

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2075

H.P. 1569

House of Representatives, January 15, 2002

**An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in County Jails.**

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Reported by Speaker SAXL for the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated pursuant to Joint Order 2001, H.P. 1383, section 8.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

**PART A**

**Sec. A-1. 30-A MRSA §1556, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §6 and amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10, is further amended to read:

**1. Furlough authorized.** The sheriff may establish rules for and permit a prisoner under the final sentence of a court a furlough from the county jail in which the prisoner is confined. Furlough may be granted for not more than 3 days at one time in order to permit the prisoner to visit a dying relative, to obtain medical services or for any other reason consistent with the rehabilitation of an inmate or prisoner which that is consistent with the laws or rules of the sheriff's department. Furlough may be granted for a period longer than 3 days if medically required to provide treatment for a physical or mental condition of the prisoner, including a substance abuse condition, as determined by a qualified medical professional.

**PART B**

**Sec. B-1. 34-B MRSA §1222** is enacted to read:

**§1222. County jail mental illness treatment pilot program**

The department shall establish a county jail mental illness treatment pilot program, referred to in this section as the "pilot program," to provide adequate mental health services to persons with mental illness in county correctional facilities. The pilot program must include a process to screen inmates for mental illness upon entry, procedures to determine the appropriate mental health care, and case management, treatment and aftercare services.

The department shall choose at least 3 county correctional facilities to participate in the pilot program, one in each of the 3 service delivery regions established under section 1201-A, and shall coordinate the pilot program with existing mental health clinics. At least one of the 3 pilot program locations must be a county correctional facility located in a rural portion of the State.

**1. Pilot program elements.** Under the pilot program the department shall ensure that:

**A. Each participating correctional facility is provided with adequate mental health resources to undertake intake screening to identify persons with mental illness;**

2           B. Each participating correctional facility is provided  
4           with adequate mental health resources to ensure that inmates  
6           identified as having mental illness are given appropriate  
            treatment, including professional counseling, testing,  
            referral and other ongoing mental health care;

8           C. Each participating correctional facility is provided with  
10          adequate mental health resources to undertake discharge  
12          planning for inmates with mental illness, including  
14          identifying treatment needs, connecting the inmate with the  
16          community mental health system, helping to arrange for basic  
            needs and ensuring that an inmate's applications for any  
            benefits such as Medicare or Medicaid for which the inmate  
            may be eligible are filed in a timely manner prior to  
            release; and

18          D. Adequate community mental health services are provided  
20          to meet the mental health needs of inmates who are  
            discharged to the community under the pilot program.

22          2. Report. By January 30th each year, beginning in 2003,  
24          the department shall report to the joint standing committee of  
26          the Legislature having jurisdiction over criminal justice matters  
28          on its implementation of the pilot program developed pursuant to  
            this section and recommendations for continuation of and changes  
            to the pilot program.

30           **Sec. B-2. Appropriations and allocations.**     The following  
            appropriations and allocations are made.

32           **BEHAVIORAL AND DEVELOPMENTAL**  
34           **SERVICES, DEPARTMENT OF**

36           **Mental Health Services - Community**

38           New Initiative: Provides funds for the county jail mental  
40           illness treatment pilot program to fund 3 Caseworker positions,  
42           1.5 Psychiatrist positions and 3 Psychologist positions and to  
            contract for 3 Community Support Worker positions to provide  
            mental health services to persons with mental illness in 3 county  
            correctional facilities. This request will generate \$188,068 in  
            General Fund revenue in fiscal year 2002-03.

44 <b>General Fund</b>	<b>2002-03</b>
46           Positions - Legislative Count	(7,500)
48           Personal Services	\$470,783
50           All Other	135,000
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50           TOTAL	\$605,783

2      **Regional Operations**

4      New Initiative: Provides funds for the overhead costs for 3  
6      Caseworker positions, 1.5 Psychiatrist positions and 3  
8      Psychologist positions to provide mental health services to  
persons with mental illness in 3 county correctional facilities  
as part of the county jail mental illness treatment pilot program.

10     **General Fund**   **2002-03**  
       All Other    \$105,000

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14     **DEPARTMENT OF BEHAVIORAL AND**  
       **DEVELOPMENTAL SERVICES**  
16     **TOTAL**   \$710,783

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20   **PART C**

22             **Sec. C-1. 34-B MRSA §1223** is enacted to read:

24     **§1223. County jail mental illness staff coverage**

26     The department shall provide mental health staffing  
28     resources to county correctional facilities so that each county  
30     facility has at least 16 hours of facility-based mental health  
       coverage each day. The facility-based staff must be trained and  
       qualified to address mental health and substance abuse issues and  
       be familiar with inmate cultures and the criminal justice system.

32     **Sec. C-2. Appropriations and allocations.** The following  
34     appropriations and allocations are made.

36     **BEHAVIORAL AND DEVELOPMENTAL**  
       **SERVICES, DEPARTMENT OF**

38     **Mental Health Services - Community**

40     New Initiative: Provides funds for 36 Mental Health and Mental  
42     Retardation Caseworker positions to provide 16 hours per day of  
44     mental health services to persons with mental illness in county  
       correctional facilities. This request will generate \$586,874 in  
       General Fund revenue in fiscal year 2002-03.

46     **General Fund**   **2002-03**  
       Positions - Legislative Count   (36,000)  
48     Personal Services   \$1,475,076

50     **Regional Operations**

2 New Initiative: Provides funds for the overhead costs for 36  
4 Mental Health and Mental Retardation Caseworker positions to  
provide 16 hours per day of mental health services to persons  
with mental illness in county correctional facilities.

6 **General Fund** **2002-03**  
8 All Other \$360,000

10 **DEPARTMENT OF BEHAVIORAL AND**  
11 **DEVELOPMENTAL SERVICES**

12 **TOTAL** \$1,835,076

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### SUMMARY

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18 This bill implements recommendations of the Committee to  
19 Study the Needs of Persons with Mental Illness Who Are  
20 Incarcerated relating to treatment and aftercare planning in  
county jails.