

Annual List of Rulemaking Activity
Rules Adopted January 1, 2022 to December 31, 2022
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: 25 MRS §1612
Chapter number/title: Ch. 4 (New), Line of Duty Death Benefits for Corrections Officers
Filing number: 2022-080
Effective date: 5/18/2022
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:

The purpose of this rule is to establish a process governing the award of death benefits to the child, spouse, or parent of a corrections officer who dies while in the line of duty as required by 25 MRS §1612.

Fiscal impact of rule:
None.

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Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: PL 2021 ch. 376
Chapter number/title: **Ch. 10**, Policy and Procedures Manual – Adult:
Subsection 27.2, Supervised Community Confinement
Filing number: 2022-005
Effective date: 1/10/2022
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The primary reason this rule is being adopted is to make permanent and expand on the emergency amendment to the rule governing supervised community confinement in order to fulfill the requirements of 34-A MRS section 3036-A, as amended by Public Law 2021 ch. 376, entitled “An Act To Provide Pathways to Rehabilitation, Reentry and Reintegration.”

Basis statement:

This rule fulfills the requirements of 34-A MRS section 3036-A, as amended by Public Law 2021 ch. 376, entitled “An Act to Provide Pathways to Rehabilitation, Reentry and Reintegration.” The provisions in this rule establish the timeframes for when a resident of a Department of Corrections adult facility is eligible to apply for transfer to supervised community confinement, the application process, the criteria and process for determining whether a resident is approved for transfer, and requirements after transfer to supervised community confinement.

Fiscal impact of rule:

None.

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Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: PL 2021 ch. 376; 34-A MRS §3036-A
Chapter number/title: Ch. 10, Policy and Procedures Manual – Adult:
Subsection 27.2, Supervised Community Confinement
Filing number: 2022-239 (*Repeal and replace*)
Effective date: 12/21/2022
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The primary reason this rule is being adopted is to incorporate recently enacted legislation to comply with the requirements of 34-A MRSA Section 3036-A, as amended by Public Law 2021, Chapter 376, entitled “An Act to Provide Pathways to Rehabilitation, Reentry and Reintegration.” In addition, the provisions in this rule establish the timeframes for when a resident of a Department of Corrections adult facility is eligible to apply for transfer to supervised community confinement, the application process, the criteria and process for determining whether a resident is approved for transfer, and requirements after transfer to supervised community confinement.

Basis statement:

The Maine Department of Corrections repealed and replaced the former Ch. 10, Subsection 27.2, “Supervised Community Confinement” rule to incorporate recently enacted legislation to comply with the requirements of 34-A MRSA Section 3036-A, as amended by Public Law 2021, Chapter 376, entitled “An Act to Provide Pathways to Rehabilitation, Reentry and Reintegration.” In addition, the provisions in this rule establish the timeframes for when a resident of a Department of Corrections adult facility is eligible to apply for transfer to supervised community confinement, the application process, the criteria and process for determining whether a resident is approved for transfer, and requirements after transfer to supervised community confinement.

Fiscal impact of rule:

None.

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Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: 34 MRS §3035
Chapter number/title: Ch. 10, Policy and Procedures Manual – Adult:
Subsection 27.3, Community Transition Program
Filing number: 2022-240 (*Repeal and replace*)
Effective date: 12/21/2022
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:

The Department initiated rulemaking on Ch. 10, Subsection 27.3, “Community Transition Program”, to change the timeframe for when a resident of a Department of Corrections adult facility is eligible for a community transition program from two (2) years to no more than three (3) years prior to the resident’s current custody release date. In addition, provisions in this rule establishes the application process, the criteria and process for determining whether a resident is approved for a community transition program, and requirements while in the program.

Fiscal impact of rule:
None.

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Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: 34 MRS §3035
Chapter number/title: Ch. 10, Policy and Procedures Manual – Adult:
Subsection 27.4, Furlough Program
Filing number: 2022-241 (*Repeal and replace*)
Effective date: 12/21/2022
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:

The Department adopts the Ch. 10 Subsection 27.4, “Furlough Program” rule to change the timeframe for when a resident of a Department of Corrections adult facility is eligible for a furlough from two (2) years to no more than three (3) years prior to the resident’s current custody release date. In addition, provisions in this rule establishes the application process, the criteria and process for determining whether a resident is approved for furlough, and requirements while on a furlough.

Fiscal impact of rule:
None.

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Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: 34-A MRS §1402(5)
Chapter number/title: Ch. 10, Policy and Procedures Manual – Adult:
Subsection 29.1, Adult Resident Grievance Process, General
Filing number: 2022-028
Effective date: 3/8/2022
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:

The primary reason this rule is being adopted is to repeal and replace the current rule, adopted in 2012, in order to streamline and improve the adult facility resident general grievance process. The provisions in this adopted rule clarify what a grievable matter consists of, establish new timelines for the filing of a grievance, require that the informal resolution process be initiated by the Grievance Review Officer, clarify other staff responsibilities, better describe abuses of the grievance process, strengthen record keeping and audit requirements, and make other improvements to the process.

Fiscal impact of rule:
None.

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Agency name: Department of Corrections
Umbrella-Unit: 03-201
Statutory authority: 34-A MRS §1402(5)
Chapter number/title: Ch. 10, Policy and Procedures Manual – Adult:
Subsection 29.2, Adult Resident Grievance Process, Health Care
Filing number: 2022-029
Effective date: 3/8/2022
Type of rule: Routine Technical
Emergency rule: No

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

Basis statement:

The primary reason this rule is being adopted is to repeal and replace the current rule, adopted in 2012, in order to streamline and improve the adult facility resident general grievance process. The provisions in this adopted rule clarify what a grievable matter consists of, establish new timelines for the filing of a grievance, require that the informal resolution process be initiated by the Grievance Review Officer, clarify other staff responsibilities, better describe abuses of the grievance process, strengthen record keeping and audit requirements, and make other improvements to the process.

Fiscal impact of rule:
None.