

**§ 115.42 Use of screening information.**

- a The agency shall use information from the risk screening required by § 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- b The agency shall make individualized determinations about how to ensure the safety of each inmate.
- c In 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.
- d Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- e A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
- f Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- g The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.





## TIMELINE

- August 6, 2025:** Tour of MCC with Republican legislators, including Rep. Collins. Discussion of tattoo removal program, buying local, and trans residents and the lack of any disciplinary issues.
- March 9, 2026:** FOAA request to MDOC by Collins for 10 categories of material, including a list of all grants awarded MDOC in prior six years.
- March 10, 2026:** Replacement FOAA request by Collins for 11 categories of material
- March 17, 2026:** MDOC acknowledged Rep. Collins' FOAA request
- March 27, 2026:** Rep. Soboleski, Rep. Collins, Rep. Smith visit an MCC resident; Rep. Soboleski takes a tour.
- April 3, 2026:** lawsuit filed
- May 1, 2026:** MDOC responds to Rep. Collins' FOAA request
- May 7, 2026:** FOAA request to MDOC by Rep. Soboleski
- May 13, 2026:** MDOC responds to FOAA by Rep. Soboleski with documents about a resident, because Rep. Soboleski had a signed release by that resident (see Exhibit)
- May 20, 2026:** Government Oversight Committee (GOC) meets. MDOC was not informed or invited.
- May 21, 2026:** Director Shcleck informs MDOC that it is requested to attend GOC and will be provided a list of questions.
- May 27, 2026:** MDOC notifies Director Schleck in writing that MDOC will attend GOC hearing.

**OBrien, Jill R**

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**From:** OBrien, Jill R  
**Sent:** Friday, May 1, 2026 9:35 AM  
**To:** Talbot, Ted; Collins, Alicia  
**Cc:** Cantillo, Anthony; Liberty, Randall; Barrows, Kelene  
**Subject:** FOAA response  
**Attachments:** 2025 PREA Annual Report.pdf; List of Grants.pdf; Ltr Liberty Rep Collins 1 May 2026.pdf

Representative Collins and Mr. Talbot:

Please see the enclosed FOAA response and associated materials. Feel free to contact me with any questions.

Sincerely,  
Jill R. O'Brien  
Director of Government Affairs  
Maine Department of Corrections  
207.441.2297  
jill.r.obrien@maine.gov



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), Policy 6.11.2 (Sexual Misconduct (PREA and Maine Statutes), Prevention), Policy 6.11.3, Sexual Misconduct (PREA and Maine Statutes), Reporting and Investigation, Policy 6.11.4 (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,



Randall A. Liberty  
Commissioner

**OBrien, Jill R**

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**From:** OBrien, Jill R  
**Sent:** Wednesday, May 13, 2026 5:13 PM  
**To:** 'Soboleski, Mike'  
**Cc:** Liberty, Randall  
**Subject:** RE: FOAA request  
**Attachments:** Signed- Soboleski Ltr..pdf; 2026.2.25 Resident Outcome - Mountain.pdf; KM Running Report\_Redacted.pdf; Mountain, Katie Grievance 2026-MCC-98\_Redacted.pdf; Combined Record MSP-26-129.pdf; 2025 PREA Annual Report.pdf; List of Grants.pdf; Ltr Liberty Rep Collins 1 May 2026.pdf

Representative Soboleski,  
Please see the attached response and associated materials.

Sincerely,  
Jill

Jill R. O'Brien  
Director of Government Affairs  
Maine Department of Corrections  
207.441.2297  
jill.r.obrien@maine.gov

**From:** Soboleski, Mike <Mike.Soboleski@legislature.maine.gov>  
**Sent:** Thursday, May 7, 2026 9:35 AM  
**To:** Liberty, Randall <Randall.Liberty@maine.gov>  
**Cc:** OBrien, Jill R <Jill.R.OBrien@maine.gov>; Barbara Barnes <barnesbarbara414@gmail.com>  
**Subject:** FOAA request

Commissioner Liberty,

Attached please find an Authorization for the Disclosure of Information signed by Katie Mountain and my formal FOAA request.

Thank you,

Mike Soboleski  
State Representative

Jane T. Mills  
Governor



Maine Department of Public Safety  
State Fire Marshal's Office  
45 Commerce Drive, Suite 1  
Augusta, ME 04330



Michael Sauschuck  
Commissioner

Shawn Esler  
State Fire Marshal

Phone: (207) 626-3880  
Fax: (207) 287-6251

### Statement of Deficiencies and Plan of Corrections

Facility Name: MAINE CORRECTIONAL CENTER  
Location: 17 MALLISON FALLS RD  
WINDHAM, ME 04062-4101

Owner Name: MATT MOSLEY  
Address: (STATE OF MAINE)  
17 MALLISON FALLS RD  
WINDHAM, ME 04062-4101

Telephone: +1 (207) 242-6316  
Facility Type:  
File Number: 69673  
Resource ID:

<p>During an inspection of your facility a certified State Inspector found the following violations:</p>		<p>In this right-hand column, you are required to indicate how and when (<u>specific dates</u>) you will have these violations corrected. Complete this information and return this "Plan of Correction" to the above address <u>within 10 days</u> of receipt of this statement.</p>
<p>1. VIOLATION</p>	<p>Violations found as described</p> <ul style="list-style-type: none"> <li>- Fire-proofing has been removed, and steel is exposed.</li> <li>a. Building 3 Fire Panel Room</li> <li>b. Building 2 Mechanical room</li> <li>c. Building 2 security 2M104</li> </ul> <p><b>NFPA 101: 4.6.12.1</b> <i>Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire-resistive construction, or any other feature is required for compliance with the provisions of this Code, such device, equipment, system, condition, arrangement, level of protection, fire-resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable NFPA requirements or requirements developed as part of a performance-based design, or as directed by the authority having jurisdiction.</i></p>	
<p>2. VIOLATION</p>	<p>Violations found as described</p> <ul style="list-style-type: none"> <li>- Clothing storage and wooden beds with storage under beds in sleeping areas.</li> <li>a. Women's Center</li> <li>b. Dorm 6</li> </ul> <p><b>NFPA 101: 22.7.2* Combustible Personal Property.</b> <i>Books, clothing, and other combustible personal property allowed in sleeping rooms shall be stored in closable metal lockers or an approved fire-resistant container.</i></p>	



### Statement of Deficiencies and Plan of Corrections

3. VIOLATION	Violations found as described  - Oxygen storage with combustibles closer than 5'. a. Building 2 oxygen closet. <b>NFPA 99: 11.3.5.3</b> <i>Oxidizing gases such as oxygen and nitrous oxide shall be separated from combustibles or flammable materials by one of the following:</i> <i>(1) Minimum distance of 6.1 m (20 ft)</i> <i>(2) Minimum distance of 1.5 m (5 ft) if the entire storage location is protected by an automatic sprinkler system designed in accordance with NFPA 13</i> <i>(3) A gas cabinet constructed per NFPA 30 or NFPA 55, if the entire storage location is protected by an automatic sprinkler system designed in accordance with NFPA 13</i>	
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**\*PLEASE SIGN AND DATE YOUR PLAN OF CORRECTION.**

Date of Inspection: 6/9/2025  
Inspector: CHAD CHARLAND  
Date Sent: 7/8/2025

Owner/Occupant Signature: \_\_\_\_\_

Date: \_\_\_\_\_