

MAINE STATE LEGISLATURE

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17
1202

L.D. 927

DATE: 5/17/05

(Filing No. H-386)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Minority

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

COMMITTEE AMENDMENT "A" to H.P. 646, L.D. 927, Bill, "An Act To Decrease the Burden on Jails and Improve Treatment for People Living with Mental Illness by Fostering Jail Diversion"

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

'An Act Regarding the Administration of Medication by Sheriffs to Prisoners'

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

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill in section 1 in subsection 1 by striking out all of the last 3 underlined sentences (page 1, lines 15 to 20 in L.D.) and inserting in their place the following: 'A jail may not be required to dispense medications in blister packs. A jail's medication formulary must have the same medications available as in other state institutions, and when possible the Department of Health and Human Services shall assist jails in ensuring that the formulary is the same as that in state institutions. When possible, the Department of Corrections also shall assist jails with the purchase of medications through joint purchasing agreements.'

COMMITTEE AMENDMENT

11.013

COMMITTEE AMENDMENT "A" to H.P. 646, L.D. 927

2 Further amend the bill by striking out all of sections 2 to
4 7.

6 **SUMMARY**

8 This amendment is the minority report of the Joint Standing
10 Committee on Criminal Justice and Public Safety. The amendment
12 strikes everything from the bill, except the provision regarding
14 the distribution of medication by sheriffs to prisoners. The
16 amendment maintains the provision authorizing jails to administer
18 medication that is not in blister packs and directs the
Department of Health and Human Services to assist jails in
ensuring that their formulary is the same as that for state
institutions. It clarifies that the Department of Corrections is
required to assist jails with the purchase of medications through
joint purchasing agreements.

20 **FISCAL NOTE REQUIRED**
22 (See attached)



122nd MAINE LEGISLATURE

LD 927

0615(02)

An Act To Decrease the Burden on Jails and Improve Treatment for People Living with Mental Illness by Fostering Jail Diversion

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

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Exempted state mandate
Minor cost increase - General Fund

State Mandate

New or Expanded Activity

Requiring a jail's medication formulary to have the same medications available as in other state institutions is a state mandate pursuant to the Maine constitution. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

Unit Affected

County

Costs

Significant

Fiscal Detail and Notes

The cost to certain county jails for new formulary standards may be mitigated by the assistance provided by the Department of Health and Human Services and the Department of Corrections. Any additional costs to the departments can be absorbed utilizing existing budgeted resources.