

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 2151

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H.P. 1540

House of Representatives, March 12, 2020

**An Act To Implement the Recommendations of the Maine Juvenile  
Justice System Assessment and Reinvestment Task Force**

(EMERGENCY)

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Reported by Representative WARREN of Hallowell for the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Order 2019, H.P. 1515.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed pursuant to Joint Rule 218.

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

ROBERT B. HUNT  
Clerk

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

3           **Whereas,** the initiatives established in this legislation must be undertaken promptly  
4 upon the beginning of the next fiscal year in order to safeguard the health and welfare of  
5 Maine's justice-involved youth and to safeguard the public peace, health and safety; and

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

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

11           **Sec. 1. 15 MRSA §3203-A, sub-§4, ¶C,** as amended by PL 1999, c. 624, Pt. B,  
12 §5, is further amended to read:

13           C. Detention, if ordered, must be in the least restrictive residential setting that will  
14 serve the purposes of the Maine Juvenile Code as provided in section 3002 and one of  
15 the following purposes of detention:

16                   (1) To ensure the presence of the juvenile at subsequent court proceedings;

17                   ~~(2) To provide physical care for a juvenile who can not return home because~~  
18                   ~~there is no parent or other suitable person willing and able to supervise and care~~  
19                   ~~for the juvenile adequately;~~

20                   (3) To prevent the juvenile from harming or intimidating any witness or  
21 otherwise threatening the orderly progress of the court proceedings;

22                   (4) To prevent the juvenile from inflicting bodily harm on others; or

23                   (5) To protect the juvenile from an immediate threat of bodily harm.

24           **Sec. 2. Benchmarks for reducing the population of detained and**  
25 **committed youths.** From a baseline of the average daily population of youths detained  
26 and of the average daily population of youths committed in the custody of the Department  
27 of Corrections for the period from April 1, 2020 to June 30, 2020, the Department of  
28 Corrections shall take action to ensure that the average daily population of detained  
29 youths and the average daily population of committed youths decreases by 25% by July  
30 1, 2021. By July 1, 2022, the Department of Corrections shall take action to ensure that  
31 the average daily population for each group decreases 25% from the average daily  
32 populations for the period from July 1, 2020 to June 30, 2021. By July 1, 2023, the  
33 Department of Corrections shall take action to ensure that the average daily population  
34 for each group decreases 25% from the average daily populations for the period from July  
35 1, 2021 to June 30, 2022.

36           **Sec. 3. Continuing role of the task force on juvenile justice system**  
37 **assessment and reinvestment convened in 2019.** The Commissioner of  
38 Corrections shall work with the members of the task force established by the Juvenile  
39 Justice Advisory Group in 2019 to study and make recommendations on juvenile justice

1 system assessment and reinvestment, referred to in this Act as the "task force," regarding  
2 implementation of this Act and ongoing juvenile justice system improvements. The task  
3 force shall provide advice, input and feedback to the Department of Corrections and the  
4 Department of Health and Human Services regarding the development of a strategic plan  
5 to invest in a community-based system of therapeutic services for justice-involved youth  
6 that works to divert youth from detention and commitment, reduce the rates of detention  
7 and commitment across the State and achieve the benchmarks for progress established in  
8 section 2 of this Act. The task force shall convene an advisory panel of justice-involved  
9 youth to advise the task force in the performance of its duties.

10 **Sec. 4. Annual reporting by the Department of Corrections through 2024.**

11 After receiving advice and input from the task force but no later than January 31, 2021,  
12 January 31, 2022, January 31, 2023 and January 31, 2024, the Department of Corrections  
13 shall provide 4 annual reports to the joint standing committee of the Legislature having  
14 jurisdiction over criminal justice and public safety matters. The reports must provide  
15 detailed information regarding:

16 1. The efforts of the Department of Corrections and the Department of Health and  
17 Human Services to offer diversion options for justice-involved youth and to reduce the  
18 rates of detention and commitment of youth across the State;

19 2. The successes and challenges of the Department of Corrections in achieving the  
20 benchmarks for detained and committed youth set forth in section 2 of this Act;

21 3. The successes and challenges of the Department of Corrections and the  
22 Department of Health and Human Services in expanding access to community-based,  
23 therapeutic services or programs funded under section 8 of this Act for the purpose of  
24 diverting justice-involved youth from detention and commitment and reducing the rates  
25 of youth detention and commitment;

26 4. The successes and challenges of the nonprofit community agencies that have been  
27 awarded contracts to provide community-based, nonresidential, therapeutic services and  
28 programs for the purpose of diverting justice-involved youth from detention and  
29 commitment and reducing the rate of youth detention and commitment as funded under  
30 section 8 of this Act;

31 5. The number and outcomes of youth served in the prior year by the nonprofit  
32 community-based agencies awarded contracts under sections 6 and 7 of this Act;

33 6. The number of staff at Long Creek Youth Development Center as of the preceding  
34 December 1st and staffing levels and challenges at the facility; and

35 7. The strategic plan developed by the Department of Corrections and the  
36 Department of Health and Human Services in consultation with the task force for the  
37 implementation of this Act and related juvenile justice system improvements.

38 **Sec. 5. Reporting on possible sites and locations for secure, therapeutic**  
39 **residences for detained and committed youth.** By January 1, 2021, the  
40 Department of Corrections shall report to the joint standing committee of the Legislature

1 having jurisdiction over criminal justice and public safety matters on possible sites and  
2 locations for 2 to 4 small, secure, therapeutic residences for youth for the purposes of  
3 providing confinement and detention in a therapeutic setting for a maximum occupancy  
4 of a total of 30 youths across all sites and locations. The identified possible sites and  
5 locations must consist of one site or location in Cumberland County and one site or  
6 location in Penobscot County. Two other sites and locations may be identified to serve  
7 identified need. The identified possible sites and locations must include existing  
8 structures for renovation as small, secure, therapeutic residences. The report must  
9 include information regarding options and cost estimates at each possible site and  
10 location for the provision of therapeutic services and programs, including educational  
11 services, for youths living in the residences.

12 **Sec. 6. Funding by Department of Corrections for services or programs**  
13 **for diversion of youth from detention and commitment.** The Department of  
14 Corrections shall provide ongoing funding to nonprofit community-based providers of  
15 therapeutic services or programs for the purpose of diverting justice-involved youth from  
16 detention and commitment and reducing the rate of youth detention and commitment,  
17 using funding appropriated for that purpose. These services or programs may include  
18 behavioral health services, family support, housing, community supervision, restorative  
19 justice and transportation. An emphasis must be placed on offering these services or  
20 programs in rural parts of the State and to underserved and minority populations, on  
21 expanding existing services and programs that have proven effective and on adopting new  
22 evidence-based, innovative services and programs. All of the funding provided for this  
23 purpose must be used for contracts, agreed to by the Department of Corrections and the  
24 Department of Health and Human Services and overseen by the Department of  
25 Corrections, with nonprofit community agencies that have demonstrated a history of  
26 serving youth at risk of entering the juvenile justice system, including youth in  
27 underserved or minority communities.

28 **Sec. 7. Funding by Department of Health and Human Services for**  
29 **services or programs for diversion of youth from detention and commitment.**  
30 The Department of Health and Human Services shall provide ongoing funding to  
31 nonprofit community-based providers of therapeutic services or programs for the purpose  
32 of diverting justice-involved youth from detention and commitment and reducing the rate  
33 of youth detention and commitment, using funding provided for that purpose. These  
34 services or programs may include behavioral health services, family support, housing,  
35 community supervision, crisis stabilization and transportation. An emphasis must be  
36 placed on offering these services or programs in rural parts of the State and to  
37 underserved and minority populations, on expanding existing services and programs that  
38 have proven effective and on adopting new evidence-based, innovative services and  
39 programs. At least 70% of the funding provided for this purpose must be used for  
40 contracts, agreed to by the Department of Corrections and the Department of Health and  
41 Human Services and overseen by the Department of Health and Human Services, with  
42 nonprofit community agencies that have demonstrated a history of serving youth at risk  
43 of entering the juvenile justice system, including youth in underserved or minority  
44 communities.

1           **Sec. 8. Appropriations and allocations.** The following appropriations and  
2 allocations are made.

3           **CORRECTIONS, DEPARTMENT OF**  
4           **Juvenile Community Corrections 0892**

5 Initiative: Provides an appropriation to the Department of Corrections to provide ongoing  
6 funding to nonprofit community-based providers for community-based, therapeutic  
7 services or programs for the purpose of diverting justice-involved youth from detention  
8 and commitment and reducing the rate of youth detention and commitment.

9			
10	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
11	All Other	\$0	\$2,500,000
12			
13	GENERAL FUND TOTAL	<u>          \$0</u>	<u>      \$2,500,000</u>

14           **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**  
15           **Mental Health Services - Children Z206**

16 Initiative: Provides an appropriation to the Department of Health and Human Services to  
17 provide ongoing funding to providers of community-based, therapeutic services or  
18 programs for the purpose of diverting justice-involved youth from detention and  
19 commitment and reducing the rate of youth detention and commitment.

20			
21	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
22	All Other	\$0	\$1,000,000
23			
24	GENERAL FUND TOTAL	<u>          \$0</u>	<u>      \$1,000,000</u>

25           **Emergency clause.** In view of the emergency cited in the preamble, this  
26 legislation takes effect when approved.

27   **SUMMARY**

28           This bill repeals a provision of the Maine Juvenile Code that establishes as a purpose  
29 of pre-adjudication detention providing physical care for a juvenile who cannot return  
30 home because there is no parent or other suitable person willing and able to supervise the  
31 juvenile adequately.

32           The bill establishes benchmarks for measuring progress in reducing the average daily  
33 populations of detained youths and committed youths through July 1, 2023.

34           The bill requires the Commissioner of Corrections to work with the task force  
35 established by the Juvenile Justice Advisory Group in 2019 to study and make  
36 recommendations on juvenile justice system assessment and reinvestment regarding  
37 implementation of the bill. The task force is required to provide advice, input and

1 feedback to the Department of Corrections and the Department of Health and Human  
2 Services regarding the development of a community-based system of therapeutic services  
3 for justice-involved youth that works to divert youth from detention and commitment,  
4 reduce the rates of detention and commitment across the State and achieve the  
5 benchmarks for progress established in this bill.

6 The bill requires 4 annual reports on juvenile justice from the Department of  
7 Corrections to the joint standing committee of the Legislature having jurisdiction over  
8 criminal justice and public safety matters through January 31, 2024.

9 The bill requires that by January 1, 2021, the Department of Corrections report to the  
10 joint standing committee of the Legislature having jurisdiction over criminal justice and  
11 public safety matters on possible locations for 2 to 4 small, secure, therapeutic residences  
12 for youth for the purposes of providing detention and confinement for a maximum  
13 occupancy of a total of 30 youths. One of the residences must be located in Cumberland  
14 County, one must be in Penobscot County and 2 other possible locations may be  
15 identified. Options must include existing structures for renovation as small, secure,  
16 therapeutic residences. The report must include information regarding options and cost  
17 estimates at each location for the provision of therapeutic services and programs,  
18 including educational services, for youth living in the residences.

19 The bill appropriates \$2,500,000 to the Department of Corrections and \$1,000,000 to  
20 the Department of Health and Human Services to provide ongoing funding for  
21 community-based, therapeutic services or programs for the purpose of diverting justice-  
22 involved youth from detention and commitment and reducing the rate of youth detention  
23 and commitment.