

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 348

H.P. 261

House of Representatives, January 25, 2005

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

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Submitted by the Department of Corrections pursuant to Joint Rule 204.  
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 Senator STRIMLING of Cumberland and  
Representative: BLANCHETTE of Bangor, Senator: CLUKEY of Aroostook.

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

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**Sec. 1. 34-A MRSA §3036-A, sub-§10.** as amended by PL 2003, c. 205, §13, is further amended to read:

**10. Terminally ill prisoner.** With the consent of the prisoner, the commissioner may permit a prisoner committed to the department to be transferred from a correctional facility to supervised community confinement without meeting the requirements of subsection 2, paragraphs B and C if the facility's treating physician has determined that the prisoner is terminally ill and that care outside the correctional facility for the remainder of the prisoner's illness is medically appropriate. The ~~Except as set out in this subsection,~~ the prisoner shall--live must be placed in a hospital or other appropriate care facility, such as a nursing facility or, residential care facility or a licensed hospice program pursuant to Title 22, section 8622, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 and, subject to approval by the commissioner, may live at home while receiving these hospice services. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable.

**SUMMARY**

This bill amends the supervised community confinement program to expand the options for release to the community of a prisoner who is terminally ill when the release is medically appropriate. The bill allows a prisoner to be transferred to a private residence with in-home medical hospice care, subject to approval by the Commissioner of Corrections.