

MAINE STATE LEGISLATURE

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R.O.S.

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**

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"

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

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

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

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

8. Terminally ill inmate. The sheriff may grant the privilege of participation in a home-release monitoring program to an inmate who does not meet the requirements of subsection 2, paragraph D if the jail's treating physician has determined that the inmate is terminally ill and that care outside the jail for the remainder of the inmate's illness is medically appropriate. 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 licensed hospice program pursuant to Title 22, section 8622, approved by the sheriff. As approved by the sheriff, the inmate may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 and, subject to approval by the sheriff, may live at home while receiving these hospice services. The sheriff may exempt an inmate participating in

COMMITTEE AMENDMENT

H. 013

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

2 home-release monitoring pursuant to this subsection from any
3 requirements under subsection 3 that the sheriff determines to be
4 inapplicable. The sheriff may terminate an inmate's
5 participation in a home-release monitoring program under this
6 subsection at any time and return the inmate to confinement for
7 any reason in the sheriff's discretion. Except as set out in
8 this subsection, all other provisions of this section apply to
9 home-release monitoring pursuant to this subsection.'

10 Further amend the bill in section 1 in subsection 10 in the
11 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
13 its place the following: 'shall live'

14 Further amend the bill in section 1 in subsection 10 in the
15 11th line (page 1, line 16 in L.D.) by inserting after the
16 following: "or" the following: 'a facility that is'

17 Further amend the bill by relettering or renumbering any
18 nonconsecutive Part letter or section number to read
19 consecutively.

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SUMMARY

26 As the bill allows for state prisoners in the supervised
27 community confinement program, this amendment amends the
28 home-release monitoring program to expand the options for release
29 to the community of a county jail inmate who is terminally ill
30 when the release is medically appropriate. The amendment allows
31 a county jail inmate to be transferred to a private residence
32 with in-home medical hospice care, subject to approval by the
33 sheriff.

34

This amendment also makes technical changes to the bill.

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FISCAL NOTE REQUIRED
(See attached)



Approved: 03/28/05 *MAC*

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.