

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R. O. S.

L.D. 856

DATE: 4-27-99

(Filing No. H-299)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

CRIMINAL JUSTICE

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 616, L.D. 856, Bill, "An Act to Create Minimum Education Requirements for Prisoners in the Department of Corrections System"

Amend the bill by striking out the title and substituting the following:

'Resolve, Establishing the Commission to Study the Educational Needs of Offenders in the State's Correctional System'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current educational and vocational programs for inmates in prisons are inconsistent among institutions and in some cases are nonexistent;

Whereas, the Legislature recognizes the immediate need to provide adequate educational and vocational programs for inmates in the State's corrections system in order to rehabilitate and better prepare inmates for their return to the community; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

COMMITTEE AMENDMENT

2 **Sec. 1. Commission established. Resolved:** That the Commission
to Study the Educational Needs of Offenders in the State's
4 Corrections System, referred to in this resolve as the
"commission," is established; and be it further

6 **Sec. 2. Membership. Resolved:** That the commission consists
8 of the following 9 members:

10 1. The Commissioner of Corrections or the commissioner's
designee;

12 2. The Commissioner of Education or the commissioner's
14 designee;

16 3. Two Senators appointed by the President of the Senate,
one who sits on the Joint Standing Committee on Criminal Justice
18 and one who sits on the Joint Standing Committee on Education and
Cultural Affairs;

20 4. An ex-offender appointed by the President of the Senate;

22 5. A member of the Correctional Education Task Force
24 appointed by the President of the Senate;

26 6. Two Representatives appointed by the Speaker of the
House, one who sits on the Joint Standing Committee on Criminal
28 Justice and one who sits on the Joint Standing Committee on
Education and Cultural Affairs; and

30 7. A correctional educator appointed by the Speaker of the
32 House; and be it further

34 **Sec. 3. Chairs. Resolved:** That the first Senate member named
is the Senate chair and the first House member named is the House
36 chair; and be it further

38 **Sec. 4. Appointments; convening of commission. Resolved:** That
all appointments must be made no later than 30 days following the
40 effective date of this resolve. The Executive Director of the
Legislative Council must be notified once all appointments have
42 been made. The chairs shall call the first meeting of the
commission between the 30th and 45th days following the effective
44 date of this resolve; and be it further

46 **Sec. 5. Duties. Resolved:** That the commission shall develop a
plan to assess the correctional system's ability to meet the
48 educational and vocational needs of offenders who are within the
State's correctional facilities and under community supervision.
50 The commission shall identify the special needs and

2 learning requirements of offenders within the State's
3 correctional facilities; the skills and abilities necessary to
4 ensure a successful transition to family, work force and
5 community; and the community services necessary to support
6 offenders under community supervision. The commission shall
7 collect and analyze information regarding the educational levels
8 and needs of offenders in the State's correctional facilities;
9 review research on effective correctional educational practices;
10 evaluate the current and potential use of technology in
11 delivering educational programs; and identify resources necessary
12 to carry out any recommendations. In doing its work, the
13 commission may consult with other state departments, persons
14 representing associations concerned with learning disabilities
15 and family literacy, law enforcement agencies and persons
16 providing probation services; and be it further

17 **Sec. 6. Staff assistance. Resolved:** That upon approval of the
18 Legislative Council, the Office of Policy and Legal Analysis
19 shall provide necessary staffing services to the commission; and
20 be it further

21 **Sec. 7. Compensation. Resolved:** That legislative members are
22 entitled to receive the legislative per diem and reimbursement of
23 necessary expenses for their attendance at authorized meetings of
24 the commission. Public members not otherwise compensated by
25 their employers or other entities whom they represent are
26 entitled to receive reimbursement of necessary expenses and a per
27 diem equal to the legislative per diem for their attendance at
28 authorized meetings of the commission; and be it further

29 **Sec. 8. Report. Resolved:** That the commission shall submit a
30 report with any necessary implementing legislation to the Joint
31 Standing Committee on Criminal Justice by January 15, 2000.
32 Following receipt of the report, the Joint Standing Committee on
33 Criminal Justice may introduce legislation to the Second Regular
34 Session of the 119th Legislature. If the commission requires a
35 limited extension of time to conclude its study and make its
36 report, it may apply to the Legislative Council, which may grant
37 the extension; and be it further

38 **Sec. 9. Commission budget. Resolved:** That the chairs of the
39 commission, with assistance from the commission staff, shall
40 administer the commission budget. Within 10 days after its first
41 meeting, the commission shall present a work plan and proposed
42 budget to the Legislative Council for approval. The commission
43 may not incur expenses that would result in the commission
44 exceeding its approved budget. Upon request from the commission,
45 the Executive Director of the Legislative Council or the
46 Executive Director's designee shall promptly provide the

2 commission chairs and staff with a status report on the
3 commission budget, expenditures incurred and paid and available
4 funds; and be it further

5 **Sec. 10. Appropriation. Resolved:** That the following funds are
6 appropriated from the General Fund to carry out the purposes of
7 this resolve.

8 **1999-00**

10 **LEGISLATURE**

12 **Commission to Study the Educational**
14 **Needs of Offenders in the**
15 **State's Corrections System**

16 Personal Services \$2,310
18 All Other 2,600

20 Provides funds for the per diem and expenses
22 of legislative and other eligible members of
23 the Commission to Study the Educational
24 Needs of Offenders in the State's
25 Corrections System.

26 **LEGISLATURE**
27 **TOTAL** \$4,910

28 **Emergency clause.** In view of the emergency cited in the
30 preamble, this resolve takes effect when approved.'

32 Further amend the bill by inserting at the end before the
34 summary the following:

36 **FISCAL NOTE**

38 **1999-00**

40 **APPROPRIATIONS/ALLOCATIONS**

42 General Fund \$4,910

44 This resolve includes an additional General Fund
46 appropriation to the Legislature in the amount of \$4,910 in
47 fiscal year 1999-00 for the per diem and expenses of legislative
48 and other eligible members of the Commission to Study the
49 Educational Needs of Offenders in the State's Corrections System.

50 The additional costs associated with providing staffing
assistance to the commission during the interim between

2 legislative sessions can be absorbed by the Legislature utilizing
3 existing budgeted resources. If an extension of the reporting
4 deadline is granted and the commission requires staffing
5 assistance during the legislative session, the Legislature may
6 require an additional General Fund appropriation to contract for
7 staff services.

8 The Department of Corrections and the Department of
9 Education will incur some minor additional costs to participate
10 as members of the commission. These costs can be absorbed within
11 the departments' existing budgeted resources.'

14 SUMMARY

16 This amendment replaces the title and the bill with a
17 resolve to create a commission to develop a plan to assess the
18 correctional system's ability to meet the educational and
19 vocational needs of offenders who are within the State's
20 correctional facilities and under community supervision. The
21 commission's duties also include identifying the special needs
22 and learning requirements of offenders within the State's
23 correctional facilities; the skills and abilities necessary to
24 ensure a successful transition to family, work force and
25 community; and the community services necessary to support
26 offenders under community supervision. The commission shall
27 collect and analyze information regarding the educational levels
28 and needs of offenders in the State's correctional facilities,
29 review research on effective correctional educational practices;
30 evaluate the current and potential use of technology in
31 delivering educational programs and identify resources necessary
32 to carry out any recommendations. In doing its work, the
33 commission may consult with other state departments, persons
34 representing associations concerned with learning disabilities
35 and family literacy, law enforcement agencies and persons
36 providing probation services. The commission must report its
37 recommendations to the Joint Standing Committee on Criminal
38 Justice by January 15, 2000.

40 The amendment also adds an appropriation section and a
41 fiscal note.