

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 392

S. P. 158

In Senate, January 30, 1973

Referred to Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Huber of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT Appropriating Funds for Additional Staff at the Maine
State Prison.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is an immediate and emergent need to employ additional staff at the Maine State Prison to enable compliance with a recent judgment entered in the United States District Court for the District of Maine wherein new prison regulations for the handling of disciplinary matters are obligatory upon the prison, and to enable the effective and lawful management of medical services at the Maine State Prison; and

Whereas, the present prison staff is entirely insufficient to permit compliance with the newly imposed disciplinary procedures, which insufficiency in all likelihood may result in unconscionable delay in providing the requisite due process in the disposition of disciplinary matters and the efficient handling thereof; and

Whereas, in terms of numbers and level of training of prison subprofessional medical staff at the Maine State Prison requisite medical services, particularly the administration of needed medication, can neither be effectively nor lawfully provided, leaving the Maine State Prison administration incapable of the appropriate management of its infirmary and fulfillment of its obligation to provide adequate medical services to its inmates, leaving such administration potentially subject to suit; and

Whereas, it is vitally necessary that the disposition of disciplinary matters and provision of medical services be effectively carried out at the Maine

State Prison in the interest of the constitutional rights and medical needs of Maine State Prison inmates and, as importantly, in the interest of preservation of security and good order at that institution; and

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

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

Appropriation. There is appropriated to the Department of Mental Health and Corrections from the General Fund the sum of \$143,124 to carry out the purposes of this Act. The breakdown shall be as follows:

	1972-73	1973-74	1974-75
MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF Maine State Prison			
Personal Services	(8) \$17,000	(8) \$57,424	(8) \$59,500
All Other	1,200	3,000	3,000
Capital Expenditures	1,000	500	500
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	\$19,200	\$60,924	\$63,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.