

§1001. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 459, §6 (NEW).]

1. Chief administrative officer. "Chief administrative officer" means the head of a correctional facility or a detention facility.

A. [PL 1991, c. 314, §1 (RP).]

B. [PL 1991, c. 314, §1 (RP).]

C. [PL 1991, c. 314, §1 (RP).]

D. [PL 1991, c. 314, §1 (RP).]

[PL 1991, c. 314, §1 (AMD).]

1-A. Client. "Client" means any person in the custody or under the supervision of the department, including, but not limited to, a prisoner, juvenile client, contract client, probationer, parolee, juvenile detainee and an informally adjusted juvenile.

[PL 1991, c. 314, §2 (NEW).]

1-B. Adult developmental services. "Adult developmental services" has the same meaning as in Title 34-B, section 1001, subsection 1-A.

[PL 2011, c. 542, Pt. A, §57 (NEW).]

2. Commissioner. "Commissioner" means the Commissioner of Corrections or his designee, except that, when the term "commissioner and only the commissioner" is used, the term applies only to the person appointed Commissioner of Corrections and not to any designee.

[PL 1983, c. 459, §6 (NEW).]

3. Committed offender.

[PL 1991, c. 314, §3 (RP).]

4. Contract agency. "Contract agency" means a facility or program outside the jurisdiction of the department, providing services under contract to the department.

[PL 1983, c. 459, §6 (NEW).]

5. Contract client. "Contract client" means a client residing in a facility or participating in a program outside the jurisdiction of the department under an agreement between the department and the contract agency.

[PL 1991, c. 314, §4 (AMD).]

6. Correctional facility. "Correctional facility" means any facility that falls under the jurisdiction of the department, but does not include any facility for which the department is required to establish standards pursuant to section 1208 or 1208-A.

[PL 2003, c. 410, §9 (AMD).]

7. Correctional program. "Correctional program" includes, but is not limited to, probation and parole, court intake and jail inspection.

[PL 1983, c. 459, §6 (NEW).]

8. Department. "Department" means the Department of Corrections.

[PL 1983, c. 459, §6 (NEW).]

8-A. Detention facility. "Detention facility" means the Long Creek Youth Development Center.

[PL 2023, c. 135, §1 (AMD).]

9. Holding facility. "Holding facility" means a facility or part of a building used for the detention of adult pretrial detainees prior to arraignment, release or transfer to another facility or authority for periods of up to 48 hours. "Holding facility" also means a county jail or part of a jail used for the

detention of adult inmates, whether detained pending a trial or other court proceeding or sentenced for periods of up to 72 hours excluding Saturday, Sunday and legal holidays and excluding days during which the inmate is at court.

A. [PL 2009, c. 391, §8 (RP).]

B. [PL 2009, c. 391, §8 (RP).]

[PL 2009, c. 391, §8 (RPR).]

10. Informally adjusted juvenile. "Informally adjusted juvenile" means a juvenile participating in a program of informal adjustment, as defined in Title 15, section 3003, subsection 10.

[PL 1983, c. 459, §6 (NEW).]

10-A. Investigative officer. "Investigative officer" means an employee of the department designated by the commissioner as having the authority to conduct investigations of crimes or juvenile crimes relating to the security or orderly management of a facility administered by the department and engage in any other activity that is related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act or the administration of juvenile justice and who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a full-time law enforcement officer.

[PL 2021, c. 365, §31 (AMD); PL 2021, c. 365, §37 (AFF).]

11. Juvenile client. "Juvenile client" means a juvenile committed to a juvenile correctional facility who is either residing at the facility or is on community reintegration status, or ordered confined in a juvenile correctional facility pursuant to Title 12, section 6004, 8004 or 10608; Title 15, section 3314, subsection 1, paragraph H; Title 15, section 3314, subsection 7; or Title 29-A, section 115.

[PL 2017, c. 148, §6 (AMD).]

11-A. Juvenile detainee. "Juvenile detainee" means a juvenile detained at a departmental juvenile facility pending a court proceeding or pursuant to Title 15, section 3312, subsection 3, paragraph D.

[PL 2005, c. 507, §19 (AMD).]

11-B. Likelihood of serious harm. "Likelihood of serious harm" means a:

A. Substantial risk of physical harm to a person, as manifested by that person's recent threats of, or attempts at, suicide or serious self-inflicted harm; [PL 2013, c. 434, §2 (NEW).]

B. Substantial risk of physical harm to other persons, as manifested by a person's recent homicidal or other violent behavior or recent conduct placing others in reasonable fear of serious physical harm; or [PL 2013, c. 434, §2 (NEW).]

C. Reasonable certainty that a person will suffer severe physical or mental harm as manifested by that person's recent behavior demonstrating an inability to avoid risk or to protect the person's self adequately from impairment or injury. [PL 2013, c. 434, §2 (NEW).]

[PL 2017, c. 147, §1 (AMD).]

12. Parking area. "Parking area" means land maintained by the State at the correctional facilities which may be designated as parking areas by the chief administrative officers of the correctional facilities.

[PL 1983, c. 459, §6 (NEW).]

12-A. Person with mental illness. "Person with mental illness" means a person who has attained 18 years of age and has been diagnosed as having a psychiatric or other illness that substantially impairs that person's mental health. An intellectual disability as defined in Title 34-B, section 5001, subsection 3 or a personality disorder is not a psychiatric or other illness for purposes of this subsection.

[PL 2017, c. 147, §2 (AMD).]

13. Prison. "Prison" means the Maine State Prison.

[PL 1983, c. 459, §6 (NEW).]

14. Prisoner. "Prisoner" means an adult person sentenced and committed to, transferred to or detained in the custody of the department, including a person on supervised community confinement.

[PL 2013, c. 133, §24 (AMD).]

15. Public way. "Public way" means a road or driveway on land maintained by the State at the correctional facilities.

[PL 1983, c. 459, §6 (NEW).]

15-A. Regional correctional administrator. "Regional correctional administrator" means the supervisor of adult probation and parole services or the supervisor of juvenile community corrections officer services for a region.

[PL 2013, c. 133, §25 (AMD).]

15-B. Restorative justice. "Restorative justice" means a practice in which offenders take responsibility for causing harm and engage in a facilitated process with victims, family members, community members, advocates and others impacted by the harm that focuses on repairing the harm, addressing needs and preventing future harm.

[PL 2021, c. 355, §1 (NEW).]

16. Segregation. "Segregation" means the separation of a prisoner from the general population of a correctional facility for administrative or punitive reasons.

[PL 1991, c. 314, §8 (AMD).]

17. Short-term detention area. "Short-term detention area" means a section of a building used for the detention of pretrial detainees for periods of up to 4 hours.

[PL 1983, c. 459, §6 (NEW).]

18. Written political material. "Written political material" means flyers, handbills or other nonperiodical publications, which are subject to the restrictions of Title 21-A, chapter 13.

[PL 1985, c. 161, §14 (AMD).]

19. Administration of criminal justice.

[PL 2015, c. 470, §15 (RP).]

20. Criminal justice agency. "Criminal justice agency" has the same meaning as in Title 16, section 703, subsection 4.

[PL 2013, c. 267, Pt. B, §26 (AMD).]

21. Administration of juvenile criminal justice.

[PL 2021, c. 365, §32 (RP); PL 2021, c. 365, §37 (AFF).]

22. Administration of juvenile justice. "Administration of juvenile justice" has the same meaning as in Title 15, section 3003, subsection 1-A.

[PL 2021, c. 365, §33 (AMD); PL 2021, c. 365, §37 (AFF).]

SECTION HISTORY

PL 1983, c. 459, §6 (NEW). PL 1985, c. 161, §14 (AMD). PL 1987, c. 633, §1 (AMD). PL 1991, c. 314, §§1-8 (AMD). PL 1995, c. 462, §A63 (AMD). PL 1995, c. 462, §§A64,82,83 (AFF). PL 1997, c. 102, §1 (AMD). PL 1997, c. 464, §§7,8 (AMD). PL 1997, c. 752, §§31-33 (AMD). PL 1999, c. 401, §J6 (AMD). PL 2001, c. 439, §G8 (AMD). PL 2001, c. 667, §A50 (AMD). PL 2003, c. 410, §§9-12 (AMD). PL 2005, c. 507, §§18,19 (AMD). PL 2009, c. 142, §14 (AMD). PL 2009, c. 391, §8 (AMD). PL 2011, c. 542, Pt. A, §57 (AMD). PL 2013, c. 80, §5 (AMD). PL 2013, c. 133, §§24, 25 (AMD). PL 2013, c. 267, Pt. B, §26 (AMD). PL 2013, c. 434, §§2, 3 (AMD). PL 2015, c. 470, §§14-16 (AMD). PL 2017, c. 147, §§1, 2 (AMD). PL 2017, c. 148, §§5, 6 (AMD). PL 2021, c. 355, §1 (AMD). PL 2021, c. 365, §§31-33 (AMD). PL 2021, c. 365, §37 (AFF). PL 2023, c. 135, §1 (AMD).

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