

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT SELECT COMMITTEE  
ON  
CORRECTIONS

JULY 1993

**Staff:**

*John B. Knox, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670*

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DARLENE A. SHORES LYNCH, RESEARCHER  
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

**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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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 &amp; 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.

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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.

- C. How can a program be set up to monitor whether the prisoners are receiving the education planned for them and to evaluate whether that education is achieving the desired goals? How can controlled tests be set up to allow the evaluation of alternative programs?
- E. How can participation in the basic education programs be improved?
- F. How can it be ensured that the educational programs are accredited by the appropriate state professional agencies and that graduates of the vocational program meet the qualifications for receiving licenses or credentials in their respective industries?
- I. Should the program include persons on probation and persons involved in community corrections?
- J. Where should responsibility for the education and training programs be located?
- K. What agencies should provide staffing for the various education and training programs?

**LD 733      An Act to Amend the Laws Governing Protective Custody      CARRIED OVER**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
 CLEVELAND

**SUMMARY**

Currently, if a law enforcement officer takes a person into protective custody, the officer is required to remain with the person at the mental health facility awaiting examination, often for long periods of time. This bill transfers responsibility for a person in protective custody to the facility once the law enforcement officer has completed an application for emergency admission, without awaiting a certifying examination, freeing the officer to return to duty. If the person in custody is not certified for admission, the officer may be recalled to transport the person for legal custody, if the person is under arrest, or for release.

**LD 770      An Act to Amend the Confidentiality Provisions of the Maine Juvenile Code      PUBLIC 13  
 EMERGENCY**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
 BUSTIN                                      H-60      LARRIVEE

**SUMMARY**

This bill enables the Department of Corrections to share identifying information about juveniles in its custody with the Department of Human Services for the purpose of establishing eligibility for Medicaid reimbursement for services of the Department of Corrections. This bill supersedes laws relating to the confidentiality of this information in order to implement the Medicaid enhancement program for services of the Department of Corrections. The bill also requires that all Medicaid funds for juveniles in custody of the Department must be spent on the Maine Youth Center.

House Amendment "A" (H-60) places the provisions of the bill in more appropriate sections of the statutes and adds a fiscal note.