

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 202

H.P. 191

House of Representatives, January 18, 2001

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### **An Act to Improve Maine's Jail Diversion Programs.**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CANAVAN of Waterville.  
Cosponsored by Senator DAGGETT of Kennebec and  
Representatives: BRANNIGAN of Portland, FULLER of Manchester, GLYNN of South  
Portland, JONES of Greenville, LAVERRIERE-BOUCHER of Biddeford, MITCHELL of  
Vassalboro, QUINT of Portland, SKOGLUND of St. George.

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**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 4 MRSA §§421 to 423, as enacted by PL 1999, c. 780, §1, are amended to read:

**§421. Establishment**

1. **Programs.** The Judicial Department may establish alcohol and drug treatment and mental health treatment programs in the Superior Courts and District Courts and may adopt administrative orders and court rules to govern the practice, procedure and administration of these programs. Alcohol and drug treatment and mental health treatment programs must include local judges and must be community based and operated separately from juvenile drug courts.

2. **Goals.** The goals of the alcohol and drug treatment and mental health treatment programs authorized by this chapter include the following:

A. To reduce alcohol and drug abuse and dependency and mental health problems among criminal offenders;

B. To reduce criminal recidivism;

C. To increase personal, familial and societal accountability of offenders;

D. To promote healthy and safe family relationships;

E. To promote effective interaction and use of resources among justice system personnel and community agencies; and

F. To reduce the overcrowding of prisons.

3. **Collaboration.** The following shall collaborate with and, to the extent possible, provide financial assistance to the Judicial Department in establishing and maintaining alcohol and drug treatment and mental health treatment programs:

A. District attorneys, the Department of the Attorney General and statewide organizations representing prosecutors;

B. Defense attorneys, including statewide organizations representing defense attorneys;

C. The Department of Corrections;

D. The Department of Mental Health, Mental Retardation and Substance Abuse Services;

- 2 E. The Department of Public Safety;
- 4 F. The Department of Education;
- 6 G. The business community;
- 8 H. Local service agencies; and
- 10 I. Statewide organizations representing drug and mental  
12 health court professionals.

14 **§422. Programs**

16 **1. Drug and Mental Health Court Coordinator.** The Judicial  
18 Department shall employ a Drug and Mental Health Court  
20 Coordinator. The Drug and Mental Health Court Coordinator is  
responsible for helping the Judicial Department establish, staff,  
operate and evaluate alcohol and drug treatment and mental health  
treatment programs in the courts.

22 **2. Pass-through services.** The Administrative Office of the  
24 Courts, with the assistance of the Drug and Mental Health Court  
Coordinator, may enter into cooperative agreements or contracts  
with:

26 A. The Department of Mental Health, Mental Retardation and  
28 Substance Abuse Services, Office of Substance Abuse or other  
federal-licensed treatment providers or state-licensed  
30 treatment providers to provide substance abuse services for  
alcohol and drug treatment program participants and mental  
32 health treatment or dual diagnosis treatment for treatment  
34 program participants. To the extent possible, the alcohol  
and drug treatment programs, mental health treatment  
36 programs and dual diagnosis treatment programs must access  
existing ~~substance-abuse~~ treatment resources for ~~alcohol-and~~  
38 ~~drug~~ treatment program participants;

40 B. The Department of Corrections, Division of Community  
42 Corrections or other appropriate organizations to provide  
for supervision of ~~alcohol--and--drug~~ treatment program  
participants;

44 C. The Department of Corrections or other appropriate  
46 organizations to provide for drug testing of ~~alcohol--and~~  
~~drug~~ treatment program participants;

48 D. Appropriate organizations to provide for a drug and  
50 mental health court manager at each ~~alcohol--and--drug~~  
treatment program location; and

2 E. Appropriate organizations and agencies for training of  
alcohol-and-drug treatment program staff and for evaluation  
4 of alcohol-and-drug treatment program operations.

6 **§423. Reports**

8 The Judicial Department shall report to the joint standing  
committee of the Legislature having jurisdiction over judiciary  
10 matters by January 15, 2002 and annually thereafter on the  
establishment and operation of alcohol and drug and mental health  
12 and dual diagnosis treatment programs in the courts. The report  
must cover at least the following:

14 1. **Training.** Judicial training;

16 2. **Locations.** Locations in which the alcohol--and--drug  
treatment programs are operated in each prosecutorial district;

18 3. **Participating judges and justices.** Judges and justices  
20 participating in the alcohol-and-drug treatment programs at each  
location;

22 4. **Community involvement.** Involvement of the local  
24 communities, including the business community and local service  
agencies;

26 5. **Education.** Educational components;

28 6. **Existing resources.** Use of existing substance abuse and  
30 mental health resources;

32 7. **Statistics.** Statistical summaries of each alcohol-and  
drug treatment program;

34 8. **Collaboration.** Demonstration of the collaboration  
36 required under section 421, subsection 3, including agreements  
and contracts, the entities collaborating with the Judicial  
38 Department, the value of the agreements and contracts and the  
amount of financial assistance provided by each entity; and

40 9. **Evaluation of programs.** Evaluation of alcohol-and-drug  
42 treatment programs individually and overall.

44 **SUMMARY**

46 This bill authorizes the Judicial Department to establish  
48 mental health treatment programs in the Superior Courts and  
District Courts.