

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2183

H.P. 1597 House of Representatives, February 2, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Legal Affairs suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative PRIEST of Brunswick.

Cosponsored by Representatives MAYO of Thomaston, KIMBALL
of Buxton and Senator BUSTIN of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **AN ACT to Establish a Detention and**
2 **Rehabilitation System for Chronic Operating-**
3 **Under-the-Influence Offenders.**
4

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

7 34-A MRSA c. 3, sub-c. VII is enacted to read:

8 SUBCHAPTER VII

1 SUBSTANCE ABUSE CORRECTIONAL FACILITY

2 §3951 Detention and rehabilitation facility for
3 chronic offenders of the operating-under-the-
4 influence laws

5 1. Facility established. The commissioner shall
6 establish a facility to detain, and provide
7 rehabilitation and treatment services for, chronic
8 offenders of the operating-under-the influence laws,
9 Title 29, chapter 11, subchapter V.

10 A. The facility shall be operational no later
11 than October 1, 1989.

12 B. The facility shall be established at an
13 existing state-owned location, preferably in an
14 existing building or facility.

15 2. Part of sentencing mechanism. Use of the
16 facility shall be part of the overall sentencing
17 mechanism available to courts.

18 A. The time which a convicted offender is
19 sentenced to serve in the facility shall not be
20 the sole sentence for operating under the
21 influence. The facility shall be used in
22 conjunction with other correctional facilities to
23 allow the transfer from the facility to other
24 correctional facilities when the offender fails or
25 refuses to cooperate in the treatment and
26 rehabilitation program at the facility.

27 B. An offender may not serve the sentence at the
28 facility until the offender has completed all
29 terms of imprisonment sentenced for any
30 convictions for murder or Class A, B or C crimes.

31 C. After completion of the sentence in the
32 facility, the offender shall continue on probation
33 for at least 12 months, during which time the
34 offender shall:

35 (1) Participate in prescribed aftercare; and

1 (2) Reimburse the State for the cost of the
2 offender's sentence at the facility.

3 §3952. Advisory commission on operating-under-the-
4 influence detention, treatment and rehabili-
5 tation facility

6 1. Establishment; duties. There is established
7 the Advisory Commission on the Operating-Under-the-
8 Influence Detention, Treatment and Rehabilitation
9 Facility. The Commission shall examine the concept of
10 separate detention and rehabilitation facilities for
11 chronic operating-under-the-influence offenders and
12 how to implement such a system in this State. The
13 commission shall include in its deliberations an
14 examination of existing projects in other states and
15 other countries, including the facilities in Maryland,
16 Massachusetts and Arizona, and shall specifically
17 report on the projected effectiveness and feasibility
18 of starting a similar pilot project in Maine. The
19 commission shall report its findings and
20 recommendations, together with suggested implementing
21 legislation, to the joint standing committee of the
22 Legislature having jurisdiction over operating-under-
23 the-influence corrections issues by February 15, 1989.

24 2. Commission membership. The membership shall
25 be as follows.

26 A. One member shall be selected from the joint
27 standing committee of the Legislature having
28 jurisdiction over legal affairs and be appointed
29 by the Speaker of the House.

30 B. One member shall be selected from the joint
31 standing committee having jurisdiction over human
32 resources and be appointed by the President of the
33 Senate.

34 C. Two members shall represent the joint select
35 committee of the Legislature having jurisdiction
36 over corrections; one to be appointed by the
37 Speaker of the House and one to be appointed by
38 the President of the Senate.

1 D. One member shall represent the Department of
2 Human Services to be appointed by the Commissioner
3 of Human Services.

4 E. One member shall represent alcohol and drug
5 treatment providers and shall not be a state
6 employee. That member shall be appointed by the
7 Commissioner of Human Services.

8 F. One member shall represent the Department of
9 Corrections and be appointed by the Commissioner
10 of Corrections.

11 G. One member shall represent the Attorney
12 General and be appointed by the Attorney General.

13 H. One member shall represent the law enforcement
14 interests and be appointed by the Commissioner of
15 Public Safety.

16 I. One member shall represent the judiciary and
17 be appointed by the Chief Justice of the Supreme
18 Judicial Court.

19 3. Commission appointment schedule; notification;
20 chairman. The appointing authority for each member
21 shall make the required appointment within 30 days of
22 the effective date of this section and shall notify
23 the Executive Director of the Legislative Council as
24 soon as the appointment is made. The Executive
25 Director of the Legislative Council shall convene the
26 first meeting within 45 days of the effective date of
27 this section. The membership of the Commission shall
28 elect a chairman from its membership. Support staff
29 shall be provided by the Legislative Council and the
30 departments represented.

31 STATEMENT OF FACT

32 This bill accomplishes 2 functions. First, it
33 requires the Commissioner of Corrections to establish
34 a facility for the exclusive use of detention,
35 treatment and rehabilitation of chronic

1 operating-under-the-influence offenders. The facility
2 must be operational no later than October 1, 1989.
3 This bill also creates an advisory commission on
4 facilities for operating-under-the-influence
5 offenders, which must report back to the Legislature
6 no later than February 15, 1989. The commission will
7 help develop legislation and policy to implement the
8 new facility.

9 The commission will consist of 10 members
10 representing the legal affairs, human resources and
11 corrections committees, the Department of Human
12 Services, Department of Corrections and Department of
13 Public Safety, the Attorney General, alcohol and drug
14 treatment providers and the judiciary.

15 The commission will determine the effectiveness of
16 the separate detention and rehabilitation facilities
17 for chronic offenders and how to implement the concept.

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