

# MAINE STATE LEGISLATURE

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L.D. 265

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(Filing No. S- 50)

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STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
FIRST REGULAR SESSION

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13 COMMITTEE AMENDMENT " A" to S.P. 145, L.D. 265, Bill, "An  
15 Act to Clarify and Make Changes to the Statute Governing the  
Operation of the Department of Corrections"

17 Amend the bill by striking out all of section 3 (page 3,  
19 lines 9 through 26 of the L.D.) and inserting in its place the  
following:

21 'Sec. 3. 34-A MRSA §1403, sub-§8, as enacted by PL 1985, c.  
23 67, §1, is repealed and the following enacted in its place:

25 8. Receipt of United States prisoners or adjudicated  
juveniles. The commissioner's power to accept United States  
prisoners or adjudicated juveniles is as follows.

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29 A. The commissioner may receive in any correctional  
facility prisoners detained by the United States or  
convicted of an offense against the United States and  
committed for a term of imprisonment to the custody of the  
Attorney General of the United States if:

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35 (1) The Attorney General of the United States  
designates a Maine correctional facility as the place  
of confinement for the prisoner; and

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39 (2) The commissioner approves and agrees to accept and  
keep the prisoner in a Maine correctional facility.

41 B. The commissioner may receive in any juvenile facility  
juveniles detained by the United States or adjudicated of an  
offense against the United States and committed for a term  
of institutionalization to the custody of the Attorney  
General of the United States if:

47 (1) The Attorney General of the United States  
designates a Maine juvenile facility as the place of  
confinement for the juvenile; and

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51 (2) The commissioner approves and agrees to accept and  
keep the juvenile in a Maine juvenile facility.

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C. The commissioner may contract with the Attorney General of the United States or officer designated by the Congress for the care, custody, subsistence, education, treatment and training of any prisoner or juvenile accepted under this section. All sums paid pursuant to contracts authorized by this section shall accrue to the General Fund.'

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Further amend the bill in section 6 in paragraph D by striking out all of the last 2 sentences (page 4, lines 45 to 51 and page 5, lines 1 and 2 in L.D.) and inserting in their place the following:

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'When no physician or medical staff member is available within the facility to visit as required by this paragraph, a staff person who has received in-service training appropriate for the duties required by this section from a licensed health professional shall visit in lieu of the visit by the physician or medical staff member the person in confinement. The staff person making the visit shall immediately contact the physician or medical staff member on call if there is reasonable cause to believe the action is necessary.'

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#### STATEMENT OF FACT

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This amendment has 2 purposes:

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1. To clarify language in section 3 of the bill relating to receipt of United States prisoners or adjudicated juveniles, authorizing the Commissioner of Corrections to accept United States prisoners and juveniles for confinement in a state correctional facility even though the term of imprisonment is one year or less; and

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2. Amends section 6 of the bill to allow staff persons who have received in-service training from a licensed health professional to visit confined prisoners in lieu of a physician or medical staff member.

Reported by Senator Matthews for the Committee on Corrections.  
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