

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 329, L.D. 885, Bill, "An Act to Establish a Northern Maine Regional Juvenile Detention Facility"

Amend the bill in that part designated "~~S4104.~~" by striking out all of subsection 2 and inserting in its place the following:

'2. Limitations. No person may be detained at the Northern Maine Regional Juvenile Detention Facility who is blind or who is a proper subject for any residential services provided by or through the Department of Mental Health and Mental Retardation.'

Further amend the bill in that part designated "~~S4107.~~" in the first line (page 2, line 33 in L.D.) by inserting after the following: "court-ordered" the following: 'and court-related' and in the last line (page 2, line 35 in L.D.) by striking out the following: "sheriff" and inserting in its place the following: 'the sheriff of the county in which the court is located'

Further amend the bill by striking out all of that part designated "~~S4108.~~" and inserting in its place the following:

'S4108. Observation

1. Generally. When the behavior of a juvenile residing at the Northern Maine Regional Juvenile Detention Facility presents a high likelihood of imminent harm to that juvenile or to others, presents a substantial and imminent threat of destruction of property or demonstrates a proclivity to be absent from the facility without leave as evidenced by a stated intention to escape from the facility or by a recent attempted or actual escape from any detention or correctional facility, the juvenile

may be placed under observation if the juvenile demonstrates that anything less restrictive would be ineffectual for the control of the juvenile's behavior.

2. Conditions. Placing a juvenile under observation is subject to the following conditions.

A. Placement under observation must first be approved by the director.

B. The conditions under which a juvenile is placed under observation must conform with all applicable federal and state standards relating to the health and safety of clients in detention facilities.

C. Placement under observation may not exceed the period of time necessary to alleviate and prevent the reoccurrence of the behavior described in subsection 1 and it may not be used as punishment.

D. When placement under observation exceeds 12 hours, the director shall direct the facility physician or a member of the facility medical staff to visit the juvenile immediately and at least once in each succeeding 24-hour period the juvenile remains under observation to examine the juvenile's state of health.

(1) The director shall give full consideration to recommendations of the physician or medical staff member concerning the juvenile's dietary needs and the conditions of the juvenile's confinement required to maintain the juvenile's health. If the recommendations of the physician or medical staff member are not carried out, the director shall immediately convey the reasons and circumstances for this decision to the commissioner for review and final disposition.

(2) Placement under observation must be discontinued if the director, on the advice of the physician, determines that placement under observation is harmful to the mental or physical health of the juvenile, except that placement under observation may be continued if the behavior of the juvenile presents a high likelihood of imminent physical harm to that juvenile or others and there is no less restrictive setting in which that juvenile's safety or that of others can be ensured. If placement under observation is continued, the physician or a member of the medical staff shall visit the juvenile at least once every 12 hours.

2 E. When placement under observation exceeds 24 hours, the
3 director shall direct appropriate facility staff to develop
4 a plan for the further care of the juvenile. The plan must
5 be revised as needed to meet the changing needs of the
6 juvenile.

7 F. Placement under observation may not exceed 72 hours
8 without the commissioner's approval, which must:

9 (1) Be in writing;

10 (2) State the reasons for that approval; and

11 (3) Be kept on file.

12 G. If the recommendations of the physician or medical staff
13 member regarding the juvenile's dietary or other health
14 needs while under observation are not carried out, the
15 director shall send a written justification to the
16 commissioner.

17 H. A juvenile held under observation must be under constant
18 sight and sound supervision by facility staff.

19 **§4109. Limit on number of juveniles**

20 The population of the Northern Maine Regional Juvenile
21 Detention Facility may not exceed 40 juveniles, unless there are
22 no other appropriate beds available for housing juveniles.
23 Exceeding 40 juveniles in such an emergency situation may be done
24 only for the length of time necessary to resolve the emergency.

25 **§4110. State responsible for detention**

26 Notwithstanding any other provision of law, on the date that
27 the Northern Maine Regional Juvenile Detention Facility begins
28 operating, the State is responsible for all physically
29 restrictive juvenile detention statewide.'

30 Further amend the bill by inserting before the statement of
31 fact the following:

32 **FISCAL NOTE**

33 This bill establishes the Northern Maine Regional Juvenile
34 Detention Facility. Funds to construct the facility were
35 authorized through a bond issue in November of 1989.
36 Construction is expected to be completed in late 1992 or early in
37 1993. The Department of Corrections will require General Fund
38 appropriations to operate the facility once construction is

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2 completed. The appropriations will be required whether this bill
passes or not.

4 Estimated annual operating costs of the facility, based on
an annual cost of \$27,375 per resident, will be \$1,095,000.'

6
8 STATEMENT OF FACT

10 This amendment clarifies provisions of the bill relating to
12 juveniles who may be appropriately placed in residential services
provided by or through the Department of Mental Health and Mental
14 Retardation and relating to a sheriff's responsibility for
transportation of juveniles.

16 This amendment changes provisions in the bill regarding the
18 placement of juveniles under observation, sets a maximum
population of 40 juveniles for the Northern Maine Regional
Juvenile Detention Facility except in emergency situations, and
20 makes the State responsible for all physically restrictive
juvenile detention as of the date that the facility opens.

22 This amendment also adds a fiscal note to the bill.

REported by Senator Gauvreau for the Joint Select Committee
on Corrections. Reproduced and Distributed Pursuant to Senate
Rule 12.

(5/22/91)

(Filing No. S-201)