

# MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 714, L.D. 929, Bill, "An Act to Amend the Supervised Community Confinement Law"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 34-A MRSA §3036-A, sub-§2, ¶B, as enacted by PL 1991, c. 845, §4, is amended to read:

B. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 2/3 of the term of imprisonment imposed or, in the case of a split sentence, at least 2/3 of the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is more than 5 years. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 1/2 of the term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended portion after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is 5 years or less.

Sec. 2. 34-A MRSA §3036-A, sub-§10 is enacted to read:

10. Terminally ill prisoner. With the consent of the prisoner, the commissioner may permit a prisoner committed to the

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2 department to be transferred from a correctional facility to  
3 supervised community confinement without meeting the requirements  
4 of subsection 2, paragraphs B and C if the facility's treating  
5 physician has determined that the prisoner is terminally ill and  
6 that care outside the correctional facility for the remainder of  
7 the prisoner's illness is medically necessary. The prisoner  
8 shall live in a hospital or other appropriate care facility, such  
9 as a nursing facility or residential care facility, approved by  
10 the commissioner. As approved by the commissioner, the prisoner  
11 may receive hospice services from an entity licensed pursuant to  
12 Title 22, chapter 1681, subchapter I. The commissioner may  
13 exempt a prisoner transferred to supervised community confinement  
14 pursuant to this subsection from any mandatory condition under  
15 subsection 3 that the commissioner determines to be inapplicable.'

16 Further amend the bill by inserting at the end before the  
17 summary the following:

18  
19 **FISCAL NOTE**

20  
21 The additional costs associated with changing the supervised  
22 community confinement provisions can be absorbed by the  
23 Department of Corrections utilizing existing budgeted resources.'

24  
25 **SUMMARY**

26  
27 This amendment maintains a provision of the supervised  
28 community confinement law that prohibits any prisoner from being  
29 eligible for supervised community confinement unless the prisoner  
30 has no more than one year remaining on the term of imprisonment.  
31 The amendment also clarifies the language of the bill concerning  
32 release of terminally ill inmates for end-of-life care. The  
33 amendment provides that the prisoner must live in a hospital or  
34 other appropriate care facility, such as a nursing facility or  
35 residential care facility, approved by the Commissioner of  
36 Corrections. As approved by the commissioner, the prisoner may  
37 also receive hospice services.

38  
39 This amendment also adds a fiscal note to the bill.  
40