MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1497

S.P. 486

In Senate, May 13, 1993

Resolve, to Prevent the Improper Use of Correctional Facilities.

Reference to the Joint Select Committee on Corrections suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Whereas, over the past several years, the movement to deinstitutionalize patients from mental hospitals has resulted in the release of patients from the Augusta Mental Health Institute and the Bangor Mental Health Institute; and

Whereas, sufficient alternative community treatment and living facilities for persons released from those state institutions do not exist; and

Whereas, in the absence of adequate community treatment resources, many persons with mental illness, mental retardation and head injury have become prisoners in county jails; and

Whereas, it is essential to establish interdisciplinary teams for evaluation, to create a forensic holding unit and to develop dispositional alternatives in an effort to prevent inappropriate incarceration; now, therefore, be it

Sec. 1. Forensic holding unit; evaluation; assessment. Resolved: That the Department of Mental Health and Mental Retardation and the Department of Corrections shall jointly develop a proposal to create a secure forensic holding unit for prisoners, staffed by an interdisciplinary team of representatives from both departments and including psychiatric health care professionals. Under the proposal, the forensic holding unit must have sufficient personnel and equipment to fully evaluate prisoners for mental illness, mental retardation and head injury; and be it further

Sec. 2. Alternatives to incarceration. Resolved: That the Department of Mental Health and Mental Retardation and the Department of Corrections shall review the current availability of community treatment resources and alternatives to incarceration and shall develop a proposal for dispositional alternatives that judges may use in sentencing persons who, based on forensic reports, have mental illness, mental retardation or head injury; and be it further

Sec. 3. Submission of proposals. Resolved: That the Department of Mental Health and Mental Retardation and the Department of Corrections shall submit proposals, along with any necessary implementing legislation, to the Joint Standing Committee on Human Resources, the Joint Select Committee on Corrections and the Joint Standing Committee on Judiciary no later than February 1, 1994.

STATEMENT OF FACT

This resolve directs the Department of Mental Health and Mental Retardation and the Department of Corrections to jointly

develop a proposal to create a secure forensic holding unit for prisoners for the purpose of evaluation and assessment of prisoners. The resolve also directs those departments to propose dispositional alternatives for persons who suffer from mental illness, mental retardation or head injury.

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