

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 475

H.P. 367

House of Representatives, February 4, 2003

An Act To Improve Conditions for Inmates with Mental Illness

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GERZOFKY of Brunswick.
Cosponsored by President DAGGETT of Kennebec and
Representatives: BLANCHETTE of Bangor, BRANNIGAN of Portland, CANAVAN of
Waterville, DUDLEY of Portland, GREELEY of Levant, O'BRIEN of Lewiston, RINES of
Wiscasset, TWOMEY of Biddeford.

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

4 **PART A**

6 **Sec. A-1. Additional beds.** The Department of Behavioral and
8 Developmental Services shall construct the new Riverview
10 Psychiatric Center according to the expanded footprint design,
12 adding no more than 20 beds to the hospital's capacity. These
14 beds must be used as swing beds to accommodate the forensic and
civil commitment needs of the State. Forensic beds must be made
available to county jail inmates who have been determined to be
in need of inpatient psychiatric treatment. Jail inmates
determined to be in need of psychiatric treatment may not be
transferred to the Maine State Prison.

16 **PART B**

18 **Sec. B-1. Appropriations and allocations.** The following
20 appropriations and allocations are made.

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

24 **Mental Health Services - Community**

26 Initiative: Provides funds for county jail mental illness
28 treatment pilot programs to fund jail diversion, discharge
30 planning and mental health services to persons with mental
illness in 3 county correctional facilities. The funds will be
32 issued via a request for proposal allocating \$100,000 for each
pilot.

34 General Fund	2003-04
All Other	\$300,000

36
38 **PART C**

40 **Sec. C-1. Forensic training for mental health workers and corrections**
42 **officers.** The Department of Corrections shall establish a training
44 program designed to provide specialized forensic training to case
management and community support providers and providers of
46 crisis and outpatient mental health services in order to increase
awareness of the criminal justice issues associated with the
48 treatment of persons with mental illness who are incarcerated.
The department shall provide, no later than January 30, 2004, a
report to the joint standing committee of the Legislature having
jurisdiction over criminal justice matters on the development and

2 implementation of the training program. The department shall
3 ensure that all corrections officers, including those working in
4 county jails, receive at least 8 hours of training about mental
5 illness and substance abuse, including information about suicide
6 prevention and techniques for calming inmates with mental health
7 disorders.

8 **Sec. C-2. Discharge planning training for corrections officers.** The
9 Department of Corrections shall establish a training program
10 designed to teach corrections officers assigned to inmate
11 discharge planning about the services and supports available in
12 the State for inmates with diagnoses of mental illness or
13 substance abuse, or both, and how to develop and implement
14 appropriate discharge plans. The department shall provide, no
15 later than January 30, 2004, a report to the joint standing
16 committee of the Legislature having jurisdiction over criminal
17 justice matters on the development and implementation of the
18 training program.

20 **PART D**

22 **Sec. D-1. 34-A MRSA §3002,** as amended by PL 1989, c. 503,
24 Pt. B, §159, is further amended to read:

26 **§3002. Boards of visitors**

28 **1. Appointment.** The Governor shall appoint a board of 5
29 visitors for each correctional facility under the department, as
30 authorized by Title 5, section 12004-I, subsection 5.

32 A. The terms of the members of the boards of visitors are
33 for one year.

34 B. Members of the boards of visitors are eligible for
35 reappointment at the expiration of their terms. The boards
36 of visitors must be representative of a broad range of
37 professionals, family members and citizens interested in the
38 well-being of prisoners, including representatives of
39 advocacy groups for human and civil rights, medical and
40 psychiatric professionals, persons who have served in
41 corrections settings and other interested citizens.

44 C. No A member of the Legislature may not serve on any
45 board of visitors.

46 D. Each member of the boards of visitors shall must be
47 compensated according to the provisions of Title 5, chapter
48 379.

50

2 B. Members of the boards of visitors are eligible for
4 reappointment at the expiration of their terms. The boards
6 of visitors must be representative of a broad range of
8 professionals, family members and citizens interested in the
well-being of prisoners, including representatives of
advocacy groups for human and civil rights, medical and
psychiatric professionals, persons who have served in
corrections settings and other interested citizens.

10
12 C. A member of the Legislature may not serve on a board of
visitors.

14 3. Powers. Each board of visitors may inspect the
16 correctional facility to which it is assigned, interview any
18 prisoner and make recommendations on the management of the
20 facility or any other matter it considers appropriate to the
22 county commissioners. Each board shall report to the county
24 commissioners, the Commissioner of Corrections and the joint
26 standing committee of the Legislature having jurisdiction over
28 criminal justice matters by January 5th of each year. All use of
administrative segregation that lasts beyond 72 hours for inmates
with histories of mental illness or substance abuse disorders, or
both, must be reported to the board of visitors, and the board
shall examine the need for the inmate's continued administrative
segregation and make recommendations regarding the administrative
segregation's impact on the inmate's health and well-being. The
annual report must include a summary of the frequency of such
segregation and the board's evaluation of its impact on prisoners.

30 4. Duties. Boards of visitors have the following duties.

32
34 A. Boards of visitors shall send copies of all
36 recommendations to the members of the joint standing
committee of the Legislature having jurisdiction over
criminal justice matters.

38 B. Each board of visitors shall appear before the joint
40 standing committee of the Legislature having jurisdiction
over criminal justice matters upon request.

42
44 **PART F**

46 **Sec. F-1. 30-A MRSA §1557-A, sub-§6, as enacted by PL 1995, c.**
48 **647, §5, is amended to read:**

50 **6. Commissioner of Corrections to determine temporary**
housing assignments. If a county that does not have a jail or
has a jail that is not fully certified is unable to locate space

2 in any other county facility for an adult or juvenile, that
4 county may contact the Commissioner of Corrections for approval
6 to obtain temporary housing in a correctional or detention
8 facility operated by the Department of Corrections. The sending
10 county shall contact each other county facility in a continuing
12 effort to locate placement in a county facility. When the
14 sending county locates available space in a county facility, the
16 sheriff of the sending county shall transfer the person from the
department's correctional or detention facility and place the
person in the county facility except that, if an inmate in a
county jail has been determined by an appropriate medical or
mental health professional to need inpatient treatment because
the inmate is a danger to self or others or at imminent risk of
harm due to the inmate's inability to care for that inmate, the
commissioner may not place this inmate in any setting other than
a forensic hospital.

18 SUMMARY

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This bill accomplishes the following.

22

24 1. It directs the Department of Behavioral and
26 Developmental Services to add no more than 20 beds to the
capacity of the Riverview Psychiatric Center, to be used as swing
beds to accommodate the forensic and civil commitment needs of
the State.

28

30 2. It appropriates \$300,000 for county mental illness
treatment pilot programs.

32

34 3. It directs the Department of Corrections to establish a
training program to provide specialized training to case
management and community support providers and providers of
mental health services.

36

38 4. It directs the board of visitors for each correctional
40 facility to report annually to the Commissioner of Corrections,
the Governor and the Legislature. It requires that all uses of
lengthy administrative segregation for certain inmates be
reported to the appropriate board of visitors.

42

44 5. It establishes boards of visitors for county
correctional facilities.

46

48 6. It requires that an inmate in a county jail determined
by a medical or mental health professional to need inpatient
treatment be placed in a forensic hospital bed.