

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 916, L.D. 2353, Bill, "An Act to Establish a Supervised Community Confinement Program for Certain Prisoners of the Department of Corrections"

Amend the bill in section 2 in subsection 3-A in the 3rd line from the end (page 1, line 36 in L.D.) by striking out the following: "In" and inserting in its place the following: 'In Notwithstanding other provisions of this section, in'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 17-A MRSA §1264, sub-§2, ¶D, as enacted by PL 1985, c. 821, §5, is amended to read:

D. That the prisoner not possess or use illegal drugs or other substances, and not abuse alcohol or any other legal substance;'

Further amend the bill in section 3 in that part designated "§3036-A." in subsection 2 in the first line (page 1, line 48 in L.D.) by striking out the following: "The" and inserting in its place the following: 'With the consent of the prisoner the'

Further amend the bill in section 3 in that part designated "§3036-A." in subsection 3 by striking out all of paragraph A (page 2, lines 27 and 28 in L.D.) and inserting in its place the following:

'A. The prisoner must be involved in a program of work or education that is approved by the commissioner together with any treatment program that the commissioner might require.'

Further amend the bill in section 3 in that part designated "§3036-A." in subsection 3 in paragraph F in the first line (page 3, line 2 in L.D.) by inserting after the following: "not" the following: 'possess or'

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COMMITTEE AMENDMENT "A" to S.P. 916, L.D. 2353

2 Further amend the bill in section 3 in that part designated
3 "§3036-A." in subsection 3 in paragraph F in the first line (page
4 3, line 3 in L.D.) by inserting after the following: "not" the
5 following: 'possess or'

6 Further amend the bill in section 3 in that part designated
7 "§3036-A." in subsection 3 in paragraph J in the first line (page
8 3, line 19 in L.D.) by inserting after the following:
9 "commissioner" the following: 'and to the extent that the
10 commissioner determines that the prisoner has the financial
11 resources'

12 Further amend the bill by renumbering the sections to read
13 consecutively.

14 Further amend the bill by inserting at the end before the
15 statement of fact the following:

16 **FISCAL NOTE**

17 The Department of Corrections will incur some minor
18 additional administrative costs to promulgate rules establishing
19 and governing a supervised community confinement program and
20 providing copies of the rules to prisoners. These costs can be
21 absorbed within the Department of Corrections existing budgeted
22 resources.

23 The costs of the supervised community confinement program
24 will be offset by payments received from prisoners who
25 participate in the program. The amount of dedicated funds which
26 will be received from prisoners can not be determined at this
27 time. The Department of Corrections can absorb a portion of the
28 costs for those prisoners who are required to pay only a part of
29 the program costs.

30 The additional workload and administrative costs associated
31 with the minimal number of new cases filed in the court system
32 can be absorbed within the budgeted resources of the Judicial
33 Department.

34 This bill also establishes a new Class D crime. Sentences
35 imposed for Class D offenses must be served in a county jail
36 facility. The additional costs to the counties for housing each
37 person sentenced under this new crime will require full funding
38 by the State as a state mandate pursuant to the Maine Revised
39 Statutes, Title 30-A, section 5684. The General Fund
40 appropriations required to fund these costs can not be estimated
41 at this time. The cost per sentence for a Class D crime is
42 \$7,140 based upon an average length of stay of 119 days.'

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STATEMENT OF FACT

This amendment accomplishes the following.

1. Currently, the Maine Revised Statutes, Title 17-A, section 755, subsection 3-A states that an escapee must be prosecuted in the county in which the institution from which the escape is made is located. The subsection also states that escapees may be prosecuted in the county in which apprehended. This amendment reconciles the conflicting provisions.

2. It makes it clear that a prisoner can only be transferred to supervised community confinement with the prisoner's permission.

3. It removes the possibility that a participant in this program would only be receiving treatment and requires that the participant either be working or in an educational program.

4. It makes it a condition of continuing participation in the program that the prisoner not possess drugs or alcoholic beverages. It also adds the prohibition against possession of illegal drugs to the program for intensive supervision in Title 17-A.

5. It makes it clear that a prisoner may not be required to pay for participation in the program if the Commissioner of Corrections determines that the prisoner can not afford to make these payments.

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

(3/16/92)

(Filing No. S-632)