

# MAINE STATE LEGISLATURE

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L.D. 1953

Date: 3/17/08

(Filing No. H-769)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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

COMMITTEE AMENDMENT "A" to H.P. 1391, L.D. 1953, Bill, "An Act To Amend the Laws Relating to the Department of Corrections"

Amend the bill by striking out all of section 1 and inserting the following:

**Sec. 1. 15 MRSA §891**, as amended by PL 2007, c. 277, §1, is repealed and the following enacted in its place:

**§891. Dismissal on satisfaction of private injury**

**1. General rule.** When a person is charged with a Class D or Class E crime, or is the subject of a juvenile petition alleging a juvenile crime that would constitute a Class D or Class E crime if the juvenile involved were an adult, for which the party injured has a remedy by civil action, if the injured party appears before the court and in writing acknowledges satisfaction for the injury, the court, on payment of all costs, may dismiss the charge.

**2. Exceptions.** This section does not apply to the crime or juvenile crime of refusing to submit to arrest or detention as defined by Title 17-A, section 751-A, to any crime or juvenile crime in which the alleged victim is a family or household member as defined in Title 19-A, chapter 101 or to any juvenile who has previously been adjudicated of a juvenile crime or who has previously obtained relief under this section with respect to a juvenile petition.

**Sec. 2. 15 MRSA §892**, as corrected by RR 2007, c. 1, §7, is repealed and the following enacted in its place:

**§892. Bar to civil action**

An order of dismissal entered pursuant to section 891 bars all further remedy by civil action for such an injury.'

Amend the bill by striking out all of sections 6 and 7 and inserting the following:

**COMMITTEE AMENDMENT**

R.O.S.

COMMITTEE AMENDMENT "A" to H.P. 1391, L.D. 1953

1 'Sec. 6. 34-A MRSA §3805, sub-§2, as amended by PL 2005, c. 507, §22, is  
2 further amended to read:

3 **2. Limitations.** A person may not be detained or confined in or committed to the  
4 facility if ~~that person is more appropriately a subject for intensive temporary out-of-home~~  
5 ~~treatment services or for in-home treatment services provided by or through the~~  
6 ~~Department of Health and Human Services as agreed upon by the commissioner and the~~  
7 ~~Commissioner of Health and Human Services or their designees, upon petition by the~~  
8 commissioner or the commissioner's designee and after hearing, the court finds by a  
9 preponderance of the evidence that the person is more appropriately a subject for  
10 intensive treatment services that are available and provided by or through the Department  
11 of Health and Human Services. Prior to the hearing, the court shall provide notice of the  
12 hearing in writing or orally to the juvenile, the juvenile's parents, the juvenile's guardian  
13 or legal custodian, the attorney for the State and the Department of Health and Human  
14 Services.

15 **Sec. 7. 34-A MRSA §4104, sub-§2, as amended by PL 2005, c. 507, §26, is**  
16 **further amended to read:**

17 **2. Limitations.** A person may not be detained or confined in or committed to the  
18 facility if ~~that person is more appropriately a subject for intensive temporary out-of-home~~  
19 ~~treatment services or for in-home treatment services provided by or through the~~  
20 ~~Department of Health and Human Services as agreed upon by the commissioner and the~~  
21 ~~Commissioner of Health and Human Services or their designees, upon petition by the~~  
22 commissioner or the commissioner's designee and after hearing, the court finds by a  
23 preponderance of the evidence that the person is more appropriately a subject for  
24 intensive treatment services that are available and provided by or through the Department  
25 of Health and Human Services. Prior to the hearing, the court shall provide notice of the  
26 hearing in writing or orally to the juvenile, the juvenile's parents, the juvenile's guardian  
27 or legal custodian, the attorney for the State and the Department of Health and Human  
28 Services.'

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

31 **SUMMARY**

32 This amendment rewrites the Maine Revised Statutes, Title 15, section 891, which  
33 deals with accord and satisfaction, to clarify the purpose of the statute and to repeal  
34 archaic language and references within that section to laws that have been recently  
35 amended. It also clarifies the intent of the bill, which is to preclude the use of the accord  
36 and satisfaction provision on corrections employees.

37 The amendment also clarifies the roles of the Commissioner of Corrections, the  
38 Commissioner of Health and Human Services and the courts in the placement of juveniles  
39 who are more appropriately the subject for intensive treatment services that are available

**COMMITTEE AMENDMENT**

H. of S.

COMMITTEE AMENDMENT "A" to H.P. 1391, L.D. 1953

1 and provided by or through the Department of Health and Human Services, instead of  
2 placement in the Department of Corrections.

3 **FISCAL NOTE REQUIRED**  
4 **(See attached)**



Approved: 03/03/08 *MAC*

# 123rd MAINE LEGISLATURE

LD 1953

LR 3084(02)

**An Act To Amend the Laws Relating to the Department of Corrections**

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

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

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