

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 513

H.P. 382

House of Representatives, March 1, 1989

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative CONLEY of Portland.

Cosponsored by Representative FARNSWORTH of Hallowell and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

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

An Act to Establish a Community Penalty Program.



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

3 Sec. 1 34-A MRSA §1211 is enacted to read:

5 §1211. Community penalty program

7 1. Definitions. As used in this section, unless the context
9 otherwise indicates, the following terms have the following
11 meanings.

13 A. "Community penalty" means a penalty which includes
15 alternatives to imprisonment including, but not limited to,
17 those described in Title 17-A, chapters 49, 52 and 54.

19 B. "Community penalty program" means an agency or person
21 within each judicial district which shall prepare community
23 penalty plans, arrange and contract with public and private
25 agencies for necessary services for victims and offenders
27 and monitor the progress of offenders placed on community
29 penalty plans.

31 C. "Community penalty plan" means a written plan presented
33 to the sentencing judge providing a detailed description of
35 the targeted offender's proposed community penalty.

37 D. "Targeted offenders" means persons convicted of
39 offenses for which they face an imminent and substantial
41 threat of imprisonment, but who can be safely sanctioned and
43 monitored in the community.

45 2. Establishment. The department shall employ a full-time
47 state coordinator for the community penalty program and
49 additional staff as necessary.

51 3. Responsibilities. The department shall develop community
53 penalty programs in each judicial district, which shall perform
55 the following functions:

57 A. Targeting offenders who face an imminent and substantial
59 threat of imprisonment;

61 B. Preparing detailed community penalty plans for
63 presentation to the sentencing judge;

65 C. Contracting or arranging with public or private agencies
67 for services described in the community penalty plans; and

69 D. Monitoring the progress of offenders under community
71 penalty plans.

73 4. Funding. Funds provided for this program shall not be
75 used for the operating costs, construction or any other costs

1 associated with local jail or state prison cell construction or
2 renovation.

3
4 **Sec. 2. Appropriation.** The following funds are appropriated
5 from the General Fund to carry out the purposes of this Act.

6
7 **1989-90** **1990-91**

8
9 **CORRECTIONS, DEPARTMENT OF**

10
11 **Probation and Parole**

12	Positions	(2)	(2)
13	Personal Services	\$47,892	\$51,927
14	All Other	3,927	3,500
15	Capital Expenditures	1,695	

16
17 Provides funds for one
18 Correctional Plans
19 Coordinator, one Clerk Typist
20 II and related support
21 expenses for administration of
22 the community penalty program.

23			
24			
25	DEPARTMENT OF CORRECTIONS		
26	TOTAL	\$53,514	\$55,427

27

28 **FISCAL NOTE**

29

30 This bill provides an appropriation to the Department of
31 Corrections for staff support and office expenses relating to the
32 community penalty program.

33

34 An additional appropriation will be required in fiscal years
35 1989-90 and 1990-91 to the Department of Corrections'
36 community-based corrections program for the implementation,
37 operation and monitoring of community penalty programs. The
38 fiscal impact of carrying out this program cannot be determined
39 at this time.

40

41 **STATEMENT OF FACT**

42

43 This bill gives courts the resources to identify and divert
44 appropriate jail or prison-bound offenders from incarceration to
45 community penalties. It sets up a planning mechanism by which a
46 coordinated effort can be made to identify community programs and
47 resources which can be used as an alternative to confinement for
48 particular offenders. Through this program, courts will receive
49 well-developed sentencing plans which describe specific victim
50 and offender-oriented programs and interventions suitable to the
51 needs and circumstances of individual cases.