

MAINE STATE LEGISLATURE

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Date: 6/11/07

L.D. 1290
(Filing No. H-521)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

COMMITTEE AMENDMENT "A" to H.P. 908, L.D. 1290, Bill, "An Act To Enhance Enforcement of Public Health Measures"

Amend the bill by striking out all of sections 1 and 2 (page 1 lines 2 to 38 and page 2, lines 1 to 10 in L.D.)

Amend the bill in section 3 in §817 in the 2nd paragraph in the last line (page 2, line 26 in L.D.) by inserting after the following: "District Court" the following: 'or Superior Court'

Amend the bill by striking out all of section 4 (page 2, lines 27 to 33 in L.D.) and inserting the following:

Sec. 4. 30-A MRSA §1560, sub-§1-A is enacted to read:

1-A. Transportation; medical care. A person detained or committed to a jail or correctional facility as a consequence of a violation of a public health measure pursuant to Title 22, section 812 or section 813 or as a consequence of a violation of a prescribed care order pursuant to Title 22, section 820 may be transported by the sheriff or superintendent of the correctional facility for medical care if a court orders the transport. The Department of Health and Human Services shall bear the costs of transportation and the per diem compensation for the accompanying officers.

Sec. 5. Review of treatment of persons subject to public health measures or prescribed care orders. The Department of Health and Human Services shall review present procedures to place into custody persons in violation of public health measures issued pursuant to the Maine Revised Statutes, Title 22, sections 812 and 813, or prescribed care orders issued pursuant to Title 22, section 820, to determine the adequacy of those procedures in protecting public health and preventing the transmission of communicable disease, environmental disease or occupational disease. The review must include:

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 908, L.D. 1290

1 1. The feasibility of developing secure residential treatment facilities in the State or
2 establishing relations with out-of-state residential treatment facilities to which persons
3 determined to constitute significant public health risks could be involuntarily committed;

4 2. The feasibility of identifying a specific law enforcement agency in the State with
5 whom to task the responsibility to execute arrest warrants in public health cases;

6 3. Consideration of methods to improve the State's arrest warrant repository system
7 to ensure that arrest warrants in public health cases are promptly executed; and

8 4. An evaluation of treatment alternatives and public health interventions to prevent
9 the transmission of communicable disease, environmental disease or occupational disease
10 to law enforcement officers or other persons involved in the execution of arrest warrants
11 in public health cases.

12 The Department of Health and Human Services shall include in its review input from
13 representatives of the Department of Public Safety; the Department of Defense, Veterans
14 and Emergency Management, Maine Emergency Management Agency; the Criminal Law
15 Advisory Commission; the Office of the Attorney General; and the Maine Sheriffs'
16 Association. The Department of Health and Human Services shall report by January 31,
17 2008 to the Joint Standing Committee on Criminal Justice and Public Safety regarding
18 the review and any recommendations. Upon receipt of the recommendations, the Joint
19 Standing Committee on Criminal Justice and Public Safety may submit implementing
20 legislation if necessary.'

21 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
22 section number to read consecutively.

23 **SUMMARY**

24 This amendment deletes sections 1 and 2 of the bill. The amendment authorizes the
25 issuance of an arrest warrant by the Superior Court in the event of a violation of a public
26 health measure or prescribed care order. Transportation of persons detained or
27 committed to county jails or correctional facilities to out-of-state treatment facilities
28 pursuant to court order is authorized. The amendment also requires the Department of
29 Health and Human Services, in consultation with the Department of Public Safety, the
30 Maine Emergency Management Agency, the Office of the Attorney General, the Criminal
31 Law Advisory Commission and the Maine Sheriffs' Association, to evaluate present
32 procedures for placing persons in violation of public health orders into custody, to review
33 the feasibility of establishing an in-state or out-of-state secure residential treatment
34 facility for persons determined to pose imminent significant public health risks, to
35 evaluate methods to improve the execution of arrest warrants for persons determined to
36 be in violation of court public health measures and court and departmental orders for
37 prescribed care and to report its findings and recommendations to the Joint Standing
38 Committee on Criminal Justice no later than January 31, 2008. Upon receipt of the
39 recommendations, the Joint Standing Committee on Criminal Justice and Public Safety
40 may submit implementing legislation if necessary.

FISCAL NOTE REQUIRED
(See attached)



123rd MAINE LEGISLATURE

LD 1290

LR 1049(02)

An Act To Enhance Enforcement of Public Health Measures

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

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services or the Department of the Attorney General can be absorbed utilizing existing budgeted resources.