**MAPA-3** revised 8-2019

**Notice of Agency Rulemaking Proposal**

AGENCY: Maine Department of Corrections

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

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

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

BRIEF SUMARY: The primary reason this rule is being proposed is to amend the current rule to make permanent and expand the emergency amendment governing plans to prevent and control outbreaks of coronavirus and other infectious and communicable diseases; to make the rule consistent with a recently passed statute governing visits to jail inmates; and to add provisions governing pregnancy services, medication-assisted treatment, naloxone, and use of force.

Copies of the proposed rule are available upon request by contacting the Department contact person or on the Department of Corrections website at https://www.maine.gov/corrections/about/policies-procedures-proposed-rules. Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment. Written comments may be submitted by mail, e-mail, or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include your name and the organization you represent, if any.

Date, time and location of PUBLIC HEARING *(if any)*: Monday, December 7, 2020 at 1:00 p.m. Due to the COVID-19 pandemic, this hearing will be conducted via a Zoom virtual meeting. The Zoom meeting can be accessed at <https://zoom.us/j/91683143841?pwd=czV1NEhFZHNMcXUyV3dDcWJaVjJLZz09>

If needed, the Meeting ID is 916 8314 3841 and Passcode is 8uenTP.   Some devices may require downloading a free app from Zoom prior to joining the public hearing event.

Directions on how to attend the hearing will also be posted on the Department of Corrections website and sent to the interested persons list.

COMMENT DEADLINE: December 18, 2020 at 5:00 p.m.

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

Mary Lucia

Department of Correction

111 SHS

Augusta ME 04333

Phone: (207) 530-0983

Fax: (207) 287-4370

mary.a.lucia@maine.gov

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

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

STATUTORY AUTHORITY FOR THIS RULE: 34-A MRSA §§ 1208 & 1208-B

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: Federal constitutional law and 30-A MRSA §§ 1556-A & 1561

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

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

*\* Check one of the following two boxes.*

**** *The summary provided above is for publication in both the newspaper and website notices.*

*□ The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State’s website. Title 5 §8053, sub-§3, ¶D & sub-§6.*

**Please approve bottom portion of this form and assign appropriate AdvantageME number.**

APPROVED FOR PAYMENT DATE:

 (*authorized signature)*

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **FUND** | **AGENCY** | **ORG** | **APP** | **OBJ** | **PROGRAM** | **FUNDING****Profile JVC** | **FUND****Pri JVC** | **FUND****Line JVC** |
|  |  |  |  |  |  |  |  |  |

**MAPA-3** revised 2-2016: additional summary information for web

**Notice of Agency Rulemaking Proposal**

**Additional Information for the Web** *(if any)*

**DETAILED SUMMARY:**

BASIS STATEMENT

Under the amended rule, the jails will be required to have plans in place to prevent and control the outbreak of infectious and communicable diseases that are reviewed by the Department of Corrections and the Maine CDC and will be required to report any such outbreaks to the Department and the CDC. They will also be required to provide the opportunity for in-person and contact visitation to jail inmates unless one of the exceptions set out in statute exists. They will be required to provide female inmates with pregnancy prevention and management services. They will be required to provide inmates with a substance use disorder with medication assisted treatment as necessary. There will be a nonmandatory standard governing naloxone. Finally, the jails will be required to implement policies, procedures, and practices to prevent the use of excessive force, to include a prohibition on strangleholds, chokeholds, carotid holds, and other techniques that physically compromise the airway, breathing, or blood flow to the head in circumstances where non-deadly force is appropriate; duty to intervene in instances of excessive force; and lack of bias in the use of force. See new and amended standards C.28, C.29, C.30, C.31, J.10, J.11, J.15, J.18, K.18, K.19, K.20, and K.21.