

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1451, L.D. 2063, Bill, "An Act to Make Electronic Monitoring and Substance Testing Programs Economically Feasible"

Amend the bill in the first line after the enacting clause (page 1, lines 19 in L.D.) by inserting at the beginning the following: 'Sec. 1.'

Further amend the bill in subsection 1-B in the 4th line (page 1, line 24 in L.D.) by striking out the following: "fee and" and inserting in its place the following: 'fee, a' and by inserting after the following: "testing fee" the following: "or both"

Further amend the bill in subsection 1-B in the 3rd line from the end (page 1, line 30 in L.D.) by striking out the following: "may" and inserting in its place the following: 'must'

Further amend the bill in subsection 1-B in the last line (page 1, line 32 in L.D.) by inserting after the following: "programs" the following: ', including costs associated with those programs for people who do not have the financial resources to pay the fees'

Further amend the bill by inserting before the emergency clause the following:

'Sec. 2. 30-A MRSA §1659, sub-§3, ¶I, as enacted by PL 1991, c. 224, is repealed and the following enacted in its place:

I. As a condition of participation of an inmate in a home-release program, the court shall require the inmate to pay a fee, as determined by the court, including an electronic monitoring fee, a substance testing fee or both, unless the court determines that the inmate does not have

2 the financial resources to pay these fees. The fee charged
4 may include the costs associated with a home-release program
6 for people who do not have the financial resources to pay
8 the fees.'

6 Further amend the bill by inserting before the statement of
8 fact the following:

10 **FISCAL NOTE**

12 The amount of dedicated revenue that will be generated from
14 fees charged and that will defray all costs of the electronic
16 monitoring and substance testing programs can not be determined
18 at this time. The Department of Corrections will require an
allocation of dedicated revenue funds in fiscal year 1992-93 to
cover the program costs once the amount is known.

20 The Judicial Department will incur some minor additional
22 administrative costs to impose a condition of probation and to
24 hold additional probation revocation hearings that may result.
These costs can be absorbed within the Judicial Department's
existing budgeted resources.'

26 **STATEMENT OF FACT**

28 The original bill required that persons on probation or
30 intensive supervision under the Department of Corrections must
32 pay for their electronic monitoring or substance testing, unless
they lack the financial resources.

34 This amendment requires, rather than allows, that the funds
36 raised from this provision be spent on these programs. It adds a
38 provision that allows the fee to cover costs associated with
40 providing this monitoring to persons who can not afford to pay
42 the fee. It amends the statutory provision regarding persons
under a county home-release program to mandate that the court
require these persons to pay for the monitoring program and to
specifically refer to electronic monitoring and substance
testing. Current law allows the court to require payment of these
fees.

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

Reported by the Joint Select Committee on Corrections
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House
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