

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1612

H.P. 1134

House of Representatives, March 21, 2007

An Act To Reduce the Incidence of Incarceration for People with Mental Illness

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SIMPSON of Auburn.
Cosponsored by Representative: SMITH of Monmouth.

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

2 **Sec. 1. 25 MRSA §2804-C, sub-§2-B**, as enacted by PL 2005, c. 393, §1, is
3 amended to read:

4 **2-B. Training regarding people who are homeless or who have mental illness.**
5 The board shall include in the basic law enforcement training program a block of
6 instruction aimed specifically at reducing barriers to reporting crimes against people who
7 are homeless and dealing with the unique challenges posed by cases that involve victims
8 or witnesses who are homeless. The board shall also include a block of instruction aimed
9 specifically at addressing the special circumstances connected with responding to people
10 who are experiencing psychiatric crises, including discussion of crisis intervention team
11 programs administered by a state chapter of a national alliance on mental illness and
12 program outcomes and other best practices for diverting those people to treatment.

13 **Sec. 2. 25 MRSA §2804-D, sub-§1**, as amended by PL 2001, c. 386, §6, is
14 further amended to read:

15 **1. Required.** As a condition to the continued employment of any person as a full-
16 time corrections officer by a municipality, a county, the State or any other nonfederal
17 employer, that person must successfully complete, within the first 12 months of
18 employment, a basic training course of not less than 80 hours as approved by the board.
19 That course must contain information about crisis intervention team programs
20 administered by a state chapter of a national alliance on mental illness and other best
21 practices for responding to psychiatric crises in a correctional setting. Thereafter, as a
22 condition of continued employment as a full-time corrections officer, the officer must
23 satisfactorily maintain the basic certification. The board, under extenuating and
24 emergency circumstances in individual cases, may extend the 12-month period for not
25 more than 90 days. The board, in individual cases, may waive basic training
26 requirements when the facts indicate that an equivalent course has been successfully
27 completed in another state or federal jurisdiction within the 2 years immediately
28 preceding employment. This section applies to any person employed as a full-time
29 corrections officer on or after July 6, 1978. Administrators of facilities where there are
30 corrections officers who are not full-time are encouraged to develop an orientation
31 program for those persons. A full-time correctional trade instructor hired after January 1,
32 2002 must meet the training requirements established under this subsection for full-time
33 corrections officers.

34 **Sec. 3. 34-A MRSA §1210-A, sub-§1, ¶A**, as enacted by PL 1997, c. 753, §2, is
35 amended to read:

36 A. "Community corrections" means the delivery of correctional services for
37 juveniles or adults in the least restrictive manner that ensures the public safety by the
38 county or for the county under contract with a public or private entity. "Community
39 corrections" includes, but is not limited to, preventive or diversionary correctional
40 programs, pretrial release or conditional release programs, alternative sentencing or
41 housing programs, electronic monitoring, residential treatment and halfway house
42 programs, community correctional centers and temporary release programs from a

1 facility for the detention or confinement of persons convicted of crimes or
2 adjudicated delinquents. "Community corrections" may include programs in the jail,
3 such as crisis intervention team programs administered by a state chapter of a
4 national alliance on mental illness, that are designed to reduce the incidence of
5 psychiatric crisis, including the need for one-on-one supervision or restraint of
6 inmates who are suicidal.

7 **Sec. 4. 34-A MRSA §1210-A, sub-§3**, as enacted by PL 1997, c. 753, §2, is
8 amended to read:

9 **3. Distribution.** Beginning July 1, 1998 and annually thereafter, the department
10 shall distribute the County Jail Prisoner Support and Community Corrections Fund to
11 counties based on the percent distribution of actual funds reimbursed to counties pursuant
12 to former section 1210 in fiscal year 1996-97. The percent distribution per county is as
13 follows:

- 14 A. Androscoggin: 8.5%;
- 15 B. Aroostook: 6.6%;
- 16 C. Cumberland: 17.6%;
- 17 D. Franklin: 2.4%;
- 18 E. Hancock: 3.3%;
- 19 F. Kennebec: 6.9%;
- 20 G. Knox: 6.4%;
- 21 H. Lincoln: 3.7%;
- 22 I. Oxford: 4.7%;
- 23 J. Penobscot: 13.7%;
- 24 K. Piscataquis: 1.3%;
- 25 L. Sagadahoc: 2.7%;
- 26 M. Somerset: 5.5%;
- 27 N. Waldo: 3.7%;
- 28 O. Washington: 1.8%; and
- 29 P. York: 11.2%.

30 Effective September 30, 2007, counties that use a portion of these funds to establish crisis
31 intervention team programs administered by a state chapter of a national alliance on
32 mental illness and other programs designed to reduce the incidence of psychiatric crisis
33 must receive an additional 2% in funding.

34 **Sec. 5. 34-B MRSA §1219, sub-§3** is enacted to read:

35 **3. Evidence-based and best practices programs.** The department shall include the
36 development and maintenance of crisis intervention team programs administered by a

1 state chapter of a national alliance on mental illness and other evidence-based diversion
2 programs in its comprehensive strategy for preventing the inappropriate incarceration of
3 seriously mentally ill individuals and for diverting those individuals away from the
4 criminal justice system. Crisis intervention team programs must be included in the State's
5 joint action plan for diversion and reentry.

6 **Sec. 6. 36 MRSA §1811, first ¶**, as amended by PL 2001, c. 439, Pt. TTTT, §2
7 and affected by §3, is further amended to read:

8 A tax is imposed on the value of all tangible personal property and taxable services
9 sold at retail in this State. The rate of tax is ~~7%~~ 7.5% on the value of liquor sold in
10 licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance
11 with Title 28-A, chapter 43; 7% on the value of rental of living quarters in any hotel,
12 rooming house or tourist or trailer camp; 10% on the value of rental for a period of less
13 than one year of an automobile; 7% on the value of prepared food; and 5% on the value
14 of all other tangible personal property and taxable services. Value is measured by the
15 sale price, except as otherwise provided.

16 **Sec. 7. Funding for crisis intervention teams.** The Department of Health and
17 Human Services, the Department of Corrections and the Department of Public Safety
18 shall jointly fund crisis intervention teams in jails and police departments in this State.
19 Annual funding of \$90,000 must be provided to the National Alliance on Mental Illness
20 of Maine to start and administer crisis intervention team programs across the State and
21 engage in other jail diversion project development and delivery.

22 SUMMARY

23 This bill:

24 (1) Requires 3 departments of government to jointly fund the National Alliance on
25 Mental Illness of Maine to establish and maintain crisis intervention team programs
26 administered by a state chapter of a national alliance on mental illness and other jail
27 diversion programs across the State;

28 (2) Requires the Maine Criminal Justice Academy to educate law enforcement and
29 correctional officers about crisis intervention team programs administered by a state
30 chapter of a national alliance on mental illness and other evidence-based and best practice
31 diversion programs;

32 (3) Establishes an incentive for correctional centers to establish crisis intervention
33 team programs administered by a state chapter of a national alliance on mental illness and
34 other evidence-based programs for reducing the incidence of psychiatric crises in jail by
35 granting them additional funding from the County Jail Prisoner Support and Community
36 Corrections Fund; and

37 (4) Establishes an incentive for law enforcement departments to implement crisis
38 intervention team programs administered by a state chapter of a national alliance on
39 mental illness and other best practices for diverting people in psychiatric crisis from jail
40 by increasing the tax on the sale of liquor sold in licensed establishments by .5%.