

MAINE STATE LEGISLATURE

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Date: 3/19/08

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 390, L.D. 507, Bill, "An Act Recognizing Native American Religion in Maine Prisons and Jails"

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

'An Act To Require the Accommodation of Religious Practices in Correctional Facilities'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 34-A MRSA §3048 is enacted to read:

§3048. Religious services

The commissioner shall adopt rules that provide for the accommodation of any prisoner who expresses a desire to practice a religion of the prisoner's choice as long as the practice does not present a threat to the safety, security or orderly management of the facility in which the prisoner is housed. The rules must be consistent with all federal requirements. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Rule-making process. The Commissioner of Corrections shall use the February 28, 2008 draft of the Department of Corrections policy "Religious Services, General Guidelines" as a basis for the rules adopted under the Maine Revised Statutes, Title 34-A, section 3048.'

SUMMARY

This amendment replaces the bill. It requires the Commissioner of Corrections to adopt rules, consistent with all federal requirements, including the Religious Land Use and Institutionalized Persons Act of 2000, 42 United States Code, Chapter 21C, to provide for the accommodation of prisoners' religious practices. The rules may limit or

COMMITTEE AMENDMENT

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1 prohibit practices that present a threat to the safety, security or orderly management of the
2 facility.

3 The Department of Corrections' religious services draft policy, dated February 28,
4 2008, must serve as the basis of the rules. The rules are routine technical.

5 **FISCAL NOTE REQUIRED**
6 **(See attached)**



123rd MAINE LEGISLATURE

LD 507

LR 392(02)

An Act Recognizing Native American Religion in Maine Prisons and Jails

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs associated with this legislation can be absorbed by the Department of Corrections utilizing existing budgeted resources.