

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 electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 829

H.P. 603

House of Representatives, February 14, 2019

**Resolve, To Reestablish the Commission To Improve the Sentencing,
Supervision, Management and Incarceration of Prisoners**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation establishes the Commission To Improve the Sentencing,
4 Supervision, Management and Incarceration of Prisoners; and

5 **Whereas,** the study must be initiated before the 90-day period expires in order that
6 the study may be completed and a report submitted in time for submission to the next
7 legislative session; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore, be it

12 **Sec. 1. Commission established. Resolved:** That, notwithstanding Joint Rule
13 353, the Commission To Improve the Sentencing, Supervision, Management and
14 Incarceration of Prisoners, referred to in this section as "the commission," is established.

15 **1. Commission membership.** The commission consists of 17 members as follows:

16 A. Two members of the Senate appointed by the President of the Senate;

17 B. Two members of the House of Representatives, at least one of whom is a sponsor
18 or cosponsor of this legislation, appointed by the Speaker of the House of
19 Representatives;

20 C. The Attorney General or the Attorney General's designee;

21 D. The Commissioner of Corrections or the commissioner's designee;

22 E. The Commissioner of Health and Human Services or the commissioner's
23 designee;

24 F. The Director of Adult Community Corrections within the Department of
25 Corrections or the director's designee;

26 G. Six individuals appointed by the Governor:

27 (1) A representative of a statewide association of prosecutors nominated by the
28 association;

29 (2) A representative of a statewide association of county commissioners
30 nominated by the association;

31 (3) A representative of a statewide association of county sheriffs nominated by
32 the association;

33 (4) A representative of a statewide association of criminal defense lawyers
34 nominated by the association;

35 (5) A representative of a statewide organization representing people with mental
36 illness and their families; and

1 (6) A member of the public; and

2 H. The commission shall invite the Chief Justice of the Supreme Judicial Court to
3 serve or name a designee to serve as a voting member of the commission and to
4 appoint 2 trial judges or their designees to serve as voting members of the
5 commission.

6 **2. Appointments; chair; meetings.** All appointments must be made no later than
7 30 days following the effective date of this resolve. The Governor shall appoint a chair
8 from among the membership of the commission, who shall call and convene the first
9 meeting of the commission no later than 30 days after appointments of all members. The
10 commission may hold up to 6 meetings, which, at the discretion of the chair, may include
11 public hearings.

12 **3. Duties.** The duties of the commission are as follows.

13 A. The commission shall conduct research and prepare recommendations addressing
14 the following goals:

15 (1) Reducing the overall prison population in both state and county facilities,
16 with a focus on lowering the population of nonviolent prisoners;

17 (2) Reducing the overall cost of the corrections system;

18 (3) Accomplishing policy, program and structural improvements that reduce
19 recidivism and improve the transition of prisoners back into the community;

20 (4) Preserving community safety;

21 (5) Respecting the needs of victims and communities in the process of holding
22 prisoners accountable for their actions; and

23 (6) Developing recommendations that address the factors leading to increasing
24 prisoner populations at both the county or regional jail and state prison levels, the
25 impact of current sentencing laws, the use of alternate sentences and means to
26 reduce recidivism, in particular recidivism caused by mental illness and
27 substance use disorder.

28 B. To accomplish its purpose, the commission shall examine multiple strategies for
29 addressing issues related to the continually and rapidly increasing prisoner
30 populations at both the county or regional jail and state prison levels, including
31 diversion from jail or prison, programming to improve reentry from jail or prison
32 back to the community, community alternatives to incarceration and changes in
33 sentencing laws, policies and practices. In conducting its examination, the
34 commission shall:

35 (1) Study factors leading to increasing prisoner populations in state and county
36 correctional facilities; examine and analyze the prisoner population and projected
37 growth at both the county or regional jail and state prison levels to include
38 offenses, length of sentence and other issues, such as mental illness and substance
39 use disorder, that lead to incarceration or reincarceration; and identify trends in
40 the prisoner population and determine what impact these changes will have on
41 future growth;

- 1 (2) Examine factors linking juvenile and adult prisoner populations;
- 2 (3) Review existing program and treatment levels for the prisoner population and
- 3 recommend improvements based on projected need and effective programs
- 4 supported by research; and
- 5 (4) Consult with and seek input from former prisoners as well as from
- 6 organizations advocating for persons with mental illness.

7 **4. Staff assistance.** The Department of Corrections shall provide necessary staffing
8 services to the commission.

9 **5. Compensation.** The members of the commission who are Legislators are entitled
10 to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2,
11 and reimbursement for necessary expenses incurred for their attendance at authorized
12 meetings of the commission. Members of the commission who are not otherwise
13 compensated by their employers or other entities that they represent are entitled to receive
14 reimbursement of necessary expenses incurred for their attendance at authorized
15 meetings.

16 **6. Report.** No later than December 4, 2019, the commission shall submit a report
17 detailing its findings and recommendations, including any proposed legislation, to the
18 Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing
19 Committee on Judiciary, each of which may report out legislation related to the report to
20 the Second Regular Session of the 129th Legislature.

21 **Emergency clause.** In view of the emergency cited in the preamble, this
22 legislation takes effect when approved.

23 **SUMMARY**

24 This resolve reestablishes the Commission To Improve the Sentencing, Supervision,
25 Management and Incarceration of Prisoners, which was previously established by the
26 121st Legislature in 2003. This 17-member commission is charged with conducting
27 research and preparing recommendations on a variety of issues relating to the sentencing
28 of prisoners, the management of county and state correctional facilities and the treatment
29 of prisoners within those facilities.

30 The commission is directed to submit, no later than December 4, 2019, a report
31 detailing its findings and recommendations, including any proposed legislation, to the
32 Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing
33 Committee on Judiciary, each of which may report out legislation relating to the report to
34 the Second Regular Session of the 129th Legislature.