security Type	# of Beds	Operating Capacity	Average FY-78
Maine State Prison	Maximum	401	401	359
Maine Correctional Center*	Medium	168	150	188*
Bolduc Unit	Minimum	64	64	51
Bangor Pre-Release	Minimum	35	25	23
Southern Maine Pre-Release	Minimum	33	33	*
Pharos House	Halfway House	10	8**	8
Aroostook	Halfway House	<u>10</u>	<u>8**</u>	<u>3</u>
	Subtotal	721	689	632
 <u>Women</u>				
Maine Correctional Center	Medium	13	13	--
Maine Correctional Center	Minimum	<u>5</u>	<u>5</u>	<u>--</u>
	Subtotal	18	18	

* Average occupancy at the Maine Correctional Center includes Southern Maine Pre-Release, and the women's programs.

** Number of bed spaces purchased by the Bureau of Corrections.

- MSP's gymnasium is inadequate to meet the needs of a maximum security prison.
- Several living areas at MSP and MCC require renovation to improve safety and living conditions.

B. PROBATION AND PAROLE

The responsibilities of the Division of Probation and Parole fall into two general categories: supervision and investigations. Supervisory responsibilities include delivering services to approximately 3400 offenders on Probation (FY-78) and 300 parolees. Parole numbers are declining due to the abolition of parole. Investigative functions performed by the Division include: pre-sentence investigations; furlough and work-release investigations; and pardons. Forty-four probation and parole officers are responsible for all supervision and investigation in Maine. Administrators have generally agreed that there are problems with pre-sentence investigations and the supervision of offenders on probation and work-release.

1. Pre-Sentence:

During 1977, 1455 pre-sentence investigations were performed by the Division of Probation and Parole. Of these, 624 (42%) were of a formal nature, (i.e., a comprehensive report), and 831 (58%) were informal.

The use of pre-sentence reports by judges varied widely from district to district. District IV, for example, accounted for 60% of all informal and formal pre-sentence reports in the State. Five times as many pre-sentence reports were submitted in District IV than the next most active District (I).

It is apparent that in 3 out of 4 districts, pre-sentence reports are not widely used as part of the sentencing decision. Furthermore, the majority of pre-sentence reports statewide were of an informal nature. This means that no consistent format was used in assessing offenders for the purposes of sentencing to correctional facilities or programs. An analysis of inmate admissions from several prosecutorial districts reinforces the conclusion that there is wide variation in sentencing patterns.

2. Supervision:

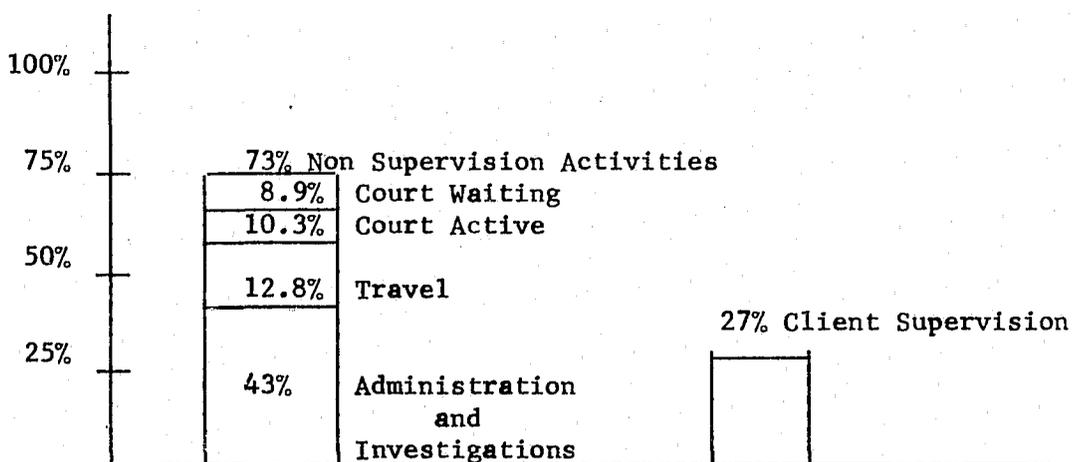
An analysis of the Division of Probation and Parole officers' daily activities in 1977 revealed that only 27% of an officer's time is spent on supervision of offenders. Non-supervisory activities such as travel, administration, court time, and investigations, account for 73% of an officer's time (Table II). On an average day, of 44 probation and parole officers, the equivalent of 13 are engaged in direct supervision of offenders at any one time. This fact has implications for the Division's method of structuring its activities and its ability to provide adequate supervision with its present complement of officers.

TABLE II

1977 PRE-SENTENCE INVESTIGATIONS BY DISTRICT

<u>District</u>	<u>Formal</u>	<u>Informal</u>	<u>Totals</u>
I	144	47	191
II	47	61	108
III	105	70	175
IV	328	653	981
Totals	624	831	

TIME SPENT BY
PROBATION AND PAROLE OFFICERS

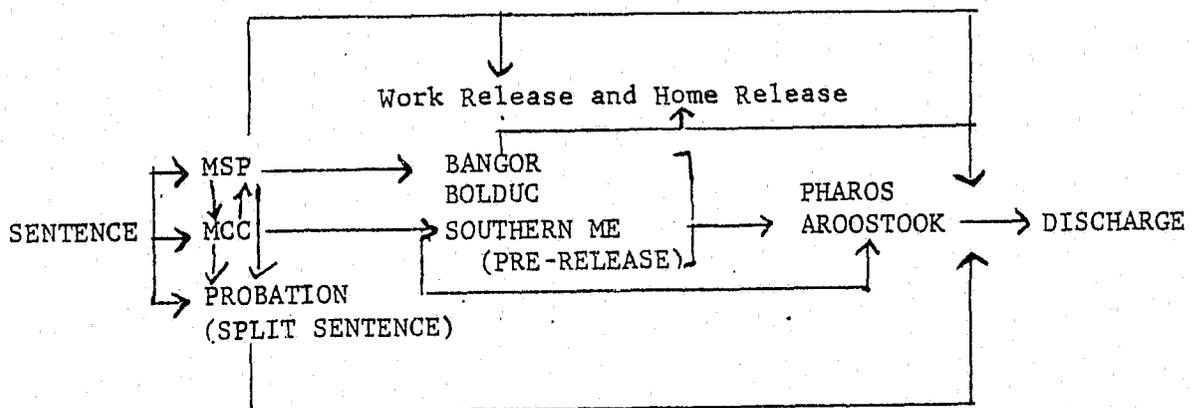


C. SYSTEM FLOW

The following flow chart illustrates the various ways which an offender can move through the State's correctional system.

These movements can occur in the following sequence:

1. Pre-sentence: as noted previously, this takes place at the discretion of the court.
2. Four basic sentencing options are available:
 - MSP
 - MCC: For offenders with sentences of five years or less and women offenders.
 - Split Sentence: Sentence to MSP and MCC followed by a period of probation.
 - Probation
3. Offenders can be transferred between MCC and MSP for reasons of security or program needs. Transfer is made at the discretion of the Bureau Director within statutory guidelines (Appendix D).



4. From MCC and MSP offenders can be:

- transferred to Bangor, Bolduc, or the Southern Maine Pre-Release.
- placed on work release or home release, with the exception that inmates from MSP cannot go directly on home release.
- discharged from sentence.
- transferred to Halfway Houses and county jails for work release.

5. Offenders can be discharged at any point in the system within the statutory time frame.

6. At any time prior to discharge, an offender can be returned to MSP and MCC for program or security reasons.

It is important to note that this system flow does not, in practice, represent the systematic progression of all offenders through a sequence of programs. Rather, some inmates move through the system for one of several possible reasons:

- based on program need and availability of resources.
- inappropriate placement by the courts (for example, offenders sentenced to MSP who are determined to be minimum security risks are transferred to the Bolduc Unit).
- pressures for space (overcrowding at MCC during FY-78, Bangor, Bolduc, etc., necessitated maximum use of home and work release for some offenders).
- availability of minimum security risk offenders for transfer to less secure facilities.

All points above demonstrate that corrections is largely in a reactive situation with respect to how and when it moves offenders to various programs or facilities. The lack of a systematic method for transferring inmates was identified by administrators as a major problem constraining correctional management.

D. SOURCE OF INMATES: FACILITY AND PROGRAM LOCATION

The source of inmates, i.e., the counties where they reside, gives an indication of the areas of potential program needs. Four counties account for over 50% of admissions to MSP and MCC.

- Cumberland	17.7%
- Penobscot	12.9%
- Kennebec	10.2%
- Androscoggin	9.9%

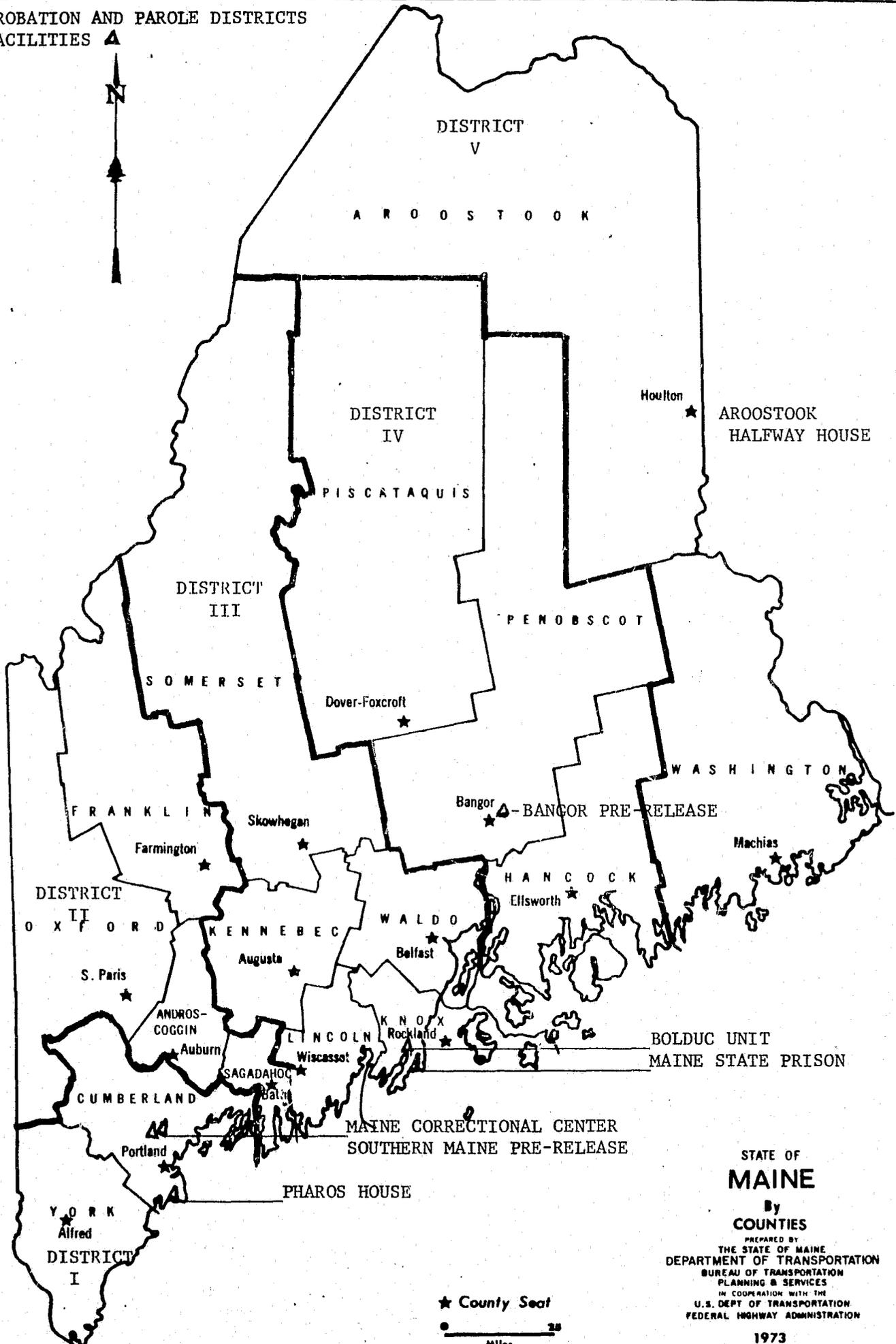
Each of these counties contain one or two urban areas which provide the majority of that county's total admissions.

- Portland	12.2%
- Bangor and Brewer	6.0%
- Augusta and Waterville	5.3%
- Lewiston and Auburn	7.0%

The map on the following page shows the location of correctional facilities and Probation and Parole districts and offices. Only the Bangor Pre-Release Center and Pharos House can be considered to have access to resources in urban areas. The Southern Maine Pre-Release Center, which is adjacent to MCC, has limited access to Portland.

The Bangor Pre-Release Center and Pharos House are the only two facilities located in urban areas which correspond to the source of inmates. Although the Maine Correctional Center and Southern Maine Pre-Release Center are located in a rural area, both are approximately 10 miles from Portland and thus have access to work, educational and vocational programs. However, the rural location of MCC and S.M.P.R.C. make inmates dependent on transportation provided by MCC to reach Portland or other program sites.

PROBATION AND PAROLE DISTRICTS
FACILITIES ▲



STATE OF
MAINE
By
COUNTIES
PREPARED BY
THE STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION
PLANNING & SERVICES
IN COOPERATION WITH THE
U.S. DEPT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

★ County Seat
0 20
Miles

1973

The Prison in Thomaston and the Bolduc Unit have limited access to community resources.

A comparison of facility location and the source of inmates shows that:

- an unmet correctional need is apparent in two areas of the State: Central Maine (Lewiston or Augusta) and Portland (because Pharos House does not have an adequate number of bed spaces to meet the correctional need presented by Cumberland County).

E. OFFENDER PROFILE

The type of offenses for which inmates are sentenced, length of sentences and origin of inmates indicate the type of correctional settings that are required.

The following profile is from admissions data collected by the Pennsylvania State University Study of the impact of the new Criminal Code on the correctional system. The data presented in this section is of offenders sentenced to the Maine State Prison and Maine Correctional Center during the post-code period from May 1976 to April 1977.

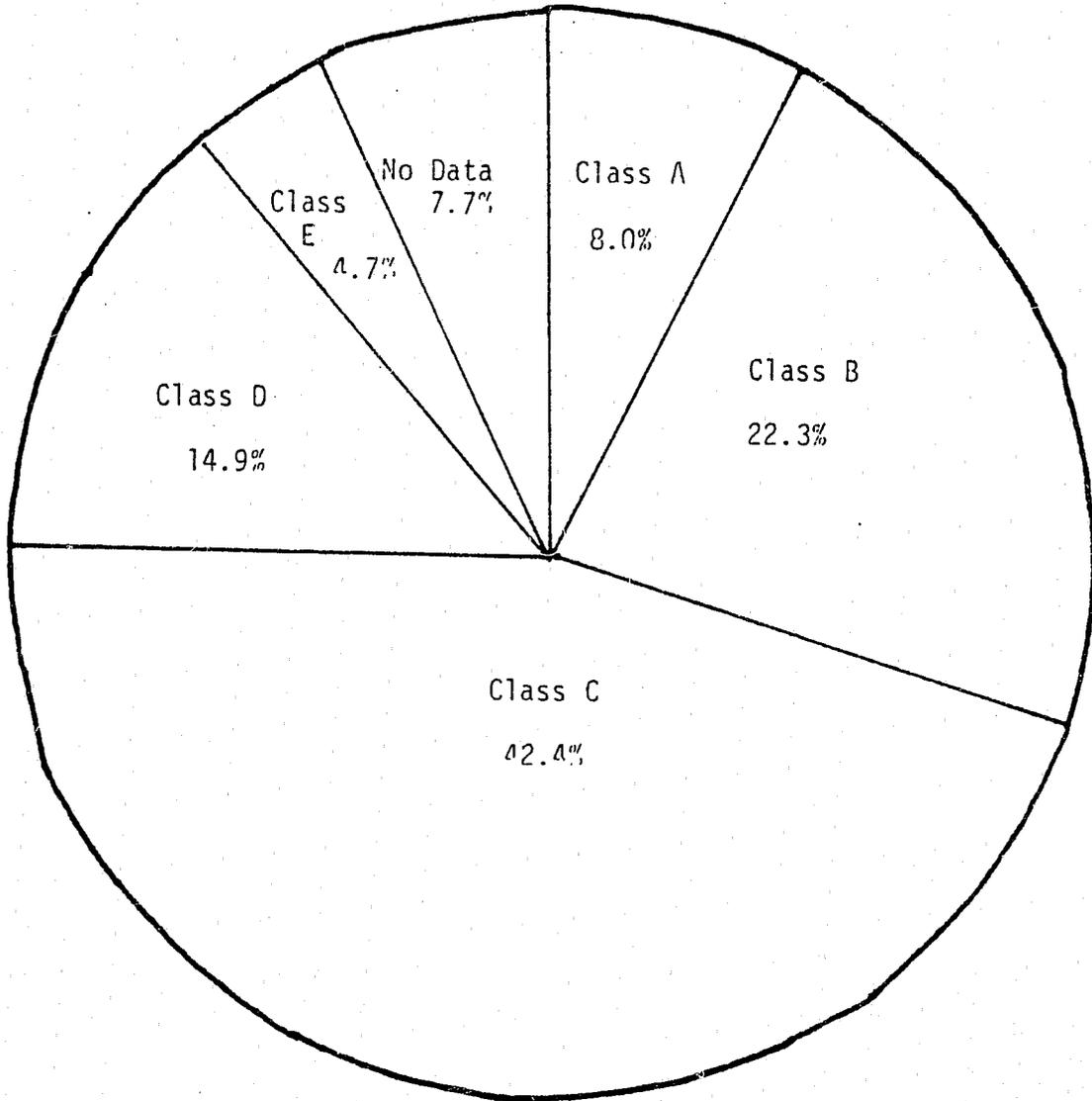
1. Offense Type

The type of offense and length of sentence for which inmates are convicted give an indication of the types of security settings that may be appropriate. The "pie" chart on the next page shows the break down of total admissions to both MCC and MSP by offense class.

The analysis shows that:

- 30% of the inmates committed Class A or B offenses.
- 42.4% of the inmates committed Class C offenses.
- 20% of the inmates committed Class D and E offenses.

PERCENTAGE OF OFFENDERS BY OFFENSE CLASS



An analysis of admissions to each institution by offense class showed that:

- The two most serious offense classes, A & B, accounted for 35.8% of MSP and 24% of MCC admissions.
- Class C offenders were approximately evenly split between MSP with 41.7% and MCC with 43.2% of total admissions to both facilities.
- Class D & E offenses account for 17.5% of MSP admissions and 22% of MCC admissions.

An additional analysis was made of offenders admitted for property offenses and offenses against persons; this provides a further indication of the security requirements of inmates. Of inmates admitted to MCC, 32.4% committed crimes against persons while 56.4% were convicted for property offenses. Almost all of the A & B offenders committed crimes against persons. Forty percent of Class C offenders at MCC were property offenders, and Class D & E offenses are primarily property offenses.

MSP showed a slightly higher percentage of inmates convicted of crimes against persons (39.6%). Property offenders accounted for 41.2% of MSP admissions, of these 31.3% were Class C offenders.

This analysis should not be construed to mean that offense class or the type of offense is an accurate indication of offender "dangerousness". Other offender characteristics may be equally or more pertinent to this determination. However, the data does suggest that the offense class is not the dominant criteria in determining appropriate correctional placements.

2. Sentence Length

The lengths of sentences given to inmates admitted to MSP and MCC provides information regarding the use of facilities and variability or disparity in types of sentences.

a. MCC: Sentence lengths at MCC are limited by statute to 5 years maximum. Of inmates admitted to MCC during the sample period:

- 29.2% had sentences of 6 months or less.
- 21.2% had sentences ranging from 7 to 12 months.
- 45% had sentences ranging from 1 to 3 years.
- 5.2% had sentences of 3 years or more.

To summarize, over 50% of inmates admitted to MCC had sentences of one year or less. Approximately 95% of the inmates had sentences of 3 years or less.

b. MSP: Admissions to MSP showed:

- 7.7% of the inmates with sentences of six months or less.
- 9.7% had sentences ranging from 7 to 12 months.
- Approximately 60% of offenders admitted to MSP had sentences in the range of 1 to 5 years.
- The remaining 20% had sentences ranging from five years to Life (1.3% had Life sentences).

When age of inmates is included as a factor in sentencing, the break-down in sentences between institutions illustrated in Table III was identified. Admissions were approximately evenly split between MSP and MCC with all offenders over 27 years of age going to MSP and those 27 years and under being divided equally between MSP and MCC. The Table III shows that 93% of all offenders were under the age of 27 and had sentences of 5 years or less.

TABLE III

Admissions 1976-77

Age Sentence Length	MCC	MSP		MSP	5 years	5 years	Total
	5 years	5 years	5 years	Total	Total	Total	
27 Years	187	101	12	113	288 (74.4)	12 (3.1)	300 (78)
27 Years	0	70	15	85	70 (18.1)	15 (3.9)	85 (22)
TOTAL	187	171	27	198	358 (93)	27 (7.0)	385 (100)

Another issue arising from the analysis of the Penn State data concerns disparities in sentences. The report of the Penn State Study notes an increased variance in sentences given offenders sentenced under the new Criminal Code compared to the old Code.

This variance is partly attributable to the small number of extremely long sentences being given to some offenders. In addition, the study notes for example, that "substantial percentages of Class A offender received (and continue to receive) less severe punishments than many Class B & C offenders."

In summary, four issues emerge from the analysis of sentencing information:

- It appears that sentences to MSP and MCC are based as much on consideration of space availability as on the offender's specific needs, or the appropriateness of the correctional facility for a specific offender.
- Indications are that both MSP and MCC are being used for offenders with relatively short sentences whose offenses fall in the less serious offense categories (D & E).

- The wide variance in sentences, especially for offenders with extremely long sentences, creates management problems.
- Disparity in sentences being given offenders under the new Code appear to have increased.

It is felt by some Maine correctional administrators that since the Penn-State Study, which dealt only with data within the first year of the new code, the trend in sentencing is towards using the Maine Correctional Center for more severe offenders with longer sentences than had been experienced by Maine Correctional Center in the last five years. It is further felt that if this trend continues, the only Maine medium-minimum security institution (Maine Correctional Center) will become, due to necessity, more a second state prison than its present intended function which is that of a medium-minimum security institution.

F. WOMEN OFFENDERS

The female offender population comprises a small percentage (2%) of the total inmate population of Maine's Correctional facilities. Women are housed at MCC in two buildings. The first is a medium security cottage within the perimeter of the institution's security fence. The capacity of this cottage is 13. A second building with a capacity of 5 is used as a pre-release center and is located outside the security perimeter, approximately 300 yards away. In contrast to male offenders, there is no restriction on sentence length for women at MCC.

Several problems arise from the fact that the State's only facilities for women offenders are located at a formerly "all male" institution. Information concerning offense and sentence length was obtained from a sample of 23 women offenders whose files are still active.

The following problems were identified:

- Lack of an adequate facility or programs for women with long sentences: At present, there are five women sentenced to MCC with sentences ranging from 5 to 30 years. MCC does not have programs or living areas to meet the needs of such inmates, especially inmates who pose a security risk.
- No sentencing alternatives available: The lack of alternative programs and resulting inappropriate incarceration. (15 women have sentences of one year or less) There are no regionally based minimum security facilities for women with short sentences who are not security risks.
- Programs not adequate to meet special needs of women. When the Women's Correctional Center in Hallowell was closed programs geared specifically for women were discontinued. MCC does not now have the resources to meet specific needs of women. For example, a special problem for women offenders concerns the difficulty women have maintaining family ties while in prison.
- Potential overcrowding: The women's capacity at MCC is extremely limited, maximum capacity for women is 18. The Bureau has little flexibility and room for increase. An increase of 3 long-term women offenders would exceed the bed space capacity presently available.

There was a general recognition that MCC has been seriously handicapped in attempting to meet its responsibility for women offenders. The small number of women offenders in the State present special difficulties to the correctional administrator. While Maine's problems are numerous, it should also be noted that many states the size of Maine offer no facilities or services to women offenders, and choose instead to send their women to other states or the federal prison system.

G. COSTS

An analysis of the costs of operating correctional facilities and programs yields two primary results. First, cost analysis provides information concerning the relative cost-effectiveness of different types of correctional facilities. Second, costs are an important factor when evaluating alternative correctional solutions.

The cost data in Table IV is derived from Fiscal Year 1978 expenditures compiled by the Bureau. These figures represent operating costs and include costs of Capital Improvements, Fuel and Food.

In general, it was found that cost figures which could be used for comparative purposes were not reliable. This is because a standardized cost accounting system is not used by the Bureau. An example is the operating cost of the Bolduc and Bangor Units.

Expenditures for these two facilities are separated from the total operating cost of MSP. Thus, their per capita costs may not be reflective of the actual costs of maintaining offenders at these two facilities. As a check against these figures, a comparison was made with the Maine State Bar Association's Correctional Economics Project's analysis of the 1975 costs of operating correctional facilities. As Table V illustrates, the per-capita costs of operating Bolduc and Bangor appear to be substantially understated in the 1978 analysis. The cost differentials between 1978 and 1975 for MCC and the Southern Maine Pre-Release Center in part may be attributable to a significantly higher average daily population in 1978 compared to 1975.

TABLE IV

1978 OPERATING COSTS: STATE CORRECTIONAL FACILITIES *

	<u>Total</u>	<u>Annual Per Capita*</u>	<u>Daily Per Capita</u>
Maine State Prison	\$ 3,367,788	\$ 9,381	\$ 25.77
Bolduc Minimum Security Unit	161,053	3,158	8.67
Bangor Pre-Release	<u>102,898</u>	<u>4,474</u>	<u>12.29</u>
TOTAL	\$ 3,631,739	\$ 8,485	\$ 23.31
Maine Correctional Center	\$ 2,039,739.	-----	-----
Southern Maine Pre-Release Center	<u>112,967</u>	<u>-----</u>	<u>-----</u>
TOTAL	\$ 2,152,706	\$11,450	\$ 31.46
Total Expenses:			
Pharos House	112,000	13,658	37.52
Aroostook	68,924	21,538	59.17
(Cost to State)			
Pharos House	50,395	6,145.73	16.88
Aroostook	65,000	19,117.64	52.52

OPERATING COSTS: PROBATION AND PAROLE

<u>TOTAL</u>	<u>ANNUAL PER CAPITA</u>
\$1,121,000.00	\$303.00

* Includes food, fuel and unemployment compensation costs.

** Annual and daily per capita costs were obtained by dividing total expenditures by the average daily population for 1978.

TABLE V

PER CAPITA EXPENDITURES

COMPARISON BETWEEN CORRECTIONAL ECONOMICS PROJECT (CEP)
AND 1978 DEPARTMENT FIGURES

	<u>CEP' 75</u>		<u>1978</u>	
	<u>Annual</u>	<u>Daily</u>	<u>Annual</u>	<u>Daily</u>
Maine State Prison	\$6,752	\$19.58	\$8,348	\$22.90
Bolduc	6,008	16.53	3,158	8.67
Bangor	6,686	18.32	4,474	12.29
Maine Correctional Center and Southern Maine Pre-Release Center	13,820	37.93	11,827	32.49

Some tentative interpretation of the cost analysis yields the following conclusions:

- The per-capita costs of MCC are high relative to MSP because of the high staff to inmate ration at MCC (1: 1.5). The need to maintain a high staff-inmate ratio is primarily due to the poor physical design of MCC.
- The annual per-capita cost for probation is far below the cost of any type of residential correctional facility.
- The high cost of operating Aroostook is primarily due to the low average daily population at that facility.

H. CRIMINAL CODE AND BUREAU OF CORRECTIONS STATUTES

This section examines the key provisions of the Criminal Code and Bureau of Corrections statutes which effect the administration of Corrections. The major changes promulgated by the new Criminal Code are to establish a system of determinate sentencing¹ and abolish parole². Offenders are sentenced to a specific term at a specific location designated by the sentencing judge. There is also a provision that enables the use of "Split Sentencing".³ Under this provision, offenders receiving probation may be made to serve up to 90 days of their probation in a designated institution.

The Code establishes five classes of offense with maximum penalties specified for each offense class.⁴ With a few exceptions, namely in the use of a firearm⁵ or for offenses such as Murder, there are no mandatory minimum sentences. Probation can be granted for any classified crime "unless one or more of the conditions limiting the granting of probation obtains in the instant case".⁶

1 - 17-A M.R.S.A. 1252
2 - 17-A M.R.S.A. 1254
3 - 17-A M.R.S.A. 1256

4 - 17-A M.R.S.A. 1252
5 - 17-A M.R.S.A. 1252 (5)
6 - 17-A M.R.S.A. 1201 (1)

In comparison to the previous criminal code, the new code does not, on the whole, appear to increase sentence lengths.

While administrative review of sentences in the form of parole has been abolished, one provision of the code allows for the Bureau of Corrections to ask the court to re-sentence inmates with sentences greater than one year.⁷

Determinate sentencing and the abolition of parole give the judiciary wide discretion in sentencing. Judges not only determine the appropriate penalty for an offense, but also determine the correctional placement. Maine is one of few states that make the correctional placement decision a judicial prerogative. The effect of this on the administration of Corrections is significant for corrections officials have limited control over the initial match of correctional resources and inmate characteristics.

The Bureau's administrative statutes are ambiguous with regard to the discretion the Director has to administer correctional resources. The Bureau Director can:

- transfer offenders to other correctional programs for reasons of availability of rehabilitative programs and the most efficient administration of correctional resources. Such transfer can be made only with the written consent of the person to be transferred (34 M.R.S.A. 529).

⁷ - At this writing, the constitutionality of this provision is in question.

- Transfer any man committed to the Maine Correctional Center to the State Prison for reasons of security, overcrowding, or effective programming, or to a county jail. (34 M.R.S.A. 813)

The Bureau Director's authority to administer correctional resources in an efficient manner appears in section 529 to be constrained by the requirement of obtaining written consent of the offender to be transferred. However, section 813 seems to allow transfer from Maine Correctional Center to Maine State Prison without the offender's consent for reasons of "security, overcrowding or effective programming".

The issue that is raised is how to balance the intent of the Code which gives the judiciary the responsibility and authority for correctional placement, and the ambivalent transfer authority of the Director of the Bureau of Corrections. Also at issue is the resentencing provision (17A M.R.S.A. 1154), which allow for resentencing offenders upon petition by the Bureau. The resolution of 1154 will profoundly effect those offenders who have extremely long sentences.

I. INMATE POPULATION FORECASTS

Forecasts of inmate populations levels have become an increasingly popular tool in correctional planning. As part of this correctional planning effort, technical assistance was received to develop an initial set of projections for the State correctional system. This section presents a summary of a report on the inmate

population forecasts made for the Bureau.* Data used in making the projections is contained in Appendix B.

Projecting inmate populations is, at best, an inexact science. As a practical matter, knowledge about the behavior of significant actors in the criminal justice system is limited. The actions of police, prosecutors, and courts all have an effect on the ultimate population that a correctional system has at any one time. The reliability of any projection is necessarily compromised by the frequency of unpredictable and unique events which permeate the criminal justice process.

The normally uncertain nature of population projections is further magnified in Maine. This is primarily due to four factors:

1. The small number of inmates in the State's correctional system which limits the ability to perform reliable statistical analyses.
2. The authority of the courts to specify the institution to which an offender is sentenced.
3. The relatively limited experience with the new criminal code which makes it difficult to identify trends.
4. Severe gaps in data (i.e., court information, such as number of previous offenses). An analysis was done on those factors that are believed to affect inmate population: admissions from the courts (pre- and post-code); sentence lengths (pre- and post-code); expected release

*Only population forecasts for men are included. The number of women in corrections is too small to make useful forecasts.

times (pre- and post-code); parole violations (on pre-code sentenced offenders that become parole violators), and reincarceration lengths of parole violators (pre-code offenders).

A basic two stage forecasting model was used to provide inmate projections for the State to 1986. The two stages included a forecast of admissions and a forecast of releases. These two forecasts were then combined to yield a projection of inmate levels for the entire system.

The admissions stage analysed pre-code and post-code inmates. Two different post-code admissions scenarios were developed. The first is based on trend-line and demographic factors through 1976-77. The series was scaled by the relationship that the 1977-78 projection held to actual admissions in 1977-78.

The second forecast assumes that admission levels repeat the 1977-78 experience. The assumption is based on the belief that the New Code's impact on judge's sentencing patterns substantially breaks any and all trends and establishes a whole new foundation in sentencing patterns.

Similar to the admissions analysis, the release stage was divided into those releases made to inmates serving convictions preceding the New Criminal Code and those made to inmates incarcerated on post-code crimes. The pre-code offenders it is assumed are released via parole. Post-code inmates are released based on a formula which calculates good time and gain time credits to reduce the sentence. Parole release is no longer considered to be a factor in the 1985-86 projections.

The two admissions and two release scenarios are combined to produce two population projections illustrated in Table VI and the graph.

There is a substantial difference in the implications for correctional planning of each projection. Projection I indicates the need to handle 319 additional offenders in the correctional system by 1986. Projection II implies that present capacity levels are adequate to meet short-term needs. Actual experience under the new Criminal Code has the correctional system undergoing transient periods of overcrowding.

The threat of overcrowding was particularly acute during the period January to March 1978, when both Maine State Prison and Maine Correctional Center reached maximum capacity levels. However, as the two variant projections suggest, the long-term effect of the Code upon inmate population levels is still unclear. This underscores the need to exercise caution when using projections to establish long-term plans.

From the information currently available, the following statements can be made:

- In the short term, recent experience indicates that the Bureau requires alternatives to ease the potential for overcrowding at MSP and MCC.
- With regard to the available forecasts, the Bureau needs to maintain a flexible posture and continue to monitor system response to the Criminal Code.
- The Bureau should have the ability to respond quickly to changing conditions within the correctional system.
- The Bureau should attempt to have an element of control over present and future inmate levels.
- Indications are that MSP will have, over time, an increasing number of inmates with extremely long sentences (30-70 years). Without parole to enable early release, the existence of long-term inmates present potential management problems at MSP.

TABLE VI

INMATE POPULATION FORECASTS

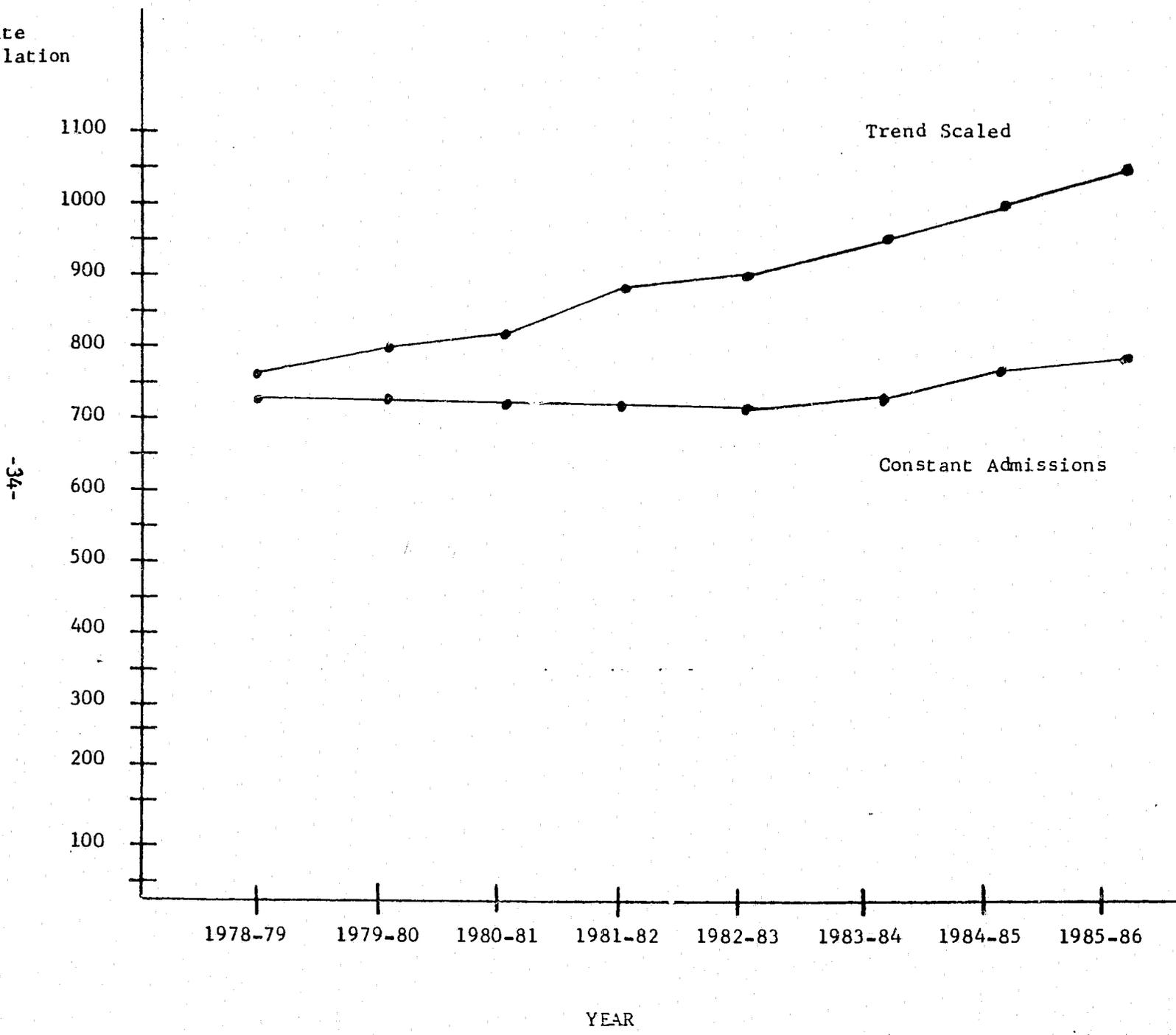
FORECAST I: TREND SCALED

	<u>Beginning Inmate Population</u>	<u>Ending Inmate Population</u>	<u>Net Gain</u>
1978-79	744	760	16
1979-80	760	783	23
1980-81	783	826	43
1981-82	826	868	42
1982-83	868	909	41
1983-84	909	959	50
1984-85	959	1004	45
1985-86	1004	1079	75

FORECAST II: CONSTANT ADMISSIONS

	<u>Beginning Inmate Population</u>	<u>Ending Inmate Population</u>	<u>Net Gain</u>
1978-79	744	737	-7
1979-80	737	729	-8
1980-81	729	729	0
1981-82	729	727	-2
1982-83	727	730	3
1983-84	730	742	12
1984-85	742	752	10
1985-86	752	763	11

mate
pulation



-34-

YEAR

J. SUMMARY OF KEY ISSUES AND PROBLEMS

1. Facilities and Programs:

- a. MSP and MCC are being used for offenders with relatively short sentences whose offenses fall into the less serious offense categories (D and E); this contributes to overcrowding and management problems result from the mixing of short and long term offenders. These are offenders who would be the most eligible for placement in alternative programs and facilities.
- b. Potential management problems exist at MSP because of the presence of an increasing number of inmates with extremely long sentences who, since the abolition of parole, have no hope for early release.
- c. Two living areas at MSP, the East Wing and the Security Units, require renovation.
- d. MSP does not have an adequate gymnasium. The building currently being used as a gym is too small and inadequate for the needs of a long term facility such as MSP.
- e. MCC does not have adequate programs for inmates with sentences longer than 3 years. For example: There is no Industry Program at MCC.
- f. The use of MCC is limited by a physical structure which makes it able to handle only offenders who do not present a security risk.
- g. The location of most correctional programs and facilities is not convenient to community resources.
- h. The location of most correctional programs and facilities does not facilitate the placement of offenders near their own communities.
- i. There are no standards for the use of correctional programs and facilities; the result is that occasionally inappropriate placements are made to correctional facilities.

2. Probation and Parole

- a. Pre-sentence reports are not uniformly used by the courts. This may be a contributing factor to the inappropriate use of correctional facilities.
- b. There is no formal process for re-integrating offenders into the community. At present, transfer decisions to

place inmates in pre-release facilities and work-release programs are often made because of pressure to free additional space within the correctional facilities.

- c. The Bureau Director's authority to transfer inmates to various correctional programs is unclear. This limits the Bureau's flexibility to place offenders in appropriate settings.

3. Women Offenders

- a. There is a general lack of alternative programs and facilities for women offenders because of the small number of women offenders in Maine. MCC does not have adequate resources to handle women offenders.
- b. Women who are serious security risks are housed with women who are less serious offenders. This creates program and management problems at MCC.
- c. There is a serious lack of programs for women with long sentences. This, in part, relates to the lack of an industry at MCC.
- d. There are no regionally based correctional programs and facilities for women that are close to the women's homes.
- e. There is the potential of overcrowding the women's facilities that are currently available.
- f. Special attention needs to be paid to the specific needs of women offenders; for example, there are difficulties in helping women maintain contact with family members.

4. Inmate Population Forecasts

- a. No clear trend has been established regarding future inmate population levels. For the near future, continued fluctuation in inmate population levels is expected.
- b. Recent experience suggests the need to alleviate overall crowding at MSP and MCC.

5. Costs

- a. The lack of a uniform cost accounting procedure makes it difficult to determine costs of correctional programs for comparative purposes.

SECTION II

ISSUES AND RECOMMENDATIONS

- A. CORRECTIONAL PHILOSOPHY
- B. GOALS, OBJECTIVES AND
STRATEGY FOR CHANGE
- C. SUMMARY

A. CORRECTIONS PHILOSOPHY

This section outlines the principles that provide the basis for the recommendations contained in the next section.

The Criminal Code attempts to provide a basis for correctional action by articulating eight purposes of sentencing.¹ Deterrence, incapacitation, rehabilitation and retribution are all listed as legitimate goals of sentencing. However, several writers have noted the ambivalent and contradictory nature of the purposes outlined in the Code.² Together, these principles provide little guidance to the correctional policy maker in Maine.

Nationally, corrections has recognized the need to re-define its role. Rehabilitation, which provided the basis for much correctional activity, is being reassessed as the dominant model for corrections. While the purposes of sentencing outlined in the new Criminal Code may be ambiguous, determinate sentencing and the abolition of parole have removed some props from under the rehabilitative ideal. Thus, the new Criminal Code has necessitated a re-examination of correctional philosophy in Maine.

The Bureau of Corrections recognizes the variety of functions which the public expects corrections to fill. In articulating a philosophy, therefore, the Bureau has attempted to avoid a single ideological thrust upon which correctional action can be premised. This comes from the acceptance of the diversity of criminal behavior and the variety of responses such diversity necessitates. There has also been the increasing recognition manifested in part by the new Criminal Code,

1 - 17-A M.R.S.A. 1151

2 - M.Zarr "Sentencing" Maine Law Review, 28, Special Issue 1976
P. 118, Opsit Penn State University

that corrections must operate within the bounds of principles of justice. Corrections is, in fact, torn between a variety of demands, which often conflict. The administrator of a corrections agency must be sensitive to the requirement for public safety, the bounds of program and financial Resources, the rights of inmates and staff, and the need to pursue good management practices. These often conflicting demands forces the correctional administrator to perform a difficult balancing act.

Two guiding concerns emerged about this plan from the many discussions held by the correctional administrators; variety and flexibility. Variety in correctional programs is necessary to meet diverse needs. Flexibility is required because of the vicissitudes of the criminal justice and correctional system. More specifically, the following has served as the implicit guiding hand in the planning process:

1. Incarceration: The Bureau recognizes its responsibility to protect the public by providing maximum security incarceration for dangerous offenders.
2. Economy and Deserts: The Bureau finds that certain offenders are more appropriate to certain types of facilities and that discrimination be used in the selection of correctional remedies along the principles of economy and deserts.

The principle of economy requires the use of the least restrictive correctional action necessary to achieve specific sentencing objectives.

The principle of deserts limits the type or degree of correctional action to that which is deserved by the last crime or series of crimes for which an offender is convicted.

For example, offenders perceived to be dangerous should be incarcerated in secure settings. Non-dangerous offenders should be handled in less secure, less costly settings. This point of view specifically addresses the present use of MSP for offenders with short sentences who clearly do not present a security risk.

3. Opportunities for self-improvement: The Bureau believes that it should offer the opportunity for self-improvement and rehabilitation to those offenders who are so motivated.
4. Re-integration: The Bureau believes in the philosophy of re-integration because of a single persuasive factor - most offenders will eventually return to society. Re-integration rises out of the need to minimize the negative effects of incarceration, and to give practical help to enable the offender to return to his or her community.
5. Maintenance of family and cultural ties: When possible, the Bureau believes efforts should be made to maintain an offender's family and cultural ties. This position supports the placement of offenders as close as possible to their own communities where appropriate.
6. Standards of operation: The Bureau feels strongly that contemporary standards covering safety, living conditions and programs be met and maintained.
7. Justice and fairness: The Bureau recognizes the requirement of fairness in its dealings with inmates and staff. To this extent the Bureau believes that guidelines and standards provide insurance against unbridled discretion at all levels of the criminal justice system.

Together these principles provide a framework for the goals, objectives and strategies which follow. None of these principles are new; they have been recommended and promoted as a guide for correctional action in numerous national studies and reports on corrections.

B. GOALS, OBJECTIVES AND STRATEGIES FOR IMPLEMENTATION

The previous sections summarized the problems identified in the analysis of the existing correctional system in Maine and the Bureau's philosophy in addressing these problems. This section presents the Bureau's goals, objectives and strategies for implementation. It should be noted that they are not necessarily listed in the order of their priorities.

1. PROBATION AND PAROLE

A. GOAL: TO STANDARDIZE THE USE OF PRE-SENTENCE
 INVESTIGATIONS AND REPORTS

OBJECTIVE: - TO INSURE APPROPRIATE CORRECTIONAL PLACEMENTS
 - TO IMPROVE CORRECTIONAL MANAGEMENT BY INCREASED
 PARTICIPATION IN CORRECTIONAL PLACEMENT
 DECISIONS

STRATEGY: 1. Bureau and Judicial Policy: The Bureau will approach the judiciary to attempt to establish joint guidelines to standardize the use of pre-sentence reports and investigations.

2. Legislation: The Bureau will discuss with the judiciary the feasibility of legislation requiring mandatory pre-sentence reports in criminal convictions.

3. The Bureau will move to specialize pre-sentence investigation and reporting functions within the Division of Probation and Parole in those courts which account for the greatest volume of cases and pursue the resources required.

4. The Bureau will establish guidelines for the use of correctional facilities and programs.

B. GOAL: TO IMPROVE SUPERVISION OF OFFENDERS ON PROBATION AND PAROLE

OBJECTIVE: - TO DEVELOP A METHOD FOR EFFICIENTLY EMPLOYING THE LIMITED RESOURCES OF THE DIVISION OF PROBATION AND PAROLE TOWARDS OFFENDERS WHO REQUIRE INTENSIVE SUPERVISION SERVICES.

- STRATEGY:
1. The Division of Probation and Parole is in the process of implementing the "Differential Caseload Management by Objectives" (DCMBO) system which is designed to identify those offenders who require intensive supervision. The purpose of the system is to allocate limited supervision resources in the most efficient and effective manner.
 2. To implement American Correctional Association Standards governing probation practices. The Division is currently in the process of identifying and implementing "no cost" standards.

2. FACILITIES AND PROGRAMS

A. GOAL: TO EXPAND CORRECTIONAL PLACEMENT OPTIONS

OBJECTIVES: - TO EASE THE POTENTIAL FOR OVERCROWDING AT MSP AND MCC
- TO CREATE ADDITIONAL FLEXIBILITY WITHIN THE

CORRECTIONAL SYSTEM FOR NON-DANGEROUS
OFFENDERS WITH SHORT SENTENCES

- TO EXPAND PRE-RELEASE AND SENTENCING OPTIONS
ON A REGIONAL BASIS

- STRATEGY: 1. The Bureau will attempt to establish two minimum security work and pre-release centers. The facilities will be located in Portland and Central Maine, either Lewiston or Augusta. To reduce costs, efforts will be focused on using available state facilities such as those currently available in the Augusta area.
2. The Bureau will attempt to increase the use of restitution and community services work both as an alternative to incarceration and in combination with incarceration. To accomplish this, two additional steps need to be taken:
- a) A more formal process will be established for the administration and supervision of offenders making restitution or performing community service work.
 - b) Criteria and standards for the use of restitution and community service will be established to include a method of awarding good time for restitution or community service.
3. Utilize suitable county jails as short-term placement alternatives to MSP and MCC.

4. Examine alternative methods of establishing regional sentencing facilities. The Bureau believes that county jails have the potential to serve as regional sentencing facilities. Utilizing the findings of the Statewide Detention Study and the legislative committee on regional jails, the Bureau supports a comprehensive analysis by the Correctional Advisory Commission of alternative ways in which regional sentencing facilities might be established and funded. This analysis should also include a definition of the role of county jails in the overall correctional system.
5. Update and improve county jail standards. The Bureau will continue its efforts to strengthen its ties with county jails by jointly working to rewrite county jail standards. In support of this effort, the Bureau will apply for technical assistance from the National Institute of Corrections.
6. Increase use of split sentences by seeking the repeal of the 120 day limit at MSP.
7. Continue to refine a contingency strategy to cope with unanticipated overcrowding and emergency situations.
8. Seek purchase of services to an increased degree.
9. Explore possibility of establishing a second medium-minimum security facility in the event that programs and overcrowding render present system resources inadequate.

B. GOAL: TO IMPROVE CORRECTIONAL MANAGEMENT

- OBJECTIVE: - TO DEFINE THE FUNCTIONAL USES OF MSP AND MCC
IN TERMS OF THEIR PHYSICAL AND PROGRAM ADEQUACY,
- TO INSURE APPROPRIATE USE OF CORRECTIONAL
FACILITIES AND RESOURCES FOR THE OFFENDER
POPULATION.
- TO BRING FACILITIES AND PROGRAMS TO NATIONAL
STANDARDS.
- TO PROVIDE A UNIFORM COST ACCOUNTING SYSTEM

STRATEGY: 1. The Maine State Prison: The Prison is functionally able to handle offenders who require maximum security incarceration and inmates with long sentences whose program needs can be met at MSP. The Bureau will attempt to improve its ability to provide adequate programs and living facilities by:

- a) maintaining and upgrading the Industries program,
- b) providing appropriate mental health services for inmates who need them. A "forensic task force" is presently addressing the special problems of mentally ill offenders. A report on its findings and recommendations is expected in January 1979,
- c) improving the physical adequacy of MSP through renovation and construction of key areas. The Bureau will also seek funds to:

- (1) construct a gymnasium,
- (2) renovate the East Wing to improve safety and living conditions,
- (3) renovate the protective custody and segregation areas.

2. Maine Correctional Center: MCC is physically and programmatically able to handle offenders who are a medium and minimum security risk and have sentences for less than five years. The strategy for improving MCC's ability to handle its inmate population includes:

- a) establishing industries for use by both men and women offenders,
- b) improving mental health services by seeking a stable source of funding (i.e., State),
- c) seeking funds to renovate the Southern Maine Pre-Release Center.

3. Improve security and communications in accordance with recommendations such as those contained in the Operations System, Inc. report (1978). Specifically, to establish a more comprehensive system of security through electronic perimeter surveillance at MCC and MSP in combination communications equipment. Seek additions of

up-to-date communications and security equipment for all levels of the Bureau of Corrections.

4. The Bureau will implement "no cost" American Correctional Association Standards for correctional institutions at MSP and MCC. In addition, standards which require funds or legislation to implement will be identified. The Bureau has already received a federal grant for this purpose.
5. Continue to monitor and examine the impact of the Criminal Code on prison populations. Specifically, to explore alternatives for the increasing number of offenders who are being sentenced for very long sentences.
6. The Bureau will pursue implementation of the OBCIS Program.
7. Provide comprehensive training for all levels of corrections personnel.
8. Explore alternatives and options for offenders with long-term sentences
9. The Bureau will attempt to add a small component of key staff positions so that Bureau services to the correctional system can be enhanced. This was also recommended by a NIC Consultant report on Bureau operations (1978).

3. SYSTEM FLOW

A. GOAL:

TO ENABLE SELECTED OFFENDERS TO FOLLOW A PROGRESSIVE SYSTEM WHICH ALLOWS FOR A GRADUAL REINTEGRATION INTO THE COMMUNITY

OBJECTIVE: - TO FORMALIZE A PROGRESSIVE SYSTEM FOR
RE-INTEGRATING OFFENDERS INTO THE COMMUNITY -
This includes

- Pre-release: a short period of adjustment
in a minimum security facility.
- Supervised Community Release: a period of
non-residential supervision in the offender's
own community prior to the expiration of
sentence.

- STRATEGY: 1. Increase meritorious good time from 2 to 5
days a month.
2. Review and simplify present classification
procedures.
3. Clarify the transfer authority within Maine
statutes to provide the Bureau Director
flexibility to transfer inmates to various
corrections programs.
4. Establish guidelines for the use of the
progressive system.

4. WOMEN OFFENDERS

A. GOAL: TO IMPROVE THE STATE'S ABILITY TO HANDLE
SHORT AND LONG-TERM WOMEN OFFENDERS

- OBJECTIVE: - TO PROVIDE ADEQUATE PROGRAMS AND LIVING
ARRANGEMENTS FOR WOMEN OFFENDERS IN MAINE.
- TO ENABLE WOMEN TO MAINTAIN FAMILY AND
CULTURAL TIES.

- STRATEGY:
1. Assign responsibility within MCC for women's programs.
 2. Improve program capability at MCC by attempting to add an industry in which women can work.
 3. Increase the ability of women offenders to maintain family ties by improving visiting capability at MCC.
 4. Examine options for providing adequate security, housing and programs for women with long sentences.
 5. Examine feasibility of using appropriate county jails for work release and pre-release on a regional basis.

C. SUMMARY

GROUP RESPONSIBLE FOR IMPLEMENTATION

	BUREAU OF CORRECTIONS	COURTS	LEGISLATURE
1. <u>PROBATION AND PAROLE</u>			
a. <u>Goal:</u> TO STANDARDIZE THE USE OF PRE-SENTENCE INVESTIGATIONS AND REPORTS			
(1) Establish guidelines for use of pre-sentence reports.	X	X	
(2) Examine feasibility of mandatory pre-sentence reports.	X	X	X
(3) Special pre-sentence function.	X		
(4) Establish guidelines for use of correctional facilities and programs.	X		
b. <u>Goal:</u> TO IMPROVE SUPERVISION OF OFFENDERS ON PROBATION AND PAROLE			
(1) Implement DCMB0 System	X		
(2) Implement ACA Standards	X		

	BUREAU OF CORRECTIONS	COURTS	LEGISLATURE
2. <u>FACILITIES AND PROGRAMS</u>			
a. <u>Goal:</u> TO EXPAND CORRECTIONAL PLACEMENT OPTIONS			
1. Establish two minimum security pre-release centers.	X		X
2. Increase use of restitution and community service work.	X	X	X
3. Utilize jails as alternatives to MSP and MCC.	X		
4. Examine feasibility of regional sentencing facility.	X		X
5. Update and improve county jail standards.	X		
6. Seek repeal of split sentence - 120 days maximum at MSP.	X		X
7. Refine contingency plans for overcrowding and emergencies.	X		
8. Increase use of purchase of services.	X		X
9. Explore possibility of adding a new institution.	X		X
b. <u>Goal:</u> TO IMPROVE CORRECTIONAL MANAGEMENT			
1. <u>MSP:</u>			
(a) Upgrade Industry Program.	X		X
(b) Provide mental health services.	X		X

	BUREAU OF CORRECTIONS	COURTS	LEGISLATURE
<u>MSP</u> : (Continued)			
(c) Renovate living areas.	X		X
(d) Construct new gymnasium.	X		X
2. <u>MCC</u> :			
(a) Establish industry.	X		X
(b) Improve mental health services.	X		X
(c) Renovate Southern Maine Pre-Release Center.	X		X
3. Improve Security	X		
4. Implement "no cost" ACA Standards.	X		
5. Identify "cost" standards.	X		
6. Monitor Criminal Code impact.	X		
7. Implement OBCIS	X		
8. Provide comprehensive training for corrections personnel.	X		X
9. Explore alternatives for inmates with long sentences.	X		X
10. Provide additional Bureau staff positions.	X		X

BUREAU OF CORRECTIONS

COURTS

LEGISLATURE

3. SYSTEM FLOW

a. Goal: TO ENABLE SELECTED OFFENDERS TO FOLLOW A PROGRESSIVE SYSTEM WHICH ALLOWS FOR GRADUAL RE-INTEGRATION INTO THE COMMUNITY.

1. Increase meritorious good time.
2. Review and simplify classification procedures.
3. Clarify transfer authority.
4. Establish guidelines.

X
X
X

X
X

4. WOMEN OFFENDERS

a. Goal: TO IMPROVE THE STATE'S ABILITY TO HANDLE SHORT AND LONG-TERM WOMEN OFFENDERS.

1. Assign responsibility for women's programs.
2. Provide industry for women.
3. Improve visiting capability.
4. Examine program and facility options for women with long sentences.
5. Use county jails for pre-release

X
X
X
X
X

X

APPENDICES

A. INMATE PROFILE DATA

B. POPULATION FORECAST DATA

C. CRIME DATA

D. ELEMENTS OF CRIMINAL CODE AND BUREAU OF CORRECTIONS STATUTES

E. CHRONOLOGY OF STUDIES AND REPORTS - MAINE'S CRIMINAL JUSTICE
SYSTEM AND LITERATURE REVIEW AND BIBLIOGRAPHY

APPENDIX A-1

Inmate Profile Data

This appendix presents a summary of the extensive data analysis of admissions to MSP and MCC during 3 sample years. The primary inmate profile data was collected in conjunction with the Pennsylvania State University Study of the impact of determinate sentencing and the abolition of parole in Maine. Information was collected on all admissions to MSP and MCC for the periods:

May 1971 - April 1972

May 1973 - April 1974

May 1976 - April 1977

The tables presented in this appendix are from the 1976-77 data.

Inmate profile data was also obtained from the following sources:

- Maine State Prison: "Statistical Report"
(Fiscal year ending June 30, 1977)
- Maine Correctional Center: Monthly Reports 1977-1978
- Division of Probation Reports - 1977-1978

AGE AT ADMISSIONMaine Correctional Center

<u>Age</u>	<u># of Inmates</u>	<u>% of Inmates</u>
15 - 17	10	4.0
18 - 19	93	37.2
20 - 24	131	52.4
25 - 34	15	6.0
35 - 44	1	0.4
45 -	-	--
TOTAL	<u>250</u>	<u>100.0</u>

Maine State Prison

<u>Age</u>	<u># of Inmates</u>	<u>% of Inmates</u>
15 - 17	1	0.3
18 - 19	29	9.8
20 - 24	95	32.0
25 - 34	124	43.0
35 - 44	36	12.1
45 - and over	12	3.8
TOTAL	<u>297</u>	<u>100.</u>

OFFENSEMAINE CORRECTIONAL CENTER

	<u>No. of Inmates</u>	<u>Percent of Inmates</u>
--	---------------------------	-------------------------------

CLASS A

Rape	2	0.8
Gross Sexual Misconduct	1	0.4
Kidnapping	1	0.4
Burglary w/Firearm	1	0.4
Aggravated Arson	3	1.2
Robbery w/Weapon	4	1.6

CLASS B

Criminal Homicide	3	1.2
Aggravated Assault	10	4.0
Gross Sexual Misconduct	1	0.4
Receiving Stolen Property	1	0.4
Burglary	2	0.8
Robbery	12	4.8
Hindering Apprehension	1	0.4
Aggravated Arson	1	0.4
Arson	4	1.6
Drug Trafficking (W)	9	3.6
Conspiracy to Commit Class A Offense	1	0.4
Attempt to Commit a Class A Offense	2	0.8
Solicitation to Commit a Class A Offense	1	0.4

CLASS C

Criminal Homicide 4th Degree	1	0.4
Unlawful Sexual Contact	1	0.4
Receiving Stolen Property (\$1000-\$5000)	1	0.4
Burglary	96	38.4

Maine Correctional Center
Offense (Continued)

- 2 -

<u>Class C - continued</u>	<u>No. of Inmates</u>	<u>Percent of Inmates</u>
Escape	2	0.8
Conspiracy to Commit Class B Offense	2	0.8
Attempt - Class B Offense	1	0.4
Theft (\$1000 - \$5000)	3	1.2
Terrorizing	1	0.4
<u>CLASS D</u>		
Assault - Simple	4	1.6
Criminal Threatening	1	0.4
Sexual Abuse of Minors	1	0.4
Unauthorized Use of Property	4	1.6
Theft (400 - \$1000)	6	2.4
Theft by Deception	1	0.4
Criminal Trespass	3	1.2
Endangering the Welfare of a Child	1	0.4
Forgery	1	0.4
Uttering	5	2.0
Criminal Mischief	1	0.4
Drug Trafficking (Y or Z)	7	2.8
Furnishing Drugs (X,Y,Z)	1	0.4
Possession of W or X Drug	2	0.8
<u>CLASS E</u>		
Theft (Under \$500)	10	4.0
Theft by Deception (Under \$500)	1	0.4
Theft	1	0.4
Receiving Stolen Property (Under \$500)	2	0.8
Criminal Trespass	1	0.4
Possession of Y Drug	1	0.4
No Data	<u>26</u>	<u>11.2</u>
Total	250	100.0%

OFFENSEMAINE STATE PRISON

	<u>No. of Inmates</u>	<u>Percent of Inmates</u>
<u>CLASS A</u>		
Criminal Homicide - 1st Degree	1	0.3
Criminal Homicide - 2nd Degree	3	1.0
Criminal Homicide - 3rd Degree	1	0.3
Rape	5	1.7
Gross Sexual Misconduct	1	0.3
Kidnapping	2	0.7
Burglary	6	2.0
Arson	6	2.0
Attempt to Commit Homicide	1	0.3
Robbery w/Weapon	6	2.0
<u>CLASS B</u>		
Criminal Homicide - 4th Degree	4	1.3
Aggravated Assault	32	10.8
Theft (exceeding \$5000)	1	0.3
Burglary	2	0.7
Robbery	20	6.7
Aggravated Forgery	1	0.3
Arson	7	2.4
Unlawful Trafficking In Drugs	3	1.0
Conspiracy to Commit Class A Offense	2	0.7
Attempt to Commit Class A Offense	2	0.7
<u>CLASS C</u>		
Accessory After the Fact	1	0.3
Criminal Homicide - 4th Degree	3	1.0
Gross Sexual Misconduct	4	1.3

Maine State Prison

- 2 -

Offenses (Continued)

<u>Class C - continued</u>	<u>No. of Inmates</u>	<u>Percent of Inmates</u>
Unlawful Sexual Conduct	1	0.3
Theft (\$1000 - \$3000)	1	0.3
Burglary	89	30.0
Perjury	1	0.3
Escape	10	3.4
Criminal Use of Explosives	1	0.3
Drug Trafficking	3	1.0
Unlawful Furnishing of Drugs	1	0.3
Attempt to Commit Class B Offense	3	1.0
Theft by Unauthorized Taking	5	1.7
Terrorizing	1	0.3
<u>Class D</u>		
Disposing of a Human Body	1	0.3
Assault	3	1.0
Criminal Threatening	1	0.3
Sexual Abuse of Minors	3	1.0
Unlawful Sexual Conduct	2	0.7
Criminal Restraint	1	0.3
Theft (\$500 - \$1000)	12	4.0
Receiving Stolen Property	1	0.3
Uttering	1	0.3
Assault on an Officer	2	0.7
Hindering Apprehension or Prosecution	1	0.3
Criminal Mischief	2	0.7
Promoting Prostitution	1	0.3
Drug Trafficking (Cannabis)	7	2.4
Unlawful Possession of Drugs	2	0.7
Acquiring Drugs by Deception	1	0.3

Maine State Prison

- 3 -

Offenses (Continued)

<u>Class D - continued</u>	<u>No. of Inmates</u>	<u>Percent of Inmates</u>
Conspiracy to Commit Class C Offense	1	0.3
Attempt to Commit Class C Offense	1	0.3
<u>CLASS E</u>		
Cheating by False Pretenses	4	1.3
Theft (Under \$500)	1	0.3
Criminal Trespass	1	0.3
Disorderly Conduct	1	0.3
Public Indecency	1	0.3
Unlawful Sexual Contact	1	0.3
No Data	<u>15</u>	<u>4.9</u>
TOTAL	297	100.0%

TOTAL EFFECTIVE SENTENCEMaine Correctional Center

	<u># of Inmates</u>	<u>% of Inmates</u>
0 - 3	69	27.6
1 mo.	13	5.2
2 mo.	18	7.2
3 mo.	11	4.4
4 mo.	7	2.8
6 mo.	25	10.0
1 mo. - 3 yrs.	1	0.4
7 mo.	7	2.8
8 mo.	1	0.4
9 mo.	8	3.2
10 mo.	3	1.2
11 mo.	4	1.6
12 mo.	30	12.0
1 - 2 yrs.	1	0.4
1 - 3 yrs.	2	0.8
13 mos.	1	0.4
14 mos.	2	0.8
15 mos.	4	1.6
16 mos.	1	0.4
18 mos.	14	5.6
22 mos.	1	0.4
24 mos.	11	4.4
27 mos.	1	0.4
30 mos.	1	0.4
30 - 60	1	0.4
3 yrs.	5	2.0
4 yrs.	3	1.2
5 yrs.	4	1.6

Maine State Prison

	<u># of Inmates</u>	<u>% of Inmates</u>
0 - 3 yrs.	7	2.4
2 mos.	16	5.4
4 mos.	1	0.3
6 mos.	6	2.0
7 mos.	1	0.3
9 mos.	3	1.0
10 mos.	1	0.3
11 mos.	2	0.7
12 mos.	22	7.4
1 - 2 years	21	7.1
1 - 3 years	9	3.0
1 - 4 years	1	0.3
1 - 5 years	5	1.7
1 - 7 years	1	0.3
14 mos.	1	0.3
15 mos.	2	0.7
15 mos. - 30 mos.	1	0.3
18 mos.	12	4.0
1½ - 3 yr.	9	3.0
1½ - 4 yr.	2	0.7
1½ - 5 yr.	2	0.7
2 years	21	7.1
2 - 4 years	13	4.4
2 - 5 years	9	3.0
2 - 6 years	2	0.7

Maine State Prison

	<u>#</u>	<u>%</u>
2 - 7 years	1	0.3
2 - 10 years	1	0.3
27 mos.	1	0.3
30 mos.	10	3.4
2½ - 5 years	11	3.7
2½ - 6 years	1	0.3
3 years	25	8.4
3 - 6 years	6	2.0
3 - 10 years	1	0.3
3½ years	2	0.7
3½ - 7 years	1	0.3
4 years	10	3.4
4 - 10 years	2	0.7
4 yrs. 4 mos.	1	0.3
4½ years	2	0.7
5 years	9	3.0
5 - 10 years	5	1.7
5 - 15 years	3	1.0
6 years	3	1.0
6 - 8 years	1	0.3
6 - 15 years	1	0.3
7 years	3	1.0
7 years 6 mos.	5	1.7
9 years	1	0.3
10 years	5	1.7
10 - 20 years	3	1.0
12 years 6 mos.	1	0.3
14 years	1	0.3
15 years	4	1.3

Maine State Prison

	<u>#</u>	<u>%</u>
Life	4	1.3
20 years	2	0.7
30 years	1	0.3

MAINE STATE PRISON

	<u># of Inmates</u>	<u>% of Inmates</u>
Maine State Prison	52	17.5
Maine Correctional Center	39	13.1
Maine State Prison & Maine Correctional Center	58	19.5
Maine Youth Center	8	2.7
Maine Correctional Center & Maine Youth Center	7	2.4
Maine State Prison & Maine Youth Center	4	1.3
Maine State Prison & Maine Correctional Center & Maine Youth Center	<u>23</u>	<u>7.7</u>
Subtotal	191	64.3
None	104	35.0
Unknown	<u>2</u>	<u>0.7</u>
TOTAL	297	100.0%

PRIOR INSTITUTIONALIZATION IN MAINEMAINE CORRECTIONAL CENTER

	<u># of Inmates</u>	<u>% of Inmates</u>
Maine State Prison	2	0.8
Maine Correctional Center	42	16.8
Maine State Prison & Maine Correctional Ctr.	-	-
Women's Correctional Center*	1	0.4
Maine Youth Center	25	10.0
Maine Correctional Center & Maine Youth Ctr.	6	2.4
Maine State Prison & Maine Youth Center	-	--
Maine State Prison, Maine Youth Center and Maine Correctional Center	-	--
Subtotal	77	32.8
None	166	66.4
Unknown	7	2.8
	<hr/>	<hr/>
TOTAL	250	100%

*Women's Correctional Center, Hallowell

CRIMES AGAINST PERSONS AND PROPERTY
BY OFFENSE CLASS

Maine Correctional Center

Class	Crimes against persons		property	
	#	%	#	%
A	12	4.8		
B	47	18.8	1	0.4
C	8	3.2	100	40.0
D	15	5.6	23	9.6
E	-	-	17	6.4
TOTAL	82	32.4	140	56.4

Maine State Prison

	#	%	#	%
A	32	10.8		
B	73	10.5	1	0.3
C	28	10.4	96	31.3
D	22	7.6	21	6.9
E	1	0.3	8	2.7
TOTAL	156	39.6	126	41.2

ADMISSIONS BY OFFENSE CLASS

	MSP		MCC		TOTAL STATE	
	#	%	#	%	#	%
Class A	32	10.8	12	4.8	44	8.0
Class B	74	25.0	48	19.2	122	22.3
Class C	<u>124</u>	<u>41.7</u>	<u>108</u>	<u>43.2</u>	<u>232</u>	<u>42.4</u>
Sub-Total	230	77.5	168	67.2	398	72.7
Class D	43	14.5	38	15.2	81	14.9
Class E	<u>9</u>	<u>3.0</u>	<u>17</u>	<u>6.8</u>	<u>26</u>	<u>4.7</u>
Sub-Total	52	17.5	55	22.0	107	19.6
No Data	<u>15</u>	<u>5.0</u>	<u>27</u>	<u>10.8</u>	<u>42</u>	<u>7.7</u>
TOTALS	297	100.0	250	100.0	547	100.0

MSP & MCC 1976-1977

County of residence

	<u>#</u>	<u>%</u>
Androscoggin	53	9.9
Aroostook	40	6.8
Cumberland	97	17.7
	(67 Portland)	(12.2%)
Franklin	12	2.2
Hancock	17	3.2
Kennebec	56	10.2
Knox	21	3.9
Lincoln	8	1.6
Oxford	28	5.1
Penobscot	70	12.9
	(Bangor 30)	5.5)
Piscataquis	9	1.7
Sagadahoc	13	2.5
Somerset	34	6.3
Waldo	10	1.9
Washington	15	3.0
York	24	3.6%
Unknown	16	2.9
Out of State	<u>26</u>	<u>4.8</u>
	547	100

Women in Corrections

<u>Offense</u>	<u>Sentence</u>	<u>#Previous</u>
-forgery	6 months	1 disorderly conduct
-burglary	1 year	1 burglary
-criminal threatening	30 days	
-burglary/theft	60 days	Burglary
-criminal homicide	9 months	
-robbery	1 year	Aggr. Ass. & Battery
-terrorizing (BMHI)	5 years	Arson
-criminal homicide	8 years	
-terrorizing criminal attempt aggravated assault	3.1 years	
-theft	6 months	
-hindering apprehension	1 year	
-theft MV	7 months	
-murder	10-25 years	
-criminal homicide	1½ years	
-criminal threatening dangerous weapon	6 months	
-terrorizing	60 days	(2) willful concealment theft
-burglary	10 days	--
-simple assault	11 months	manslaughter
-burglary theft	1½ years	--
-theft	1 year	
-theft	30 days	
-criminal homicide (BMHI) robbery	30 years	--
-criminal homicide, 1st degree	15 years	

APPENDIX B-1

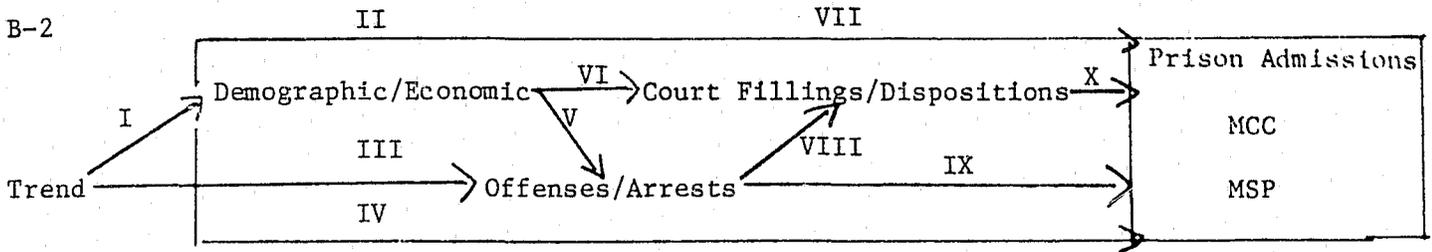
Inmate Population Forecast

An analysis was done on those factors that were believed to affect inmate population. The factors are admissions from the courts (pre- and post- code), sentence lengths. (pre- and post- code), expected release times (pre- and post- code), parole violations (on pre- code sentenced offenders that become parole violators) and reincarceration lengths of parole violators (pre-code offenders)

Exhibit 1 shows the results of the analysis of factors affecting inmate populations.

A) Admissions

A generalized model was used to test those factors that affect inmate commitments to prison and the relationships therein. This model is presented below.



Data was not available to analyze and test all of the relationships. Those links missing are III, V, VI, VIII, and IX. The two links II and X were available on only a very limited basis and were, therefore, analyzed in a very limited way. Section A of Exhibit 1 provides the key to the results of the analyses for links II, IV, VII, and X. Link I is provided from population forecasts of the Maine State Planning Office and from an assumed six (6) percent unemployment rate.

The pre-code and post-code analysis of the admission factors and relationships were initially analyzed together as there was widely held believe that the New Criminal Code would not affect admissions from the Courts, and therefore, trends in admissions would be indifferent to the Code. It was found in an analysis of links II and X, however, that the Court disposition decision seems to have been affected at the same time as the new code start-up. Because fiscal year 1976-1977 admissions were approximately 1/2 pre-code and 1/2 post-code, trend analyses were made through June, 1977 and post-code alterations were made based on 1977-1978 admissions information

B. Sentence Lengths

Pre-code sentences were given on a minimum and maximum format with parole eligibility determined by the minimum and "max out" determined by the maximum. Since the maximum had to be at least twice the minimum, since parole eligibility counted credit for good behavior (as did "maxout"), and since the Parole Board granted parole routinely (according to some opinions at 96 percent success at first appearance); the effective sentence pre-code is in reality, the minimum part of the sentence.

Section B of Exhibit 1 provides the key as to the results of this analysis.

C. Release From Sentences

Pre-code releases were determined from parole eligibility and the actual paroling decision itself. Although a substantial sample of actual incarceration lengths were empirically available for years 71-72, and 72-74, some long term inmates (parole eligibility at a maximum of 15 years) were still serving time at the point of the data collection. Therefore, parole release was analytically investigated per the formula shown below.

$$\begin{aligned}
 \text{Parole Eligibility} &= 30.4 \\
 \text{and} & \\
 \text{Release} &= \text{Minimum} \\
 &= \frac{30.4 + 10}{2}
 \end{aligned}$$

Since post-code release is determined solely by "max-out", the application of all good conduct credits was assumed in the following formula:

$$\begin{aligned}
 \text{Max-Out Release} &= \frac{30.4}{2} \text{ Sentence} \\
 &= 30.4 + 10 + 2 \\
 &= .717 \text{ Sentence}
 \end{aligned}$$

(NOTE: Home release was not factored into this equation as it is believed that the use of this option is in effect a policy tool of the agency to control bed space overcrowding and stimulate proper inmate behavior through its motivational attributes.)

D. Parole Violations and Reincarcerations

Having only a pre-code effectiveness, the circumstances surrounding parole violations and reincarceration times were believed to contain the key as to whether the New Criminal Code would increase population in the prisons or decrease it. Because offenders released via parole are in a risk group subject to return due to violation of the parole terms, successive reincarcerations of pre-code offenders do not allow complete parity with post-code lengths of stay. This situation can be summarized as follows:

<u>Pre-/Post-Code Equalized Condition</u>	<u>Pre-/Post-Code Unequalized Implication</u>
1. Incarceration periods match on the aggregate.	1. New Code will cause short term population increase due to the "street time" (time served on parole between incarcerations) period of pre-code offenders.
2. Incarceration periods match on the short term.	2. New Code will provide for lower population in the long term due to the incarceration period of pre-code offenders returned on violations.

Section D of Exhibit 1 provides the reference key to the results of the analysis on parole violations and reincarceration.

EXHIBIT 1

RESULTS KEY TO ANALYSIS OF FACTORS AFFECTING INMATE POPULATIONS

Variable	Functional Relationship	Dependent Variable(s)	Independent Variable(s)	Data Period	Analysis Method	Reference Number	Used in Forecast
Admissions from the Courts	Trend	Admissions Total	Time	1970-71 to 1976-77	Regression $R^2 = .814$	Computer Run #1	Yes
		Admissions MSP	Time	1966-67 to 1969-70	Regression $R^2 = .247$	Not Shown	No
		Admissions MSP	Time	1970-71 to 1976-77	Regression $R^2 = .527$	Not Shown	No
		Admissions MCC	Time	1970-71 to 1977-78	Regression $R^2 = .9325$	Computer Run #2	Yes
Demographic/ Economic		18-19 Year Olds Admissions MSP	General Pop. 18-19 Unemployment Rate	1970-71 to 1976-77	Regression $R^2 = .413$	Not Shown	No
		20-24 Year Olds Admissions MSP	General Pop. 20-24 Unemployment Rate	1970-71 to 1976-77	Regression $R^2 = .398$	Not Shown	No
		25-34 Year Olds Admissions MSP	General Pop. 25-34 Unemployment Rate	1970-71 to 1976-77	Regression $R^2 = .794$	Not Shown	No
		35 & Over Year Old Admissions MSP	General Pop. 35 & Over Unemployment Rate	1970-71 to 1976-77	Regression $R^2 = .808$	Not Shown	No
		District 1 Admissions MSP	General Pop. 18-34 Unemployment Rate District 1	1970-71 to 1976-77	Regression $R^2 = .307$	Computer Run #3	No

EXHIBIT 1

RESULTS KEY TO ANALYSIS OF FACTORS AFFECTING INMATE POPULATIONS

Variable	Functional Relationship	Dependent Variable(s)	Independent Variable(s)	Data Period	Analysis Method	Reference Number	Used In Forecast
		District 2 Admissions MSP	General Pop. 18-34 Unemployment Rate District 2	1970-71 to 1976-77	Regression $R^2 = .858$	Computer Run #4	No
		District 3 Admissions MSP	General Pop. 18-34 Unemployment Rate District 3	1970-71 to 1976-77	Regression $R^2 = .723$	Computer Run #5	No
		District 4 Admissions MSP	General Pop. 18-34 Unemployment Rate District 4	1970-71 to 1976-77	Regression $R^2 = .872$	Computer Run #6	No
		District 5 Admissions MSP	General Pop. 18-34 Unemployment Rate District 5	1970-71 to 1976-77	Regression $R^2 = .775$	Computer Run #7	No
		District 6 Admissions MSP	General Pop. 18-34 Unemployment Rate District 6	1970-71 to 1976-77	Regression $R^2 = .712$	Computer Run #8	No
		District 7 Admissions MSP	General Pop. 18-34 Unemployment Rate District 7	1970-71 to 1976-77	Regression $R^2 = .789$	Computer Run #9	No
		District 8 Admissions MSP	General Pop. 18-34 Unemployment Rate District 8	1970-71 to 1976-77	Regression $R^2 = .342$	Computer Run #10	No
		Admissions Total	General Pop. 18-34 Unemployment Rate	1970-71 to 1976-77	Regression $R^2 = .850$	Computer Run #11	Yes

EXHIBIT 1

RESULTS KEY TO ANALYSIS OF FACTORS AFFECTING INMATE POPULATION

Variable	Functional Relationship	Dependent Variable(s)	Independent Variable(s)	Data Period	Analysis Method	Reference Number	Used In Forecast
		Admissions MSP	General Pop. 18-34 Unemployment Rate	1970-71 to 1976-77	Regression $R^2 = .635$	Computer Run #12	Yes
	Trends/Court Disposition	Court Verdicts from Six Sampled Counties	Time	1971-72, 1972-73, 1973-74, and 1976-77	Inspection, Ratio	Computer Run #14 (Summary Exhibit 1a)	Yes
	Characteristics of	Admissions by Age, Sentence Length	None	1976-77	Ratio	Computer Run #15	Yes
B. Sentence Lengths	Criminal Code	Minimum and Flat Sentence Lengths	Time	1971-72, 1973-74, and 1976-77	Inspection of Mean, Median, and Individual Elements	Computer Run #16	Yes
C. Release from Sentences	Parole/Max-out	Time Served and to Serve	Time	1971-77	Inspection, Calculations	Computer Run #17	Yes
D. Parole Violations and Reincarcerations	Parole Violations to Parole Release	Parole Violations MSP	Parole Releases MSP	1967-77	Regression $R^2 = .728$	Computer Run #18	No
		Parole Violations MSP	Parole Releases MSP lagged 1 year	1967-77	Regression $R^2 = .655$	Computer Run #19	No
		Parole Violations MSP	Parole Releases MSP lagged ½ year	1967-77	Regression $R^2 = .743$	Computer Run #20	No
		Parole Violations MCC	Parole Releases MCC	1970-77	Regression $R^2 = .057$	Not Shown	No

EXHIBIT 1

RESULTS KEY TO ANALYSIS OF FACTORS AFFECTING INMATE POPULATION

Variable	Functional Relationship	Dependent Variable(s)	Independent Variable(s)	Data Period	Analysis Method	Reference Number	Used In Forecast
		Parole Violations MCC	Parole Releases MCC lagged 1 year	1970-77	Regression $R^2 = .004$	Not Shown	No
		Parole Violations MCC	Parole Releases MCC lagged $\frac{1}{2}$ year	1970-77	Regression $R^2 = .055$	Not Shown	No
		Parole Violations Total	Parole Releases Total	1970-77	Regression $R^2 = .0155$	Not Shown	No
		Parole Violations Total	Parole Releases Total lagged 1 year	1970-77	Regression $R^2 = .003$	Not Shown	No
		Parole Violations Total	Parole Releases Total lagged $\frac{1}{2}$ year	1970-77	Regression $R^2 = .002$	Not Shown	No
Trend		Total Parole Violations Distribution	Time	1971-77	Inspection, Ratios	Computer Run #17	Yes
		Total Parole Reincarceration Distribution	Time	1971-77	Inspection, Ratio	Computer Run #17	Yes
		Admissions by District by Felony Class	Time	1971-72, 1973-74, and 1976-77	Inspection	Computer Run #13	No

EXHIBIT 1a

SUMMARY OF COURT DISPOSITIONS FOR GUILTY CHARGES

FELONY CLASS	71-72	72-73	73-74	SUBTOTAL	76-77	TOTAL
A Probation	0	0	1	1	4	30
Incarceration	2	4 (80)	9(90)	15 (88.2)	9(69.2)	97(74.6)
<u>Other</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>3</u>
Total	2	5	10	17	13	130
B Probation	8	9	5	22	13	155
Incarceration	17(63)	32(78)	20(74.1)	69(72.6)	26(61.9)	296 (62.6)
<u>Other</u>	<u>3</u>	<u>0</u>	<u>2</u>	<u>5</u>	<u>3</u>	<u>22</u>
Total	27	41	27	95	42	473
C Probation	27	30	35	92	51	565
Incarceration	47(57.3)	43(54.4)	53(60.2)	143(57.43)	66(54.5)	755 (53.6)
<u>Other</u>	<u>8</u>	<u>6</u>	<u>0</u>	<u>14</u>	<u>4</u>	<u>89</u>
Total	82	79	88	249	121	1409

APPENDIX C-1

Crime in Maine 1977*

- Total number of index crimes has remained fairly constant over the past two years (1976-1977)
- The Crime rate increased 1.23% from 1976 to 1977
- Burglary and larceny showed a net decrease of 1.2%. (The crimes of Burglary and larceny represent 88.4% of all index offenses.)
- Property crimes were up 1%
- Violent crimes increased by 4.6%. This increase is due primarily to a 38.7% in the number of rapes reports in 1977.
- Adults arrests increased from 23,311 in 1976 to 25,039 in 1977.

* Department of Public Safety

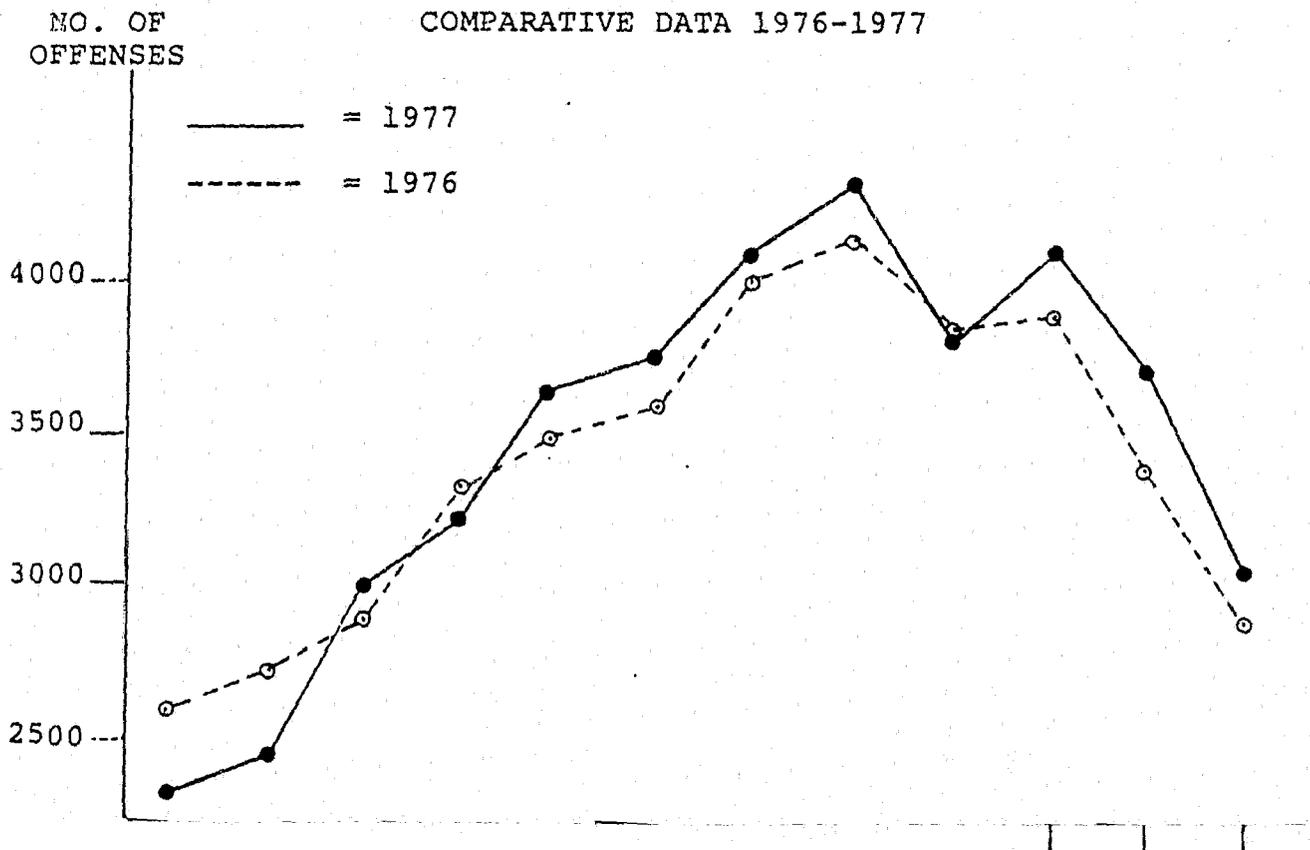
PROPERTY CRIMES

Property crimes include burglary, larceny, and motor vehicle theft. These crimes do not involve the threat of violence but entail property taken from one by another.

In 1977, property crimes increased by 1.0% from 41,319 reported in 1976 to 41,752 in 1977. While larceny and motor vehicle theft showed increases of 2.0% and 17.2% respectively, burglary continued to show a slight decrease for the second year in a row for a 5.9% reduction over the two year period. Property crimes accounted for 94.5% of the total crime index in Maine. On a National level crimes against property accounted for 81.0% of the crime index for the year 1976 - the latest National comparison figures available.

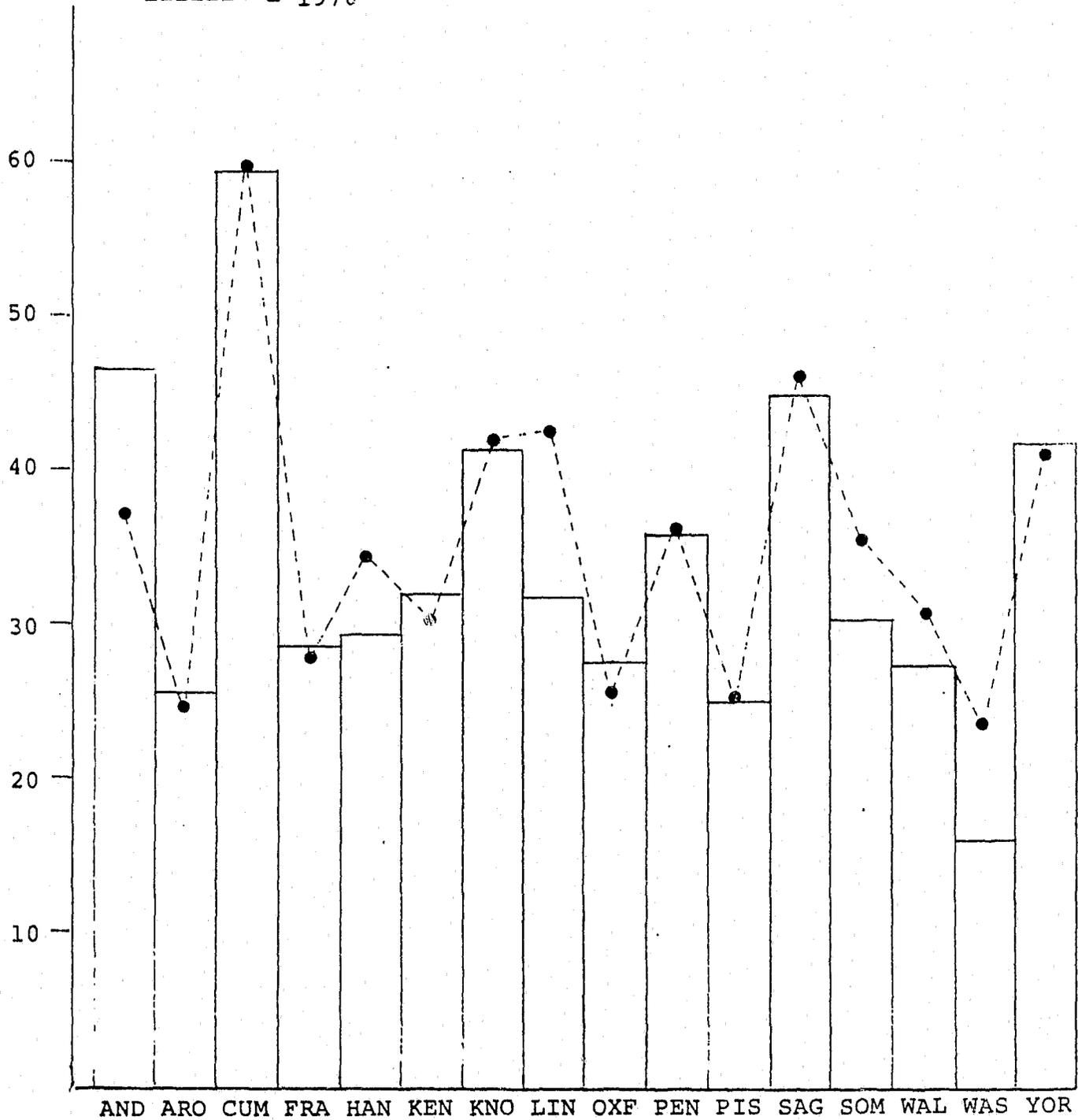
INDEX OFFENSES - COMPARATIVE JANUARY-DECEMBER, 1976-1977

OFFENSES	NUMBER OF OFFENSES		INCREASE OR DECREASE	PERCENT CHANGE
	JANUARY-DECEMBER 1976	1977		
Burglary	14,047	13,589	458-	3.3-
Larceny	24,986	25,484	498+	2.0+
Motor Vehicle Theft	<u>2,286</u>	<u>2,679</u>	393+	17.2+
TOTAL	41,319	41,752	433+	1.0+



PROPERTY CRIME BY COUNTY
(STATE PROPERTY CRIME RATE: 39.03)
(RATE PER 1,000 POPULATION)

CRIME RATE
[Solid Box] = 1977
[Dashed Line] = 1976



VIOLENT CRIMES

C-4

Crimes of violence involve the element of personal confrontation between the perpetrator and victim and entails the use or threat of violence. By their very nature, violent crimes - murder, rape, robbery, and aggravated assault, are considered more serious than property crimes. The total number indicates only the number of incidents reported to police and does not reflect the number of criminals who committed them or the number of injuries inflicted.

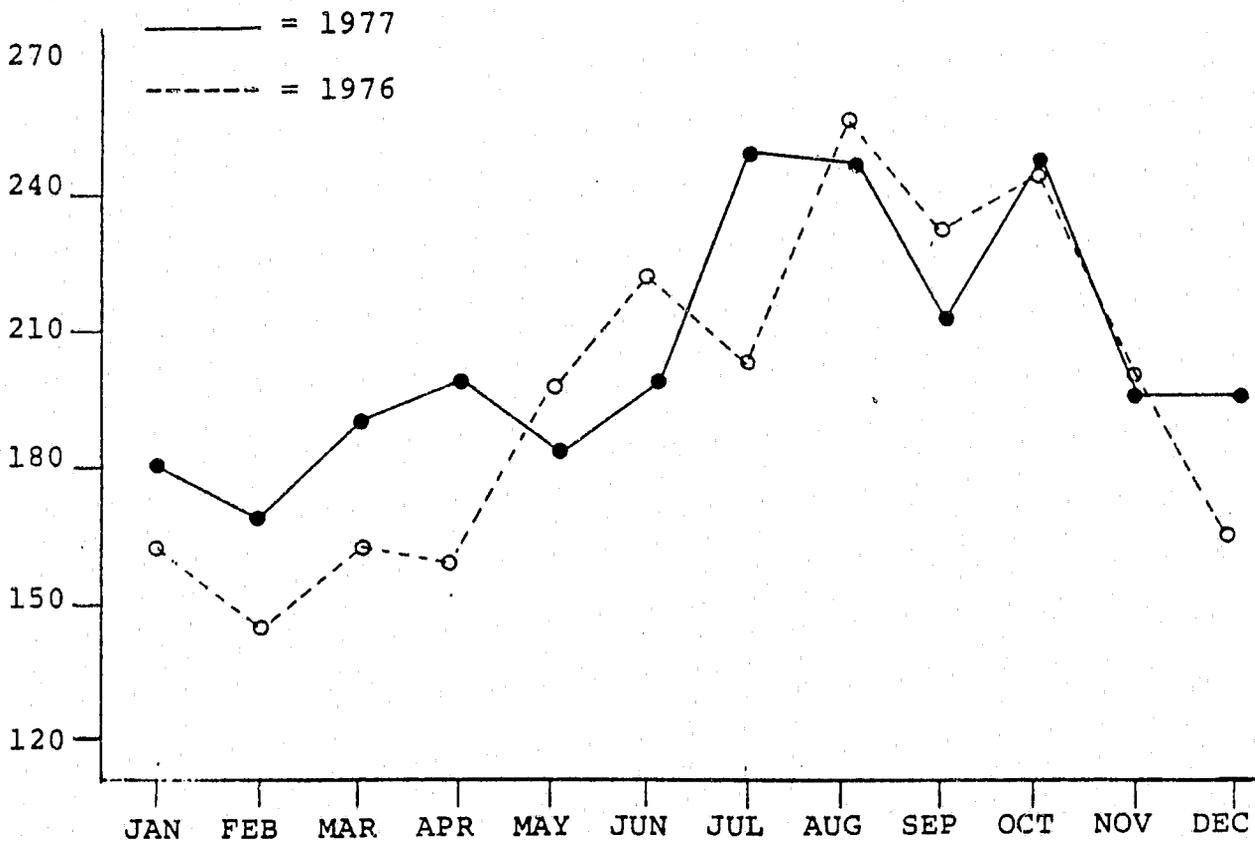
During the year 1977 there were 2,436 violent crimes reported by law enforcement agencies as compared to 2,328 in 1976. Robbery and aggravated assault both showed slight increases of 3.2% while, the offense of forcible rape increased sharply by 38.7%. Violent crimes accounted for 5.5% of all index offense crimes. On a National level, violent crimes represented 9.0% of the total index offenses in 1976 - the latest National comparison figures available.

INDEX OFFENSES - COMPARATIVE JANUARY-DECEMBER, 1976-1977

OFFENSES	NUMBER OF OFFENSES		INCREASE OR DECREASE	PERCENT CHANGE
	JANUARY-DECEMBER 1976	1977		
Murder	29	26	3-	10.4-
Rape	106	147	41+	38.7+
Robbery	406	419	13+	3.2+
Aggravated Assault	<u>1,787</u>	<u>1,844</u>	57+	3.2+
TOTAL	2,328	2,436	108+	4.6+

NO. OF
OFFENSES

COMPARATIVE DATA 1976-1977



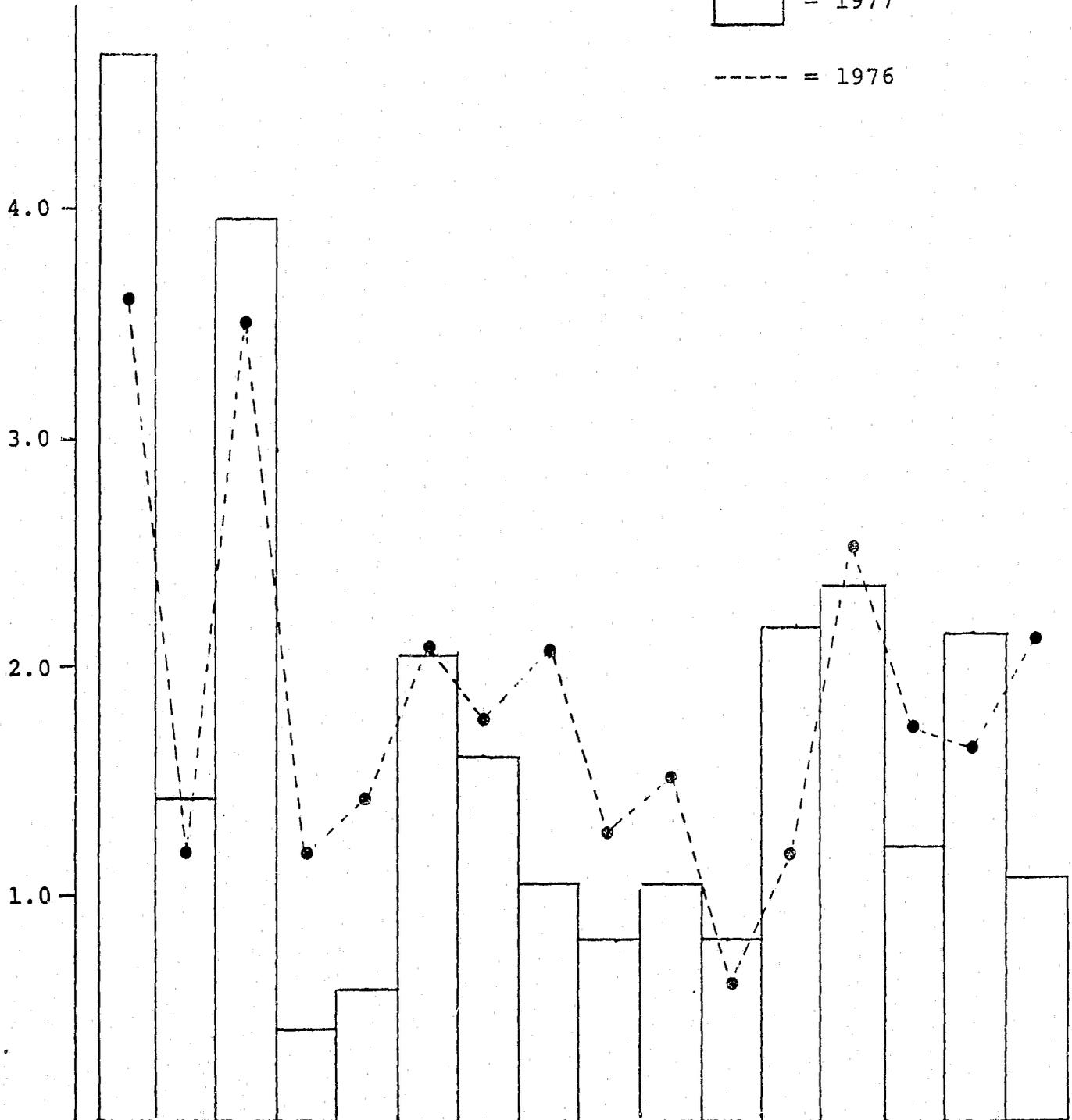
VIOLENT CRIME BY COUNTY

(STATE VIOLENT CRIME RATE: 2.26)
(RATE PER 1,000 POPULATION)

CRIME
RATE

□ = 1977

--- = 1976



AND ARO CUM FRA HAN KEN KNO LIN OXF PEN PIS SAG SOM WAL WAS YOR

CONTINUED

1 OF 2

Appendix D-1

Summary of key elements of Maine's Criminal Code (Title 17-A) and Department Statutes (Title 34)

Title 17-A, § 1151; Purposes of Sentencing

1. To prevent crime through the deterrent effect of sentences, the rehabilitation of convicted persons, and the restraining of convicted persons when required in the interest on public safety;
2. To encourage restitution in all cases in which the victim can be compensated and other purposes of sentencing can be appropriately served;
3. To minimize correctional experiences which serve to promote further criminality;
4. To give fair warning of the nature of the sentences that may be imposed on the conviction of a crime;
5. To eliminate inequities in sentences that are unrelated to legitimate criminological goals;
6. To encourage differentiation among offenders with a view to a just individualization of sentences;
7. To promote the development of correctional program which elicit the cooperation of convicted persons; and
8. To permit sentences which do not diminish the gravity of offenses.

§ 1252; Imprisonment For Crimes Other Than Murder

1.

"In case of a person convicted of a crime other than murder, the court may sentence to imprisonment for a definite term...The sentence of the court shall specify the place or places of imprisonment, and the term served at each provided that no person shall be sentenced to imprisonment in the Maine Correctional Center at South Windham, Maine for a term in excess of 5 years."

2. Term of Imprisonment

- A. In the case of a Class A crime, the court shall set a definite period not to exceed 20 years;
- B. In the case of a Class B crime, the court shall set a definite period not to exceed 10 years;
- C. In the case of a Class C crime, the court shall set a definite period not to exceed 5 years;
- D. In the case of a Class D crime, the court shall set a definite period of less than one year; or
- E. In the case of a Class E crime, the court shall set a definite period not to exceed 6 months.

Additional sentencing options available to the court include:

3. The court may add to the sentence of imprisonment a restitution order... in such cases it shall be the responsibility of the Department of Mental Health and Corrections to determine whether the order has been complied with.

3-A Sentences can be served intermittently.

"The sentencing structure for all crimes other than the two most serious criminal homicides is different from present law in many respects. There are no indeterminate sentences whereby the release of a prisoner depends on the discretion of corrections officials. This section sets a maximum period of imprisonment for each class of crime and requires that the court pick a precise period within that maximum. This period is the time spent incarcerated, less the deductions authorized in section 1253. There is the possibility of an exception to this process based on provisions of Section 1154 of Chapter 47 which permits the Corrections Bureau to request the court to reduce the sentence in any case where it exceeds one year."

Section 1254, Release from Imprisonment

The Commend reads:

"Subsection 1 contains the general rule that requires release upon the expiration of the sentence and not at the discretion of the Parole Board.... In subsection 2 are procedures whereby persons sentenced for criminal homicide in the first or second degree and those sentenced for consecutive terms which exceed 20 years, may petition the court to reduce their sentences."

DEPARTMENT STATUTES, Title 34

§ 527 Authorizes the Bureau of Corrections

"to adopt and implement rehabilitative programs, including work release, and restitution as authorized by Title 17-A Chapter 54, within the penal and correctional institutions under its control. Under such programs the head of any such institution may permit any inmate or prisoner considered worthy of trust to participate in activities which may include training and employment, outside the institution, subject to regulations adopted by the Bureau of Corrections which in the judgement of the head of the institution will contribute to the reformation of the inmate or prisoner and will assist in preparing him for eventual release.

§ 528

The Bureau is authorized to establish a Halfway House Program, so called, said program to provide an environment of community living and control pursuant to rules and regulations adopted by the department. Inmates, juveniles and prisoners at any correctional, penal or juvenile institution, or any county jail may be paroled, furloughed or entrusted to participate in the Halfway House Program in accordance with applicable provisions of the law.

§ 529 Transfer

When it appears to the Director of the Bureau of Corrections, for reasons of availability of rehabilitative programs and the most efficient administration or correctional resources, that the requirements of any person sentenced or

committed to a penal, correctional or juvenile institution would be better met in a facility, institution or program other than that to which such person was originally sentenced, the Director of the Bureau of Corrections, with the written consent of the person so sentenced, may transfer such person to another correctional institution, residential facility or program administered by or providing services to the Bureau of Corrections

§ 813

Enables the transfer of any man committed to the Maine Correctional Center to be transferred to the State Prison for reasons of security, or as overcrowding at the center so requires, or in the interest of the inmate and of the public and if the result is the most effective use of available correctional programs with respect to the inmate...

§ 1323

Authorizes any offender to be sentenced to make restitution. Such restitution may be in addition to a fine and may be a condition of probation or parole. Restitution may also be authorized as a condition of any work release program administered under Title 34 including county jail prisoners released for employment.

§ 529. Transfer

When it appears to the Director of the Bureau of Corrections, for reasons of availability of rehabilitative programs and the most efficient administration of correctional resources, that the requirements of any person sentenced or committed to a penal, correctional or juvenile institution would be better met in a facility, institution or program other than that to which such person was originally sentenced, the Director of the Bureau of Corrections, with the written consent of the person so sentenced, may transfer such person to another correctional institution, residential facility or program administered by or providing services to the Bureau of Corrections; provided that no juvenile shall be transferred to a facility or program for adult offenders.

Any person so transferred shall be subject to the general rules and regulations pertaining to persons at the institution or facility, or in the program to which he is transferred, except that the term of his original sentence or commitment shall remain the same, unless altered by the court, and that person shall become eligible for release and discharge as provided in Title 17-A, section 1254.

1975, c. 492, § 2; 1975, c. 623, § 51-H; 1975, c. 756, § 14, eff. April 13, 1976; 1977, c. 78, § 192, eff. April 14, 1977; 1977, c. 510, § 88.

Amendments:

—1977. In the 1st paragraph, c. 610, § 88 deleted "after written notice of the transfer to the court which originally had jurisdiction and in the absence of any objection by the court within 14 days following the date of the notice" after "may transfer".

Chapter 78 repealed and replaced 2nd paragraph.

—1975. Chapter 492 enacted this section.

Chapter 623 added "and that no male juvenile shall be transferred to the Stevens School at Hallowell." at end of first paragraph.

Chapter 756, in first paragraph, inserted "written" before "consent" and deleted at end "and that no male juvenile shall be transferred to the Stevens School at Hallowell".

Title 34, § 705 -- Applicable to: Department, Bureau, Prison, M.C.C.

§ 705. Deduction of sentence; Board of Transfer

Any portion of the time deducted from the sentence of any convict for good behavior may be withdrawn by the Warden of the State Prison for the infraction of any rule of the State Prison, for any misconduct or for the violation of any law of the State. Such withdrawal of good time may be made at the discretion of the Warden, who may restore any portion thereof if the convict's later conduct and outstanding effort warrant such restoration. This section shall apply to the sentences of all convicts now or hereafter confined within the State Prison, and shall not be construed to prevent the allowance of good time from maximum sentences or definite sentences.

A prisoner in execution of sentence at the State Prison may be transferred to the Men's Correctional Center upon the joint recommendation of the Warden of the State Prison and the Superintendent of the Men's Correctional Center, approved by the commissioner or his delegate, the Director of Corrections, when such transfer would be in the best interest of public safety or the security and orderly administration of the institution with respect to the transferee. The prisoner so transferred shall serve the sentence imposed upon him by the court at the Men's Correctional Center and shall receive during such execution of sentence the same deductions for good time as he would have received at the State Prison. If the transferred prisoner is not compatible to the correctional center program he may be returned to the State Prison upon joint recommendation of the Warden of the State Prison and the Superintendent of the Men's Correctional Center, approved by the commissioner or his delegate, the Director of Corrections, to continue in execution of his sentence.

1975, c. 492, § 3; 1975, c. 499, § 58, eff. March 1, 1976.

Amendments:

—1975. Chapter 492 amended first sentence of 2nd paragraph by substituting "public safety or the security and orderly administration of the institu-

tion" for "the prisoner and in the best interest of the public and would result in the most effective use of available correctional program".

Chapter 499 repealed first 2 sentences. Section 1 of c. 499 enacted Title 17-A, the Maine Criminal Code.

Effective date. Section 83 of 1975, c. 623 added to 1975, c. 499, a section 72; which provided: "Sections 2 to 71 of this Act shall become effective March 1, 1976."

Supplementary Index to Notes Review 2

1. Construction and application
This section creates a reasonable expectation in prisoner that he will be able to earn good time credit. *Carlson v. Oliver* (1977) Me., 372 A.2d 228.
That reasonable expectation on part of prisoner that he will be able to earn

good time credit is created by this section, and not a constitutional provision does not alter conclusion that such expectation is entitled to constitutional protection. *Id.*

2. Review

An alleged interference with interest of a prisoner in receiving good time credit is reviewable so as to ensure that all requirements of procedural due process have been met. *Carlson v. Oliver* (1977) Me., 372 A.2d 228.

It was unnecessary to discuss claim that plaintiff prisoner did not receive a written summary of disciplinary hearing held in state prison on charge brought by defendant warden where it was clear from record that appeal was taken immediately after decision was rendered without waiting for a "copy of the summary." *Id.*

§ 707. Transfer of prisoners to federal penal institution

Any person committed to the State Prison whose presence may be seriously detrimental to the well-being of the State Prison or who willfully and persistently refuses to obey the rules and regulations or who is considered an incorrigible inmate may, upon written certification from the warden to the commissioner, be transferred to a federal penal or correctional institution, provided the commissioner approves and the Attorney General of the United States accepts such application and transfer.

The commissioner is authorized to contract with the Attorney General of the United States or such officer as the Congress may designate under Title 18, section 5003 of the United States Code,¹ and Acts supplementary and amendatory thereof, in each individual case for the care, custody, subsistence, education, treatment and training of any prisoner transferred under this section. The contract shall provide for the reimbursement of the United States in full for all costs or other expenses involved, said costs and expenses to be paid from the appropriation for the operation of the State Prison. The warden shall affix to said contract a copy of the mittimus or mittimuses under which the prisoner is held and the same along with the contract of transfer shall be sufficient authority for the United States to hold said prisoner on behalf of the State of Maine.

Any prisoner transferred under this section shall be subject to the terms of his original sentence or sentences as if he were serving the same within the confines of the State Prison. Nothing herein contained shall deprive such prisoner of his rights to parole or his rights to legal process in the courts of this State.

1955, c. 454.

¹ 18 U.S.C.A. § 5003.

Historical Note

Derivation: R.S.1954, c. 27, § 32-A,
as enacted by Laws 1955, c. 454.

Library References

Prisons ⇨ 13.

C.J.S. Prisons §§ 18, 19.

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officials, although done without affording the prisoner a hearing, did not deny due process nor equal protection and this section providing for such transfer was not violative of the Fourteenth Amendment. U.S.C.A. Const. Amend. 14. *Duncan v. Ulmer* (1963) 159 Me. 260, 191 A.2d 617.

Intrastate administrative transfer of a prisoner within the official discretion of one person is not constitutionally offensive. *Id.*

2. — Federal Act, validity

18 U.S.C.A. § 5003 providing that Attorney General, when director shall certify that proper and adequate treatment facilities and personnel are available, is authorized to contract with proper officials of a state for custody, care, subsistence, education, treatment, and training of persons convicted of criminal offenses in courts of such state is not void, on ground that it is beyond delegated

1. Validity—In general
Transfer of a state prisoner to a Federal Prison by administrative of-

D-6,

§ 813. Transfer of felons for security reasons, overcrowding or effective programming

Any man convicted of a felony and committed to the center may be transferred to the State Prison for reasons of security, or as overcrowding at the center so requires, or in the interest of the inmate and of the public and if the result is the most effective use of available correctional programs with respect to the inmate, upon joint recommendation of the superintendent and of the Warden of the State Prison, approved in writing, by the commissioner or his delegate, the Director of the Bureau of Corrections. Any inmate so transferred shall serve the sentence imposed upon him by the court at the State Prison. When in the case of any transferred inmate the reasons for transfer no longer obtain, he may be returned to the center, upon joint written recommendation of the superintendent and of the Warden of the State Prison, approved in writing, by the commissioner or his delegate, the Director of the Bureau of Corrections, to continue in execution of his sentence.

When the superintendent believes that there are more convicts in the center than can be confined there securely, he shall certify the fact to the commissioner, who may authorize him to transfer them, so far as is necessary, to some jail. The jailer thereof shall receive such compensation from the State Treasury as he and the superintendent agree upon. When the accommodations of the center shall be so increased that the convicts can be safely confined therein, the superintendent shall remove them from such jail to the center. The time during which the convicts were so confined in jail shall be deducted from their sentences.

1973, c. 758, § 20, eff. April 13, 1976.

Amendments:
—1975. Chapter 758 enacted this section

Title 34, § 1046 -- Applicable to: Prison, M.C.C., Counties

§ 1046. Transfer of prisoners when jail unfit or insecure

Whenever complaint on oath is made to a Justice of the Superior Court that any jail is unfit for occupation or is insufficient for the secure keeping of any person charged with crime and committed to await trial or under sentence, he shall cause not less than 3 days' notice of such complaint to be given to the jailer or sheriff of the county to appear at the time and place fixed in such notice. If on examination the matter complained

of is found true, he may issue his warrant for the transfer of such prisoner at the expense of said county to any jail or other place of confinement where he may be more securely kept. If by fire or other casualty any jail is destroyed or rendered unfit for use, any Justice of the Superior Court may, upon being notified by the district attorney of the county where such jail was or is located, issue his order to the sheriff and his deputies and constables of said county to cause all prisoners who might be liable to imprisonment in said county to be imprisoned in the jail of some adjoining county or in any other place of confinement, said order to be printed in the newspapers of said county.

R.S.1954, c. 89, § 189; 1975, c. 453, § 1.

Historical Note

The 1975 amendment inserted "or other place of confinement" in the second sentence, and substituted "district" for "county" and inserted "or in any other place of confinement" in the third sentence.

Legislative intent. Section 2 of Laws 1975, c. 453 provided:

"It is the intent of the Legislature that in the event a jail is found by a Justice of the Superior Court to be

unfit for occupation, insufficient for the secure keeping of a person charged with a crime or where the jail has been destroyed or rendered unfit by some casualty, the Justice of the Superior Court may order the transfer of the person to a jail or to a place of confinement other than a jail. Also, county attorney is corrected to read district attorney."

Library References

Prisons ⇐ 13.

C.J.S. Prisons §§ 18, 19.

D-7

§ 2373. Transfer of patients

The department may transfer, or authorize the transfer of, a patient from one hospital to another either within or out of State if the department determines that it would be consistent with the medical needs of the patient to do so. Whenever a patient is transferred, written notice thereof shall be given to his legal guardian, parents or spouse, or, if none be known, his nearest known relative or friend. In all such transfers, due consideration shall be given to the relationship of the patient to his family, legal guardian or friends, so as to maintain relationships and encourage visits beneficial to the patient.

Upon receipt of a certificate of an agency of the United States that facilities are available for the care or treatment of any individual heretofore ordered hospitalized pursuant to law or hereafter pursuant to section 2334 in any hospital for care or treatment of the mentally ill and that such individual is eligible for care or treatment in a hospital or institution of such agency, the hospital may cause his transfer to such agency of the United States for hospitalization. Upon effecting any such transfer, the court ordering hospitalization, the legal guardian, spouse or parents, or if none be known, his nearest known relative or friend and the department shall be notified thereof by the hospital. No person shall be transferred to an agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of mental illness, unless prior to transfer the court originally ordering confinement of such person shall enter an order

for such transfer after appropriate motion and hearing. Any person transferred as provided in this section to an agency of the United States shall be deemed to be hospitalized by such agency pursuant to the original order of hospitalization.

1961, c. 303, § 1.

Title 34, § 2374 -- Applicable to: Prison, M.C.C., Counties

§ 2374. Discharge

The head of a hospital shall, as frequently as practicable, but no less often than every 12 months, examine or cause to be examined every patient to determine his mental status and need for continuing hospitalization.

EDUCATIONAL RELEASE STATUTES (M.R.S.A.)

Title 34, § 4 -- Applicable to: Department

§ 4. Industrial and vocational training

The department shall establish and maintain suitable courses for vocational education in the juvenile, correctional and penal institutions under its control, and to install such equipment as may be necessary, and employ such suitable and qualified instructors subject to the approval of the State Vocational Director as may be necessary to carry out the purposes of this section. The expenses of carrying out this section shall be paid from the appropriations for the above institutions.

R.S.1954, c. 27, § 3; 1961, c. 395, § 18; 1967, c. 11.

Historical Note

The 1967 amendment, in the first sentence, substituted "education" for "trades and industrial training" and "juvenile, correctional and penal institutions under its control" for "Boys Training Center at South Portland and the State Reformatory at South Windham" and in the last sentence deleted "named" preceding "institutions".

Library References

Reformatories ¶7.

C.J.S. Reformatories §§ 10, 11.

Title 34, § 527 -- Applicable to: Bureau, Prison, M.C.C., Counties

§ 527. Rehabilitative and work release programs

The Bureau of Corrections is authorized to adopt and implement rehabilitative programs, including work release and restitution as authorized by Title 17-A, chapter 54, within the penal and correctional institutions under its control. Under such programs the head of any such institution may permit any inmate or prisoner considered to be worthy of trust to participate in activities which may include training and employment, outside the institution, subject to regulations adopted by the Bureau of Corrections, which in the judgment of the head of the institution will contribute to the reformation of the inmate or prisoner and will assist in preparing him for eventual release.

The Bureau of Corrections is authorized to establish regulations for and permit institutions under its control to grant to an inmate or prisoner furlough from the institution in which he is confined. Furlough may be granted for not more than 10 days at one time for a visit to a dying relative, attendance at the funeral of a relative, the contacting of prospective employers, the obtaining of medical services, which may be for a period longer than 10 days if medically required, or for any other reason consistent with the rehabilitation of an inmate or prisoner.

Any inmate or prisoner permitted outside an institution under this section shall be furnished a copy of the regulations of the Bureau of Corrections applicable to the program in which he is permitted to participate, or to his furlough, the receipt of which copy shall be attested by the inmate or prisoner.

Any person over the age of 17 who willfully obstructs, intimidates or otherwise abets any inmate or prisoner participating in a program, or on furlough, under this section, and thereby contributes or causes said inmate or prisoner to violate the terms and conditions of his program participation, or furlough, after having been warned by the head of the institution to cease and desist in said relationship or association with the inmate or prisoner, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

1975, c. 499, § 58; 1977, c. 455, § 4.

Amendments:

—1977, Chapter 455, § 4 inserted "and restitution as authorized by Title 17-A, chapter 54," in the 1st sentence.

—1975, Repealed 4th paragraph. Section 1 of c. 499 enacted Title 17-A, the Maine Criminal Code.

Effective date. Section 33 of 1975, c. 499 added to 1975, c. 499, a section 72, which provided: "Sections 2 to 71 of this Act shall become effective March 1, 1975."

on theory that such rule should not be applied retrospectively thus making acts criminal which were not criminal when committed under earlier decisions, since there was no uncertainty about fact that an escape by one who has been permitted outside walls of prison in which he is serving legal sentence is at law escape from prison. Id.

Where defendant had been received in prison on March 12, 1970 under his sen-

§ 530. Reallocation of institutional appropriations.

In administering the policy and purposes of this chapter, the Bureau of Corrections is authorized to expend correctional institutional appropriations on persons within that portion of its sentenced or committed population participating in halfway house, prerelease, vocational training, educational, drug treatment or other correctional programs being administered physically apart from the institutions to which such persons were originally sentenced or committed, for the purpose or defraying the direct and related costs of such persons' participation in such programs.

1975, c. 193; 1975, c. 758, §§ 15, 17, eff. April 13, 1978; 1975, c. 770, §§ 198, 200, eff. April 18, 1978.

Amendments:

—1975. This section was added as § 529 of this Title by c. 193 without reference to §§ 529 added by cc. 492 and 563; cc. 768 and 770 repealed § 529

as added by c. 193 and renumbered as this section.

Library References
Prisons C-4.
C.J.S. Prisons § 5.

Title 34, § 811 -- Applicable to: Department, M.C.C.

MAINE CORRECTIONAL CENTER

New Sections

811. Establishment.
812. Placement; separation of sexes.
813. Transfer of felons for security reasons, overcrowding or affective programming.

New Section

814. Powers of officers, uniforms.
815. Care of children of inmates and prisoners.
816. Land grants to the Department of Conservation.

§ 811. Establishment

The State shall maintain the institution located at South Windham, heretofore known as the Men's Correctional Center and hereby renamed the Maine Correctional Center, for the confinement and rehabilitation of persons under the age of 18 years with respect to whom probable cause has been found under Title 15, section 2611, subsection 3, who have pleaded guilty to, or have been tried and convicted of, crimes in the Superior Court and persons over the age of 18 years and of not more than 26 years of age who have been convicted of, or who have pleaded guilty to, crimes in the courts of the State, and who have been duly sentenced and committed thereto, and women sentenced to the Maine State Prison and committed to the center.

If after reviewing alternative resources, including county jails, community halfway houses and existing prerelease centers, the commissioner deems it necessary, the facility in Skowhegan heretofore known as the Women's Reformatory may, with the approval of the Governor, be used as a location of the Maine Correctional Center for a period ending no later than January 1, 1978, in order to alleviate overcrowded conditions in any adult correctional institution.

All persons committed to the center shall be detained and confined in accordance with the sentences of the courts and rules and regulations of the center. Provisions for the safekeeping or employment of such inmates shall be made for the purpose of teaching such inmates a useful trade or profession and improving their mental and moral condition.

The head of the center shall be called the superintendent, who shall have supervision and control of the inmates, employees, grounds, buildings and equipment at the center. The superintendent of the center may appoint 2 assistant superintendents for the South Windham location and one assistant superintendent for the Skowhegan location. These appointments shall be made subject to the Personnel Law.¹ An assistant superintendent designated by the superintendent, or such other employee designated by the superintendent in the event that there is no assistant superintendent, shall have the powers, perform the duties, and be subject to all the obligations and liabilities of the superintendent when the superintendent is absent from the center location or unable to perform the duties of the office or when the office of superintendent is vacant.

The superintendent of the center is authorized, subject to the written approval of the commissioner, to contract with the Director of the Federal

Bureau of Prisons acting pursuant to Title 18, U.S.C. § 4002, for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States, and may receive and detain any such persons pursuant to such contracts.

1975, c. 758, § 20, eff. April 13, 1978.

¹ Section 55L et seq. of Title 5

Amendments:

—1975. Chapter new.

FURLOUGH STATUTES (M.R.S.A.)

Title 34, § 528 -- Applicable to: Bureau, Prison, M.C.C., Counties

§ 528. Halfway house; school tuition

The bureau is authorized to establish a Halfway House Program, so called, said program to provide an environment of community living and control pursuant to rules and regulations adopted by the department. Inmates, juveniles and prisoners at any of the correctional, penal or juvenile institutions or any county jail may be paroled, furloughed or entrusted to participate in the Halfway House Program in accordance with applicable provisions of law. Such committed inmates, juveniles and prisoners may also be transferred to participate in the Halfway House Program in accordance with applicable provisions of this chapter.

1975, c. 55; 1975, c. 69, § 3; 1975, c. 492, § 1.

Amendments:

—1975. Second sentence repealed and replaced by c. 55.

Second paragraph repealed by c. 69. Chapter 492 added last sentence beginning "Such committed inmates

" . . ." without reference to amendments by cc. 55 and 69.

Library references

Prisons § 13.
C.J.S. Prisons §§ 18, 19.

Title 34, § 527 -- Applicable to: Bureau, Prison, M.C.C., Counties

§ 527. Rehabilitative and work release programs

The Bureau of Corrections is authorized to adopt and implement rehabilitative programs, including work release and restitution as authorized by Title 17-A, chapter 54, within the penal and correctional institutions under its control. Under such programs the head of any such institution may permit any inmate or prisoner considered to be worthy of trust to participate in activities which may include training and employment, outside the institution, subject to regulations adopted by the Bureau of Corrections, which in the judgment of the head of the institution will contribute to the reformation of the inmate or prisoner and will assist in preparing him for eventual release.

The Bureau of Corrections is authorized to establish regulations for and permit institutions under its control to grant to an inmate or prisoner furlough from the institution in which he is confined. Furlough may be granted for not more than 10 days at one time for a visit to a dying relative, attendance at the funeral of a relative, the contacting of prospective employers, the obtaining of medical services, which may be for a period longer than 10 days if medically required, or for any other reason consistent with the rehabilitation of an inmate or prisoner.

Any inmate or prisoner permitted outside an institution under this section shall be furnished a copy of the regulations of the Bureau of Corrections applicable to the program in which he is permitted to participate, or to his furlough, the receipt of which copy shall be attested by the inmate or prisoner.

Any person over the age of 17 who willfully obstructs, intimidates or otherwise abets any inmate or prisoner participating in a program, or on furlough, under this section, and thereby contributes or causes said inmate or prisoner to violate the terms and conditions of his program participation, or furlough, after having been warned by the head of the institution to cease and desist in said relationship or association with the inmate or prisoner, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

1975, c. 499, § 56; 1977, c. 455, § 4.

Amendments:

—1977. Chapter 455, § 4 inserted "and restitution as authorized by Title 17-A, chapter 54," in the 1st sentence.

—1975. Repealed 4th paragraph.

Section 1 of c. 499 enacted Title 17-A, the Maine Criminal Code.

Effective date. Section 83 of 1975, c. 823 added to 1975, c. 499, a section 72, which provided: "Sections 2 to 71 of this Act shall become effective March 1, 1976."

Cross References

County jails. Grant of furloughs or participation in other rehabilitative programs, approval of sheriff, see § 1710 of Title 15.

1. In general

Where defendant was under lawful confinement on furlough from state prison, he had no legal right to resort to self-help as a method to assert his claim with respect to conditions in prison and defendant was not justified in failing to return to prison from furlough upon his claim.

on theory that such rule should not be applied retroactively thus making acts criminal which were not criminal when committed under earlier decisions, since there was no uncertainty about fact that an escape by one who has been permitted outside walls of prison in which he is serving legal sentence is at law escape from prison. *Id.*

Where defendant had been received in prison on March 12, 1970 under his sentence of one year and not more than three years, defendant could not be convicted of escape from furlough which occurred on May 20, 1973 on theory that the sentence imposed March 11, 1970 did not actually commence to run until November 21, 1972 because of "a personnel record" which contained notation "This sentence is to be served at the expiration of 1)(SP 11961," followed by notation "11/21/72—This sentence starts" since such notations were conclusions of law drawn by some unidentified person and could not be considered to have

WORK RELEASE STATUTES (M.R.S.A.)

Title 34, § 5 -- Applicable to: Department, Prison, M.C.C.

§ 5. Employment on public works or service; escapes

The department may authorize the employment of able-bodied prisoners in the State Prison or inmates of the Men's Correctional Center in the construction and improvement of highways or other public works within the State under such arrangements as may be made with the Department of Transportation or other department or commission of the State, county or municipality having such public works in charge, and the department may prescribe such rules and conditions as it deems expedient to insure the proper care and treatment of the prisoners or inmates while so employed and their safekeeping and return. The department may further authorize the training and use of able-

bodied prisoners in the State Prison or inmates in the Men's Correctional Center by the State Forestry Bureau or the Bureau of Civil Defense to fight fires or provide assistance during or after any civilian disaster. The department may further authorize the use of such prisoners or inmates to provide assistance in the improvement of property owned by charitable organizations as may be approved by the department, provided such charitable organizations pay for the transportation of such prisoners or inmates and for the transportation and per diem compensation for any guards who accompany such prisoners or inmates. Any prisoner or inmate who escapes from any assignments described in this section, or any other assignment beyond the walls of the State Prison or off the grounds of the Men's Correctional Center shall be guilty of escape under this Title or Title 17, section 1405.

1959, c. 242, § 2; 1965, c. 375, § 1; 1967, c. 391, § 5; 1969, c. 290; 1971, c. 593, § 22; 1973, c. 460, § 18; 1973, c. 537, § 40.

Historical Note

The 1965 amendment inserted the third sentence.

The 1967 amendment, in the first, second and last sentences, substituted "Men's Correctional Center" for "Reformatory for Men".

The 1969 amendment, in the first sentence, inserted "county or municipality" and substituted "the" for "said" department.

The 1971 amendment, in the first sentence, substituted "Department of

Transportation" for "State Highway Commission".

Laws 1973, c. 460, in the second sentence, substituted "State Forestry Bureau" for "State Forestry Department".

Laws 1973, c. 537, in the second sentence, substituted "Bureau of Civil Defense" for "Department of Civil Defense and Public Safety".

Derivation: R.S.1954, c. 27, § 3-A, as enacted by Laws 1959, c. 242, § 2.

Title 34, § 527 -- Applicable to: Bureau, Prison, M.C.C., Counties

§ 527. Rehabilitative and work release programs

The Bureau of Corrections is authorized to adopt and implement rehabilitative programs, including work release and restitution as authorized by Title 17-A, chapter 54, within the penal and correctional institutions under its control. Under such programs the head of any such institution may permit any inmate or prisoner considered to be worthy of trust to participate in activities which may include training and employment, outside the institution, subject to regulations adopted by the Bureau of Corrections, which in the judgment of the head of the institution will contribute to the reformation of the inmate or prisoner and will assist in preparing him for eventual release.

The Bureau of Corrections is authorized to establish regulations for and permit institutions under its control to grant to an inmate or prisoner furlough from the institution in which he is confined. Furlough may be granted for not more than 10 days at one time for a visit to a dying relative, attendance at the funeral of a relative, the contacting of prospective employers, the obtaining of medical services, which may be for a period longer than 10 days if medically required, or for any other reason consistent with the rehabilitation of an inmate or prisoner.

Any inmate or prisoner permitted outside an institution under this section shall be furnished a copy of the regulations of the Bureau of Corrections applicable to the program in which he is permitted to participate, or to his furlough, the receipt of which copy shall be attested by the inmate or prisoner.

Any person over the age of 17 who willfully obstructs, intimidates or otherwise abets any inmate or prisoner participating in a program, or on furlough, under this section, and thereby contributes or causes said inmate or prisoner to violate the terms and conditions of his program participation, or furlough, after having been warned by the head of the institution to cease and desist in said relationship or association with the inmate or prisoner, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

1975, c. 499, § 56; 1977, c. 455, § 4.

Amendments:

--1977. Chapter 468, § 4 inserted "and restitution as authorized by Title 17-A, chapter 54," in the 1st sentence.

--1975. Repealed 4th paragraph. Section 1 of c. 499 enacted Title 17-A, the Maine Criminal Code.

Effective date. Section 83 of 1975, c. 423 added to 1975, c. 499, a section 72, which provided: "Sections 2 to 71 of this Act shall become effective March 1, 1978."

Cross References

County jails, grant of furloughs or participation in other rehabilitative programs, approval of sheriff, see § 1710 of Title 15.

1. In general

on theory that such rule should not be applied retrospectively thus making acts criminal which were not criminal when committed under earlier decisions, since there was no uncertainty about fact that an escape by one who has been permitted outside walls of prison in which he is serving legal sentence is at law escape from prison. *Id.*

Where defendant had been received in prison on March 13, 1970 under his sentence of one year and not more than three years, defendant could not be convicted of escape from furlough which occurred on May 20, 1973 on theory that the sentence imposed March 11, 1970 did not actually commence.

§ 1009. Prisoner participation in municipal public works projects

The sheriff in charge of a county jail may, in his discretion, permit certain inmates of that jail to participate in municipal public works-related projects in the county where the jail is located. Before an inmate is permitted to participate in this type of project, the judge or justice who originally sentenced the inmate to the county jail shall sign his approval to the inmate's participation.

Any inmate participating in a municipal public works-related project under this section shall have his sentence to the jail prorated at the rate of one day removed from the sentence for every 16 hours of participation in the project.

Participation in this type of project shall not be deemed employment under section 1007, subsections 3 through 7.

1977, c. 372, § 2.

Title 17A, § 1253 -- Applicable to: Department, Prison, M.C.C.

§ 1253. Calculation of period of imprisonment

1. The sentence of any person committed to the custody of the Department of Mental Health and Corrections shall commence to run on the date on which such person is received into the custody of the department.

2. When a person sentenced to imprisonment has been committed for pre-sentence evaluation pursuant to section 1251, subsection 2, or has previously been detained to await trial, in any state or county institution, or local lock-up, for the conduct for which such sentence is imposed, such period of evaluation and detention shall be deducted from the time he is required to

be imprisoned under such sentence. The attorney representing the State shall furnish the court, at the time of sentence, a statement showing the length of such detention, and the statement shall be attached to the official records of the commitment.

3. Each person sentenced, before January 1, 1978, to imprisonment for more than 6 months whose record of conduct shows that he has observed all the rules and requirements of the institution in which he has been imprisoned shall be entitled to a deduction of 10 days a month from his sentence, commencing, in the case of all such convicted persons, on the first day of his delivery into the custody of the department.

3-A. Each person sentenced, on or after January 1, 1978, to imprisonment for more than 6 months shall earn a reduction of 10 days from his sentence for each month during which he has faithfully observed all the rules and requirements of the institution in which he has been imprisoned. Each month the supervising officer of each institution shall cause to be posted a list of all such persons who have earned reductions from their sentences during the previous month. If any such person does not earn all of his reduction from his sentence in any month, a notation of such action shall be entered on a cumulative record of such actions in the person's permanent file.

4. An additional 2 days a month may be deducted in the case of those who are assigned duties outside the institution or who are assigned to work within the institution which is deemed

APPENDIX E-1

Chronology of
Studies and reports: Maine's Criminal Justice System

Batten, Batten, Judson & Schwab - Comprehensive Correctional
Study for the State of Maine

This surveys existing correctional facilities and related resources/services in Maine, and makes recommendations for reorganization towards a regional community-based correctional system (3 Vol. 1971)

National Clearinghouse for Criminal Justice Planning and Architecture-
Technical Assistance Report for State of Maine
Master Plan

This makes recommendations for the utilization of county jail facilities based upon the assumption that the concept outlined in the Batten, Batten would be implemented. (1. Vol.) 1973.

Economic & Manpower Corp. - Careers in Corrections (Career Ladder)

This study makes recommendations for the correction of job titles and functions with the bureau philosophy of community-based corrections. (1 Vol.) 1973.

Bureau of Corrections - Position on the Potential Implementation of
the "Comprehensive Correctional Study"

This summarizes bureau planning activities since the publication of the Batten, Batten Study, 1974.

Governor's Task Force on Corrections. In the Public Interest:
Report of the Governor's Task Force on Corrections.

This updates and reinforces some aspects of the Batten, Batten Study, and makes recommendations for the implementation of a community-based correctional program in Maine (1 Vol.) 1974.

American Correctional Association - A Study of and Recommendations for
Assistance in Developing and Implementation Schedule
of the Maine Correctional Plan.

This study was made by consultants at the request of the Bureau of Corrections, and makes a series of organizational recommendations for implementation. The Batten, Batten Study. (1. Vol., 1975)

Bureau of Corrections - Reports of the Ad Hoc Committee

This committee gathered data and made several recommendations for the implementation of the Maine Correctional Plan. (1974-75)

Department of Mental Health and Corrections - Commissioner's Task Force on Corrections.

Their reports propose various alternatives for the implementation of the Maine Correctional Plan. (1975)

Health and Institutional Services Committee. Report on the Proposed Plan for Reorganizing the Bureau of Corrections.

This report responded to the Department's plans for the Bureau of Corrections reorganization. (Sept. 1975)

Maine State Bar Association: Committee on Correctional Facilities and Services - Costs of Maine State Correctional Institutions.

This report details all expenditures (both state and federal) made by the existing (FY 1975) state-operated correctional institutions. (1 Vol., 1976)

Governor's Task Force on Corrections - Report of the Task Force on Corrections.

This report examines the utilization of present correctional facilities in light of the new Criminal Code, specifically addressing four points:

1. Adequacy of current facilities to house offenders;
2. Alternate methods if institutionalized;
3. Appropriate staff to offender population ratios; and
4. Adequacy of rehabilitation and treatment programs for offenders. (1 Vol., 1976)

Maine Correctional Advisory Commission. Report of the Maine Correctional Advisory Commission.

This report is the result of the Advisory Commission's meetings with an investigator of conditions within the Department. The Commission acted in an advisory capacity in assessing present programs and planning future ones, and in developing on-going policies to meet the correctional needs of the State of Maine. (1 Vol., 1976)

Maine State Bar Association: Committee on Correctional Facilities and Services: Cost-Benefit Analysis of Alternatives to Incarceration. Unpublished.

This report identifies, and analyzes from a cost-benefit viewpoint, several alternatives to incarceration in the State of Maine. (1 Vol. 1977)

Maine Correctional Advisory Commission. Report of the Maine Correctional Advisory Commission.

Criticizes the Department for failing to act on previous reports and plans. (1977)

Bureau of Corrections: Adult Correctional Master Plan. (1977)

Provides an update of the Batten and Batten study. The plan proposes a system of regional correctional facilities.

Bureau of Corrections: County Jail Inspection Report. (1977)

Annual report by the State's jail inspector on the condition of Maine's jails.

Kennebec County Jail Citizens Committee Report (1978)

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