

MAINE STATE LEGISLATURE

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MS

L.D. 2185

DATE: 3-19-98

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CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1556, L.D. 2185, "Resolve, to Provide Accountability in the Probation System"

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, The Legislature recognizes the immediate need to address the issue of adequate staffing and resources in the Department of Corrections probation services to ensure the safety of the department staff and the public; and

Whereas, it is the intent of the Legislature that the implementation of new probation officer positions reflects the Department of Corrections' needs and ability to train and effectively employ the new probation officers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Study group established. Resolved: That the Commissioner of Corrections shall convene a study group to review procedures and consider improvements in juvenile and adult probation services. Specifically, the study group shall review the current resources, assessment instruments, services provided and issues of concern within the Department of Corrections; and be it further

COMMITTEE AMENDMENT

R. of S.

2 **Sec. 2. Membership. Resolved:** That the study group consists
4 of the Commissioner of Corrections or the commissioner's
6 designee; the Attorney General or the Attorney General's
8 designee; and a member of the judiciary appointed by the Chief
10 Justice of the Maine Supreme Judicial Court. The study group
12 also consists of the following members appointed by the President
14 of the Senate: a Senator who sits on the Joint Standing Committee
16 on Criminal Justice; a probation officer; a member of the Maine
18 Association of Criminal Defense Lawyers; and a member of the
20 Maine Sheriffs Association. The study group further consists of
the following members appointed by the Speaker of the House of
Representatives: a member of the House of Representatives who
sits on the Joint Standing Committee on Criminal Justice; a
juvenile caseworker; a member of the Maine Prosecutors
Association; and a member of the Maine Chiefs of Police
Association. The study group also consists of the following
members appointed by the commissioner: a community services
representative and a victims' advocate; and be it further

22 **Sec. 3. Convening of study group. Resolved:** That the Chair of
24 the Legislative Council shall call the first meeting of the study
26 group between the 30th and 45th days following the effective date
of this resolve. A quorum is a majority of the members; and be
it further

28 **Sec. 4. Selection of chair. Resolved:** That the study group shall
30 select a chair from among the members at the first meeting; and
be it further

32 **Sec. 5. Staffing. Resolved:** That the Department of Corrections
34 shall provide staffing and clerical support to the study group.
36 The commissioner shall carry out the requirements of this section
to the extent possible within the existing budgeted resources of
the department. The department may also request legislative
drafting assistance from the Legislative Council; and be it
further

38 **Sec. 6. Compensation. Resolved:** That the legislative members
40 of the study group are entitled to receive the legislative per
42 diem, as defined in the Maine Revised Statutes, Title 3, section
2, for attendance at meetings of the study group; and be it
further

44 **Sec. 7. Report. Resolved:** That the study group shall submit
46 its report and any necessary implementing legislation to the
48 joint standing committee of the Legislature having jurisdiction
over corrections and criminal justice matters by January 15,
2000; and be it further

1248

2 **Sec. 8. Office space assessment. Resolved:** That the Commissioner
 4 of Corrections shall perform an assessment of office space needs
 6 for the department's juvenile and adult probation services and
 8 shall prioritize the need for additional space. The 3 most
 10 urgent office space needs as identified by the commissioner must
 12 be addressed by January 1, 1999. The commissioner shall develop
 14 a plan to address the remaining needs by January 1, 2004. The
 16 commissioner shall report on the department's actions regarding
 18 the 3 most urgent office space needs and on its plan to deal with
 20 remaining needs to the joint standing committee of the
 22 Legislature having jurisdiction over corrections and criminal
 24 justice matters by January 15, 1999.

26 The commissioner shall carry out the requirements of this
 28 section to the extent possible within the existing budgeted
 30 resources of the department; and be it further

32 **Sec. 9. Appropriation. Resolved:** That the following funds are
 34 appropriated from the General Fund to carry out the purposes of
 36 this resolve.

	1998-99
CORRECTIONS, DEPARTMENT OF	
Probation and Parole	
Positions - Legislative Count	(10,500)
Personal Services	\$286,651
All Other	65,959
TOTAL	352,610

36 Provides funds for 9
 38 Probation Officer positions,
 40 one full-time Clerk Typist II
 42 position and one part-time
 44 Clerk Typist II position and
 46 related All Other costs. Two
 48 Probation Officer positions
 will support juvenile
 activities while the other
 positions will support adult
 probation activities. All
 positions will start November
 1, 1998.

50 Probation and Parole

DWS

2	Positions - Legislative Count	(6,000)
	Personal Services	\$265,763
4	All Other	162,637
	Capital Expenditures	21,600
6		
8	TOTAL	<u>450,000</u>

10 Provides funds to establish
 12 one Corrections Support
 14 Specialist position and 5
 16 Probation Officer positions
 18 and necessary related All
 20 Other and capital costs
 22 associated with these
 positions. This request is
 to fund supervised community
 confinement intended to
 release certain inmates from
 state institutions prior to
 their projected release dates.

24 Probation and Parole

26	All Other	\$50,000
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28 Provides funds for the costs
 30 associated with drug and
 alcohol testing.

32 Probation and Parole

34	All Other	\$50,000
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36 Provides funds to allow
 38 community corrections to
 40 comply with the provisions of
 the Maine Revised Statutes
 42 requiring DNA testing for
 offenders convicted of 13 of
 the most violent crimes.

44	DEPARTMENT OF CORRECTIONS	
	TOTAL	<u>\$902,610</u>

46 LEGISLATURE

48 Study Commissions - Funding

costs can be absorbed within the Judicial Department's existing budgeted resources.

The Governor's proposed 1998-1999 supplemental budget, LD 1950 as amended by the Bureau of the Budget change packages, also includes \$802,610 in fiscal year 1998-99 for additional Probation and Parole staff and \$50,000 in fiscal year 1998-99 for DNA testing. LD 1950 does not include any supplemental funding for drug and alcohol testing.'

SUMMARY

This amendment replaces the resolve. The amendment does the following.

1. It establishes a study group to review procedures and consider improvements in adult and juvenile probation services. Specifically, the study group shall review the current resources, assessment instruments, services provided and issues of concern within the Department of Corrections and report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters by January 15, 2000.

2. It requires the Commissioner of Corrections to perform an assessment of office space needs for adult and juvenile probation services, to address the 3 top needs by January 1, 1999 and to develop a plan to address the remaining needs by January 1, 2004. The commissioner is required to report this plan to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters by January 15, 1999.

3. It appropriates funding for the following:

A. The hiring of 14 new probation officers and 2 full-time and one part-time support staff;

B. The provision of equipment for drug and alcohol testing to be used by probation officers to ensure compliance with the conditions of probation; and

C. To meet the requirements of the Maine Revised Statutes, Title 25, chapter 194, which requires the Chief of the State Police to collect DNA samples and for DNA sampling of persons convicted of certain crimes.

4. It also adds a fiscal note to the resolve.