

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT SELECT COMMITTEE
ON
CORRECTIONS

MAY 1994

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

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

Joint Select Committee on Corrections

LD 421 **An Act Concerning Split Sentences** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HANDY	ONTP	

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 a 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 733 **An Act to Amend the Laws Governing Protective Custody** PUBLIC 592

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLEVELAND	OTP-AM	S-469

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. The original bill transfers responsibility for a person in protective custody to the facility once the law enforcement officer has completed an application for emergency admission.

COMMITTEE AMENDMENT "A" (S-469) replaces the bill and allows law enforcement agencies and health facilities to attempt to work out a solution to the custody issue. The amendment allows protective custody to be transferred from the law enforcement officer requesting the examination to another law enforcement officer or a health officer.

HOUSE AMENDMENT "A" (H-873) replaces the committee amendment. This amendment adds a provision to the bill that requires that state mental health institutes admit for observation and diagnosis those persons whose admission is applied for on an emergency basis. Currently, those hospitals may admit, but are not required to admit, those persons.

LD 901 **An Act to Reinstate a System of Parole** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOLT BUSTIN	ONTP	

SUMMARY

This bill implements a system of parole for prisoners sentenced to terms of imprisonment under the Maine Revised Statutes, Title 17-A, section 1252 in the custody of the Department of Corrections on and after October 1, 1993. Prisoners sentenced to county jails are not eligible for parole. Under the bill, parole is deemed to be imprisonment for purposes of determinate sentencing under the Maine Criminal Code. The bill provides that the State Parole Board may not discharge or alter any condition of probation or other term assigned by a court for the suspended portion of a sentence. The bill clarifies

that certain victims of crimes may receive notice of the perpetrator's release on parole. The bill authorizes electric monitoring or other forms of intensive supervision as special conditions of parole.

The bill requires rulemaking by the State Parole Board to implement the new parole provisions and requires the board to submit jointly with the Department of Corrections a report, including legislation, making recommendations necessary to implement the system.

LD 1181 An Act to Establish a Demonstration Project Transferring ONTP
County Jail Operations to the State

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PLOURDE DUTREMBLE D	ONTP	

SUMMARY

This bill transfers responsibility for operation of county jails, including debts and other long-term obligations, from the counties to the Department of Corrections effective July 1, 1997. The bill directs the Commissioner of Corrections to establish up to 3 demonstration projects to test the provisions of this Act and the costs involved in their implementation. A report on the demonstration projects is due to the Legislature by January 1, 1997.

LD 1497 Resolve, to Require Further Information from the Department RESOLVE 56
of Mental Health and Mental Retardation about the Plan for
Persons in the Criminal Justice System

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUSTIN	OTP-AM	S-427

SUMMARY

The original resolve requires the Department of Mental Health and Mental Retardation and the Department of Corrections to develop a proposal for a secure forensic holding unit for evaluation of prisoners and to propose alternatives to incarceration for some persons with mental illness.

The Joint Select Committee on Corrections found that the Department of Mental Health and Mental Retardation's document, "Recommendations and Report of the Task Force on Persons with Mental Disorders Involved with the Criminal Justice System," January 1993, did not adequately address all the issues posed in the resolve and did not provide implementing legislation or funding information.

COMMITTEE AMENDMENT "A" (S-427) requires that the issues in the resolve be specifically addressed and the necessary funding information be provided.

LD 1593 An Act to Amend the Conditions of Probation PUBLIC 511

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUSTIN	OTP-AM	S-408

SUMMARY

This bill allows the Department of Corrections to require a person on probation to pay directly to a provider of electronic monitoring, drug testing or other services fees charged for services which are part of the conditions of probation. The intent of this change is to save the department the expense of collecting, accounting for and disbursing these funds.