### MAINE STATE LEGISLATURE

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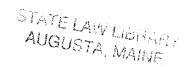
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		L.D. 348
DATE:	4/11/05	(Filing No. H- 120)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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# STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE FIRST SPECIAL SESSION

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COMMITTEE AMENDMENT "A" to H.P. 261, L.D. 348, Bill, "An Act To Expand Supervised Community Confinement Options for a Person with a Terminal Illness"

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

26

'An Act To Expand the Home-release Monitoring Program for a Person with a Terminal Illness'

28

Further amend the bill by inserting after the enacting clause and before section 1 the following:

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'Sec. 1. 30-A MRSA §1659, sub-§8 is enacted to read:

34 Terminally ill inmate. The sheriff may grant the privilege of participation in a home-release monitoring program 36 to an inmate who does not meet the requirements of subsection 2, paragraph D if the jail's treating physician has determined that 38 the inmate is terminally ill and that care outside the jail for the remainder of the inmate's illness is medically appropriate. 40 Except as set out in this subsection, the inmate shall live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or facility that is a 42 licensed hospice program pursuant to Title 22, section 8622, 44 approved by the sheriff. As approved by the sheriff, the inmate may receive hospice services from an entity licensed pursuant to 46 Title 22, chapter 1681, subchapter 1 and, subject to approval by the sheriff, may live at home while receiving these hospice 48 services. The sheriff may exempt an inmate participating in

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## COMMITTEE AMENDMENT "A" to H.P. 261, L.D. 348

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	home-release monitoring pursuant to this subsection from any
2	requirements under subsection 3 that the sheriff determines to be
	inapplicable. The sheriff may terminate an inmate's
4	participation in a home-release monitoring program under this
	subsection at any time and return the inmate to confinement for
6	any reason in the sheriff's discretion. Except as set out in
	this subsection, all other provisions of this section apply to
8	home-release monitoring pursuant to this subsection.'
10	Further amend the bill in section 1 in subsection 10 in the
	9th and 10th lines (page 1, lines 14 and 15 in L.D.) by striking
12	out the following: "shall-live must be placed" and inserting in
	its place the following: 'shall live'
14	
	Further amend the bill in section 1 in subsection 10 in the
16	11th line (page 1, line 16 in L.D.) by inserting after the
	following: "or" the following: 'a facility that is'
18	
20	Further amend the bill by relettering or renumbering any
20	nonconsecutive Part letter or section number to read
22	consecutively.
22	
24	SUMMARY
26	As the bill allows for state prisoners in the supervised
	community confinement program, this amendment amends the
28	home-release monitoring program to expand the options for release
	to the community of a county jail inmate who is terminally ill
30	when the release is medically appropriate. The amendment allows
	a county jail inmate to be transferred to a private residence
32	with in-home medical hospice care, subject to approval by the
	sheriff.
34	
	This amendment also makes technical changes to the bill.

FISCAL NOTE REQUIRED (See attached)

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### COMMITTEE AMENDMENT



### 122nd MAINE LEGISLATURE

**LD 348** 

LR 0364(02)

An Act To Expand Supervised Community Confinement Options for a Person with a Terminal Illness

Fiscal Note for Bill as Amended by Committee Amendment 'A'
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

#### **Fiscal Note**

Potential future biennium savings - General Fund

#### **Correctional and Judicial Impact Statements**

Although the Department of Corrections has no offenders eligible at this time, allowing terminally ill prisoners to be transferred to a private residence with in-home medical hospice care may result in some savings to the department in the future.