

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT SELECT COMMITTEE
ON
CORRECTIONS

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

LD 388 **An Act to Allow Prisoners to Make Local Phone Calls at No Charge** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
OLIVER HANDY	ONTP	

SUMMARY

This bill allows inmates of jails and prisons to make nontoll telephone calls at no charge.

LD 421 **An Act Concerning Split Sentences** CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HANDY		

SUMMARY

Currently, in accord with 17-A MRSA section 1203 and 1252, the courts are required to sentence to county jails prisoners convicted of Class A, B and C crimes whose imprisonment sentence is 9 months or less. This time limit is to increase to 12 months on January 1, 1995. The Department of Corrections is required to reimburse the counties for those prisoners to the extent that money is appropriated. The limitation on reimbursement to only the money appropriated was added in 1992 as the result of an Appropriations Committee recommendation.

This bill eliminates the provision that would have lengthened from 9 to 12 months the period of imprisonment for split sentence prisoners that would require jail confinement.

LD 456 **An Act to Ensure Reimbursement for Counties under the Community Corrections Programs** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
STEVENS A HANDY	ONTP	

SUMMARY

Currently, the courts are required to specify the county jail for persons convicted of Class D and E crimes and for other classes of crime for which the sentence is 9 months or less. The Department of Corrections is required to reimburse the jails for those prisoners, except that in fiscal years 1991-92 and 1992-93 the obligation for this reimbursement may not exceed the amount appropriated for that purpose. It is required that 30% of the reimbursed funds claimed be used by the county for community corrections programs.

This bill does the following.

1. It prohibits the courts from specifying a jail if the county indicates that the Department of Corrections has not reimbursed it for past costs.
2. It repeals for fiscal year 1992-93 the provision that prohibits reimbursement in excess of appropriations.

3. It provides that the percentage decrease of appropriations to county jail reimbursement from fiscal year 1990-91 to the current year may not be any greater than the decrease in the total appropriations to the Department of Corrections for that time period.
4. It forbids the Department of Corrections from making expenditures from any appropriations until the counties have been reimbursed for jail expenses.
5. It makes the requirement to reimburse the county for jailed prisoners a state mandate under the Constitution of Maine that requires that the State reimburse municipal and county governments for costs incurred to implement a state law.
6. It requires that the obligation to reimburse the county for jail expenses for which funds are not appropriated is to carry forward to subsequent years.
7. It changes the provision that requires that 30% of the funds claimed by the county be used for community corrections to a provision that 30% of the funds due the county be used for that purpose.
8. For years in which the Department of Corrections fails to completely reimburse the county for jailed prisoners it rescinds the requirement that the department is to withhold 30% of reimbursement pending demonstration that the funds will be used for community corrections.

**LD 569 An Act to Clarify the Days During Which Prisoners May Be
Delivered to the Custody of the Department of Corrections**

PUBLIC 337

SPONSOR(S)
OLIVER

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED
H-465 CHONKO

SUMMARY

Currently, the laws provide that sheriffs may deliver prisoners to the Maine State Prison and to the Maine Correctional Center on any day. This bill specifies the receiving days as Monday to Friday, but allows the Department of Corrections to make exceptions, if appropriate, upon request of a sheriff.

House Amendment "A" (H-465) adds a mandate preamble to address a potential mandate.

**LD 615 Resolve, to Require a Study of Adult Inmate Education and
Training in the Correctional System**

RESOLVE 29
EMERGENCY

SPONSOR(S)
PFEIFFER

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-445

SUMMARY

This resolve requires the Criminal Justice Commission to study the education and training programs for inmates in the State's adult correctional facilities.

Committee Amendment "A" (H-445) places that assignment with the Department of Corrections and requires the department to utilize the services of the Adult Correctional Education Task Force, which is funded through the correctional education set-aside for the federal Adult Education Act. It eliminates from the study the following specific questions as set out in section 3, subsection 1 of the resolve.