

MAINE STATE LEGISLATURE

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MINORITY

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 259, L.D. 405, "An Act to Define
"Solitary Confinement" for the Laws Governing Jails and Correctional Facilities"

Amend the bill by striking out the title and substituting the following:

**'An Act to Remove the Terms "Solitary Confinement" and "Confinement" from the
Laws Governing Corrections'**

Amend the bill by striking out everything after the enacting clause and inserting the
following:

**'Sec. 1. 34-A MRSA §3032, sub-§3, ¶D, as amended by PL 1989, c. 127, §6, is
further amended to read:**

D. When segregation exceeds 24 hours, the chief administrative officer of the
correctional facility shall cause the facility's physician or a member of the facility's
medical staff to visit the person immediately and, at least once in each succeeding 24-
hour period of ~~confinement~~ segregation, to examine the person's state of health. When
no physician or medical staff member is available within the facility to visit as required
by this paragraph, a staff person who has received in-service training appropriate for
the duties required by this section from a licensed health professional shall visit in lieu
of the visit by the physician or medical staff member the person in ~~confinement~~
segregation. The staff person making the visit shall immediately contact the physician
or medical staff member on call if there is reasonable cause to believe the action is
necessary.

(1) The chief administrative officer shall give full consideration to
recommendations of the physician or medical staff member as to the person's
dietary needs and the conditions of the person's ~~confinement~~ segregation required
to maintain that person's health.

(2) If the recommendations of the physician or medical staff member regarding a
person's dietary or other health needs while in segregation are not carried out, the
chief administrative officer shall immediately convey the reasons and

1 circumstances for this decision to the commissioner for review and final
2 disposition.

3 **Sec. 2. 34-A MRSA §3032, sub-§3, ¶E**, as enacted by PL 1983, c. 459, §6, is
4 amended to read:

5 E. If a person is held in segregation or ~~solitary confinement~~ for more than 5 days, the
6 chief administrative officer shall send a report of the ~~confinement~~ segregation to the
7 commissioner, giving the reasons for the ~~confinement~~ segregation.

8 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
9 number to read consecutively.

10 SUMMARY

11 This amendment, which is the minority report of the committee, replaces the bill and
12 changes the title. The amendment removes certain references to solitary confinement and
13 confinement currently in statute and replaces the references with the term segregation.