



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CORRECTIONS  
111 STATE HOUSE STATION  
AUGUSTA MAINE  
04333-0111

RANDALL A. LIBERTY  
COMMISSIONER

May 1, 2026

Dear Representative Collins:

I write in response to your request under the Maine Freedom of Access Act (FOAA), which the Department received via email on March 10, 2026. Your office sent this request as a replacement, asking that it replace the FOAA request you sent via email on March 9, 2026.

Under FOAA, the public has access to records of the Department, so long as those records are not confidential by statute. FOAA exempts records that are confidential under another statute from the definition of “public records” in FOAA at 1 M.R.S. § 402(3). Thus, FOAA does not permit or require an agency to produce confidential records.

FOAA also does not require the Department to respond to questions but only to produce existing records. As a courtesy, in the spirit of cooperation and to foster greater understanding, the Department responds to many of your questions below that fall outside of FOAA.

Your FOAA request contains some statements about FOAA that are not accurate. For example, your request states that the agency is required to respond to the request within a reasonable time frame “not to exceed five working days from receipt of the request.” But this is not accurate. FOAA requires the agency to acknowledge your request within five business days (which the Department did on March 17, 2026, which is five business days from March 10, 2026). But FOAA does not provide a deadline for the agency to respond substantively to the request.

#### Specific Requests:

As to Question 1 in your letter, there are no public records that answer the question you have posed (“How many biological males have been and are housed with biological females at MCC?”). The number of individuals who identify as transgender is not something the Department releases, because those individuals could be identified, in violation of the confidentiality statutes (34-A M.R.S. § 1216) and violating those residents’ privacy rights.

As to question 1(a) in your letter (“Who determines where residents are to places [sic]?”), housing decisions for transgender residents are made according to Policy [23.8](#), which, like all the policies referenced in this response, is available on the MDOC website. Such decisions are governed by the Prison Rape Elimination Act (PREA), its accompanying regulations, and standards set by the PREA Resource Center. PREA regulations require MDOC to make an individualized assessment of housing decisions for transgender residents to ensure safety. *See* [28 C.F.R. § 115.42](#). The regulations further state that “[i]n deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would

present management or security problems.” [28 C.F.R. §§ 115.42\(b\), \(c\)](#). PREA [Standard 115-42](#) states: “In deciding whether to assign a transgender . . . inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems.” State law also dictates that every resident of a Maine correctional facility has the right to “[h]ave the person’s consistently held gender identity respected and acknowledged, irrespective of anatomy or physique.” [34-A M.R.S. § 3031\(10\)](#). That statute further states that “[h]ousing placements and search practices must be consistent with the person’s consistently held gender identity except when such placement or search would present significant management or security problems to the correctional or detention facility or threaten the health and safety of the person” and that “[a] person must have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the person’s consistently held gender identity.” *Id.*

As to question 2 in your letter (“What procedures have been and are in place to protect inmates (residents) from abuse?”), the disciplinary policy, [Policy 20.1](#) outlines that harassment, assault, and other mistreatment by one resident on another are not allowed and will subject the resident to discipline. If the activity constitutes a crime, it will be subject to prosecution. Similarly, the PREA policies outline that the Department has zero tolerance toward all forms of sexual misconduct or sexual harassment, and these policies describe the steps the Department takes to prevent abuse and respond to allegations of abuse. *See* [Policies 6.11](#), [6.11.2](#), [6.11.3](#), [6.11.4](#), and [6.11.5](#).

As to question 3(a) and 4(a) (seeking the number of reports of verbal threats on residents and staff), verbal threats are not something that is tracked. As to the remainder of questions 3 and 4, allegations of violations of the Prison Rape Elimination Act (PREA) are tracked. The 2025 PREA Annual Report is attached and contains facility-specific and Department-wide data on allegations of sexual assaults.

As to question 5 (“What is the standard operating procedure (SOP) for handling and investigating complaints?”), there are several ways residents can make complaints, including via the grievance policy (Policy 29.01) and PREA grievance policy (6.11.4). As to question 5(a) (“Who leads these investigations?”), PREA investigations are conducted by Special Investigations and Intelligence Unit officers or facility correctional investigative officers (detectives) under Policy 6.11.3, Procedure D.

Question 6 is unclear in asking how the Prison Rape Elimination Act is “used” at the Maine Correctional Center. The attached 2025 PREA Annual Report explains PREA reporting for that facility and for the entire Department. Policies [6.11](#) (Sexual Misconduct (PREA and Maine Statutes), General), Policy [6.11.1](#) (Sexual Misconduct (PREA and Maine Statutes, Administration), Prevention), Policy [6.11.2](#) (Sexual Misconduct (PREA and Maine Statutes), Reporting and Investigation), [Policy 6.11.3](#) (Sexual Misconduct (PREA and Maine Statutes), Administrative Sanctions and Grievances), and Policy [6.11.5](#) (Sexual Misconduct (PREA and Maine Statutes), Responding) describe how PREA applies to Department facilities.

As to question 7 (“How is MCC reimbursed (or paid) for residents in their care?”), MCC is not reimbursed or paid for any residents in its care. MDOC is a state agency funded by the state budget.

As to question 8 (“Has Maine Correctional Center applied for grants and what grants have been awarded”), Maine Correctional Center itself has not applied for any grants. The Department has applied for and received several dozen grants in the past six years. A list of these grants is enclosed.

As to question 9 (training to staff on PREA standards), all employees receive annual training regarding sexual misconduct in accordance with PREA, Maine law, and Department Policy [6.11.2](#). As discussed in that policy, upon being hired, staff receive PREA training as part of orientation and are required to sign Attachment A in Policy 6.11.2 on an annual basis.

As to question 10 (training to residents on PREA), upon intake to the Department, all residents are provided PREA education, including a video presentation and informational handout ([Attachment D](#) to Policy 6.11.2). The resident handbook also contains a section on PREA.

As to question 11 (“How many languages are used at MCC”), the Department generally uses the English language. As to question 11(a) (“Are translation services available?”), the Department has a policy regarding communication with individuals with limited English Proficiency, [Policy 1.10](#).

Your request also asks the Department to inform you of the appeal process available under FOAA. The process for appealing a FOAA response is contained in 1 M.R.S. § 409.

Sincerely,

A handwritten signature in black ink, appearing to read "RAL", is positioned below the word "Sincerely,".

Randall A. Liberty  
Commissioner