

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1139,  
L.D. 1611, Bill, "An Act To Ensure Humane Treatment for Special Management  
Prisoners"

Amend the amendment by striking out the substitute title and replacing it with the  
following:

**'Resolve, Regarding the State's Policy of Secure and Humane Use of Segregation in  
Correctional Facilities and Establishing a Policy and Procedure Review Process'**

Amend the amendment by striking out all of sections 1 and 2 (page 1, lines 17 to 31  
in amendment) and inserting the following:

**'Sec. 1. Policy of secure and humane use of segregation. Resolved:** That  
the working group under section 2 shall review the policy described in this section. In  
order to provide a safe, secure and humane correctional environment that meets primary  
security objectives while promoting inmate rehabilitation, it is the policy of this State to  
employ segregation sparingly when needed to protect inmates and prison personnel from  
anticipated harm from dangerous inmates or to protect inmates from themselves. It is the  
policy of the State that such segregation is carried out in a manner consistent with efforts  
to preserve inmates' physical and mental health and to enable opportunities for the  
inmates' future progress; and be it further

**Sec. 2. Working group. Resolved:** That the Director of the Office of Program  
Evaluation and Government Accountability shall convene a working group, referred to in  
this resolve as "the working group," and invite the following members to attend:

1. A member of a group that advocates for inmate rights, recommended by that  
group;

2. A person who holds an advanced degree in psychology and has studied the effects  
of long-term solitary confinement, recommended by a group that advocates for inmate  
rights;

3. An attorney who has expertise in due process procedures and inmate rights,  
recommended by a group that advocates for inmate rights;

1 4. A former inmate who has experienced long-term solitary confinement,  
2 recommended by a group that advocates for inmate rights;

3 5. A member of a union representing guards and other prison employees,  
4 recommended by the union;

5 6. The Commissioner of Corrections and up to 2 employees of the Department of  
6 Corrections, appointed by the commissioner; and

7 7. The Director of the Office of Program Evaluation and Government  
8 Accountability; and be it further

9 **Sec. 3. Chair. Resolved:** That the Director of the Office of Program Evaluation  
10 and Government Accountability shall serve as chair at the first meeting of the working  
11 group. At that meeting the members shall take a vote and elect a chair; and be it further

12 **Sec. 4. Duties. Resolved:** That the working group shall review the policy of  
13 secure and humane use of segregation as set forth in section 1, departmental policies,  
14 rules and practices related to the placement of special management inmates and the  
15 availability of resources and data specific to this State including the following:

16 1. How policies relating to the amount of time inmates may spend in special  
17 management are implemented and the factors that may affect consistent application of  
18 these policies;

19 2. The current role of advocates for inmates in the review and assessment process  
20 relating to special management and determinations to terminate or continue special  
21 management;

22 3. The funding of mental health treatment options and appropriate facility design and  
23 whether the implementation of special management policies is affected by the availability  
24 of these and other resources; and

25 4. Information relating to the number of inmates in special management, their release  
26 to the community, recidivism rates, mental health status, whether they are incarcerated  
27 for violent or nonviolent offenses, whether English is their primary language, repeated  
28 confinements and other factors that may be useful in evaluating the implementation of  
29 these policies over the past 5 years; and be it further

30 **Sec. 5. Staffing. Resolved:** That staffing for the working group must be  
31 provided by the Office of Program Evaluation and Government Accountability; and be it  
32 further

33 **Sec. 6. Recommendations and report by working group. Resolved:** That  
34 the working group shall provide an interim report to the joint standing committee of the  
35 Legislature having jurisdiction over corrections matters by November 15, 2010, which  
36 must include the data collected under section 4 and any initial findings and  
37 recommendations relating to whether the State's policy of secure and humane use of  
38 segregation is consistently applied. Any resources, policies and procedures that may be  
39 necessary to fully implement this policy in a consistent manner throughout the State's  
40 correctional facilities must also be included in the report. The working group shall  
41 identify any additional information or resources that may be needed to complete its  
42 review and shall provide a final report including any policy or legislative changes to the

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1 joint standing committee of the Legislature having jurisdiction over corrections matters  
2 by December 15, 2011; and be it further

3 **Sec. 7. Appropriations and allocations. Resolved:** That the following  
4 appropriations and allocations are made.

5 **CORRECTIONS, DEPARTMENT OF**

6 **Administration - Corrections 0141**

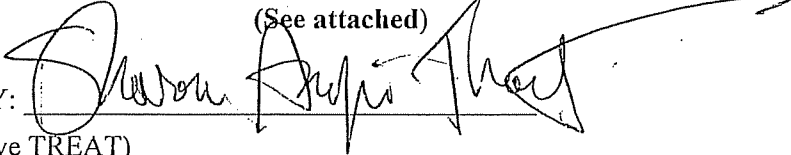
7 Initiative: Provides one-time funds for the Department of Corrections to contract for  
8 assistance in providing the records review and data collection that are expected from the  
9 working group's review of the placement of certain prisoners.

10	<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
11	All Other	\$0	\$10,000
12			
13	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$10,000</u>
14			

15 **SUMMARY**

16 This amendment replaces the review of policies related to placement of special  
17 management inmates provided in Committee Amendment "A" with a requirement that the  
18 Director of the Office of Program Evaluation and Government Accountability convene a  
19 working group to review the policy of secure and humane use of segregation as set forth  
20 in this amendment and departmental policies, rules and practices related to the placement  
21 of special management inmates. The amendment requires the working group to provide  
22 an interim report to the joint standing committee of the Legislature having jurisdiction  
23 over corrections matters by November 15, 2010 and a final report including any  
24 suggested legislation to the committee by December 15, 2011. It also adds an  
25 appropriations and allocations section.

26 **FISCAL NOTE REQUIRED**

27 (See attached)  
28 SPONSORED BY: 

29 (Representative TREAT)

30 TOWN: Hallowell



# 124th MAINE LEGISLATURE

LD 1611

LR 2289(06)

**An Act To Ensure Humane Treatment for Special Management Prisoners**

**Fiscal Note for House Amendment "B" to Committee Amendment "A"**

**Sponsor: Rep. Treat of Hallowell**

**Fiscal Note Required: Yes**

## Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$10,000	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$10,000	\$0	\$0

### Fiscal Detail and Notes

The Department of Corrections will require a one-time General Fund appropriation of \$10,000 to contract for assistance in providing the records review and data collection and analysis that is expected from the working group's review of the placement of certain prisoners. The additional costs of the working group created by this amendment can be absorbed by the Office of Program Evaluation and Government Accountability utilizing existing budgeted resources.