

# MAINE STATE LEGISLATURE

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L.D. 2183

(Filing No. H-565 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
113TH LEGISLATURE  
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1597, L.D. 2183,  
Bill, "AN ACT to Establish a Detention and  
Rehabilitation System for Chronic Operating Under the  
Influence Offenders."

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Amend the bill by striking out everything after  
the title and inserting in its place the following:

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'AN ACT to Request the Alcohol and Drug Abuse Planning  
Committee to Examine the Feasibility of Establishing a  
Detention and Rehabilitation System for Chronic  
Operating-Under-the-Influence Offenders and Expanding  
the Kennebec County Community Alternative Sentencing  
Program.

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

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Sec. 1. Establishment; duties. The Alcohol and  
Drug Abuse Planning Committee shall examine the  
feasibility of a facility to detain, and provide  
rehabilitation and treatment services for, chronic  
offenders of the operating-under-the-influence laws,  
Title 29, chapter 11, subchapter V of the Maine  
Revised Statutes. The committee shall examine the  
concept of separate detention and rehabilitation  
facilities for chronic operating-under-the-influence  
offenders and how to implement such a system in this

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1 State. The committee shall also examine existing  
2 projects in other states and other countries,  
3 including the facilities in Maryland, Massachusetts  
4 and Arizona, and shall specifically report on the  
5 projected effectiveness and feasibility of starting  
6 a similar pilot project in Maine. The study shall  
7 include, but not be limited to, the following:

8 A. The feasibility of having the facility  
9 operational no later than October 1, 1990;

10 B. The feasibility of establishing the facility  
11 at an existing state-owned location, preferably in  
12 an existing building or facility;

13 C. Costs involved in establishing the facility;  
14 and

15 D. The feasibility of using the facility as part  
16 of the overall sentencing mechanism available to  
17 courts. Attention should be paid to the possible  
18 need for change to the current laws if this option  
19 is recommended. This part of the study shall  
20 include, but not be limited to, the feasibility of  
21 the following aspects of the system:

22 (1) Whether the time which a convicted  
23 offender is sentenced to serve in the  
24 facility shall be the sole sentence for  
25 operating under the influence or whether the  
26 facility shall be used in conjunction with  
27 other correctional facilities to allow for  
28 transfer when the offender fails or refuses  
29 to cooperate in the treatment and  
30 rehabilitation program at the facility;

31 (2) Whether an offender may serve the  
32 sentence at the facility before the offender  
33 has completed all terms of imprisonment  
34 sentenced for any convictions for murder or  
35 Class A, B or C crimes; and

36 (3) The conditions of probation after  
37 completion of the sentence in the facility  
38 has been served, including: the length of  
39 probation, participation in an aftercare

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1 program and the possibility of reimbursement  
2 to the State for the cost of the offender's  
3 sentence at the facility.

4 Sec. 2. Statewide programs. The Alcohol and  
5 Drug Abuse Planning Committee shall examine the  
6 Kennebec County Community Alternative Sentencing  
7 Program, which provides an alternative to  
8 incarceration for first offenders, and study the  
9 feasibility of implementing similar programs  
10 statewide. The study shall include, but need not be  
11 limited to, options for funding mechanisms for such  
12 programs, and training needs.

13 Sec. 3. Report. The committee shall report its  
14 findings and recommendations, together with suggested  
15 implementing legislation, to the Joint Select  
16 Committee on Corrections by October 15, 1988.'

17 STATEMENT OF FACT

18 This amendment accomplishes 2 functions. First,  
19 it requires the Alcohol and Drug Abuse Planning  
20 Committee to examine the feasibility of establishing a  
21 facility for the exclusive use of detention, treatment  
22 and rehabilitation of chronic operating-under-the-  
23 influence offenders.

24 Secondly, it requires the Alcohol and Drug Abuse  
25 Planning Committee to examine the feasibility of  
26 implementing programs similar to the Kennebec County  
27 Community Alternative Sentencing Program to counties  
28 statewide.

29 The committee is required to report its findings  
30 and recommendations to the Joint Select Committee on  
31 Corrections by October 15, 1988.

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