



130th MAINE LEGISLATURE

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Legislative Document

No. 279

H.P. 195

House of Representatives, February 1, 2021

**An Act To Protect Persons Detained or Committed in a Correctional
or Detention Facility from Excessive Telephone or Video Charges**

Received by the Clerk of the House on January 28, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUCKER of Brunswick.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 34-A MRSA §1208, sub-§8** is enacted to read:

3 **8. Communications.** The standards established by the commissioner under this
4 section must include the right to communications for inmates of county and municipal
5 detention facilities as follows.

6 A. The county or municipal detention facility shall provide each inmate the
7 opportunity to communicate by means of telephone or video call 2 times per week
8 without charge to the inmate, the inmate's family or a person receiving the call.

9 B. The county or municipal detention facility may provide communications services
10 by means of telephone or video calls or may contract for communications services with
11 an outside entity to provide access to telephone or video calls for inmates.

12 C. A county or municipal detention facility may not enter into a contract with an
13 outside entity for communications services pursuant to paragraph B that:

14 (1) Results in a charge to the inmate, the inmate's family or a person receiving the
15 call that exceeds 11¢ per minute for domestic debit, prepaid or collect calls; or

16 (2) Results in a commission, surcharge or additional fee payable to the county or
17 municipal detention facility that exceeds the charges imposed by the outside entity
18 on the inmate, the inmate's family or a person receiving the call.

19 **Sec. 2. 34-A MRSA §3031, sub-§8**, as amended by PL 2019, c. 139, §2, is further
20 amended to read:

21 **8. Visitation.** A reasonable opportunity to visit with relatives and friends, in
22 accordance with departmental policies and institutional procedures, ~~provided~~ except that
23 the department may restrict or prohibit visits when the restriction or prohibition is necessary
24 for the security of the institution; ~~and~~

25 **Sec. 3. 34-A MRSA §3031, sub-§9**, as enacted by PL 2019, c. 139, §3, is amended
26 to read:

27 **9. Menstrual products.** Comprehensive access to menstrual products, including, but
28 not limited to, sanitary pads and tampons, provided and available at all times and without
29 inconvenience or charge to a person who menstruates who resides in a correctional or
30 detention facility; ~~and~~

31 **Sec. 4. 34-A MRSA §3031, sub-§10** is enacted to read:

32 **10. Communications.** Communications by means of telephone or video call as
33 follows.

34 A. The correctional or detention facility shall provide each prisoner or detainee with
35 the opportunity to communicate by means of telephone or video call 2 times per week
36 without charge to the prisoner or detainee, that person's family or a person receiving
37 the call.

38 B. The correctional or detention facility may provide communications services by
39 means of telephone or video calls or may contract for communications services with
40 an outside entity to provide access to telephone or video calls for prisoners or detainees.

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C. A correctional or detention facility may not enter into a contract with an outside entity for communications services pursuant to paragraph B that:

(1) Results in a charge to the prisoner or detainee, that person's family or a person receiving the call that exceeds 11¢ per minute for domestic debit, prepaid or collect calls; or

(2) Results in a commission, surcharge or additional fee payable to the correctional or detention facility that exceeds the charges imposed by the outside entity on the prisoner or detainee, that person's family or a person receiving the call.

SUMMARY

This bill protects inmates in county jails and municipal detention facilities and prisoners or detainees in state correctional and detention facilities from excessive telephone and video communications charges. The bill amends the law governing standards established by the Commissioner of Corrections for inmates of county jails and municipal detention facilities and establishes the right to communications 2 times per week without charge. The bill contains similar rights for prisoners and detainees in Department of Corrections correctional and detention facilities. The bill allows county jails and municipal detention facilities to contract for communications services and limits the charges that may be imposed and fees to be paid to the jails and municipal detention facilities for the calls. The bill includes similar provisions to protect prisoners and detainees in Department of Corrections correctional and detention facilities.