November 13, 2020

Stephen Gorden, President

Maine County Commissioners Association

4 Gabriel Drive, Suite 2

Augusta, ME 04330

Re: Rulemaking regarding Standards for County and Municipal Detention Facilities

 Comments of the Maine County Commissioners Association

Dear Mr. Gordon:

Thank you for your letter on behalf of the Maine County Commissioners Association (MCCA) regarding the Department of Corrections Proposed Rule No. 2020-P204 (Ch. 1, Detention and Correctional Standards for Counties and Municipalities). Each comment submitted by the MCCA has been noted and will be considered before the final adoption of this rule.

In addition to MCCA’s comments on the rule and a request for a public hearing, you expressed that MCCA urges the Commissioner to discontinue the present rulemaking. However, based on discussion with Commissioner Liberty and other staff, the Department will proceed with the rulemaking on this proposed rule. The rulemaking process is designed to solicit comments from the public on a proposed rule and all comments are considered prior to the adoption of a rule. Furthermore, the Department is required to address all comments received and state its rationale for adoption or failing to adopt any suggested changes to the proposed rule.

The comment deadline is December 18, 2020, and once the comment deadline has passed, staff will consider all oral and written comments and make recommendations to the Commissioner, who will make the final decision on whether all, some or none of the comments will be incorporated into the adopted rule. The rule will then be sent to the Attorney General’s Office for approval as to legality before it is filed with the Secretary of State as an adopted rule. The comments, both oral and written, will be summarized and responded to in a document that will be filed with the Secretary of State at the same time as the adopted rule.

You also mentioned that we did not identify the substantive state or federal law being implemented and have since included those references in an amended MAPA 3, which are Federal constitutional law and 30-A MRSA §§ 1556-A & 156. The MAPA 3 is attached and the rulemaking notice will be published in the 5 major newspapers on November 18, 2020.

A public hearing will be held on 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.  You can access the Zoom meeting  at  [https://zoom.us/j/91683143841?pwd=czV1NEhFZHNMcXUyV3dDcWJaVjJLZz09](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fzoom.us%2Fj%2F91683143841%3Fpwd%3DczV1NEhFZHNMcXUyV3dDcWJaVjJLZz09&data=04%7C01%7CMary.A.Lucia%40Maine.gov%7Cb36c5893a2ee41ff479108d87c12325b%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637395764878351945%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=XH0qx%2BFh7GsLTLU%2BYxhVr1vCLJev3Q6O8G3VoQQkpyU%3D&reserved=0)

If needed, the Meeting ID is 916 8314 3841 and the Passcode is 8uenTP.   Some devices may require downloading a free app from Zoom before joining the public hearing event. The rule and instructions on how to attend the hearing are also posted on the Department of Corrections website at <https://www.maine.gov/corrections/about/policies-procedures-proposed-rules>

Sincerely,

**Mary Lucia**

Mary Lucia, Policy Development Coordinator

(MDOC Rulemaking Contact)

Cc: Randall Liberty, Commissioner

Ryan Thornell, Deputy Commissioner

Ryan Andersen, Manager of Correctional Operations

Sheriff Troy Morton, President, Maine Sheriffs’ Association

Christine Landes, President, Maine Municipal Association

Mary Anne Turowski, Governor’s Office