

# MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-882) (LD 1422 2020)

Date: 9/17/2020



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Date: (Filing No. H- )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1035, L.D. 1422, “An Act Regarding Conditions in Correctional Facilities for Female Prisoners”

Amend the bill by striking out the title and substituting the following:

**'An Act Regarding Juveniles in the Custody of the Department of Corrections and Regarding Conditions in Correctional Facilities for Female Prisoners'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 22 MRSA §4003, sub-§5,** as enacted by PL 1999, c. 731, Pt. AA, §5 and amended by PL 2013, c. 368, Pt. CCCC, §7, is further amended to read:

**5. Report.** Require the department to report monthly to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters, beginning in July 2000, on the status of children served by the Office of Child and Family Services. The report must include, at a minimum, information on the department's caseload, the location of the children in the department's custody, data regarding the status of children in the department's custody whose parents or primary caregivers are incarcerated in a jail or correctional facility, data regarding the status of children with whom the Office of Child and Family Services is working whose parents or primary caregivers are incarcerated in a jail or correctional facility and the number of cases of abuse and neglect that were not opened for assessment. This information must be identified by program and funding source.

**Sec. 2. 30-A MRSA §1651, sub-§2,** as enacted by PL 2003, c. 482, Pt. A, §1, is amended to read:

**2. Appointment.** The sheriff for each county shall appoint a board of ~~5~~ 6 visitors for each correctional facility under the sheriff's supervision.

A. Members of the boards of visitors serve for terms of one year except that, of the initial appointments, 2 must be for terms of 3 years, 2 must be for terms of 2 years and ~~one~~ 2 must be for ~~a term~~ terms of one year.

**COMMITTEE AMENDMENT**

1 B. Members of the boards of visitors are eligible for reappointment at the expiration  
2 of their terms. The boards of visitors must be representative of a broad range of  
3 professionals, family members and citizens interested in the well-being of prisoners,  
4 including representatives of advocacy groups for human and civil rights, medical and  
5 psychiatric professionals, persons who have served in corrections settings and other  
6 interested citizens. One member of each board of visitors must be a person with  
7 knowledge of issues related to the incarceration of women.

8 C. A member of the Legislature may not serve on a board of visitors.

9 D. The sheriffs of 2 or more counties, at their discretion, may appoint a joint board of  
10 visitors of ~~5~~ 6 or more members.

11 **Sec. 3. 34-A MRSA §1208, sub-§1**, as enacted by PL 1983, c. 581, §§10 and 59,  
12 is amended to read:

13 **1. Establishment.** The commissioner shall establish both mandatory and desirable  
14 standards for all county and municipal detention facilities, setting forth requirements for  
15 maintaining safe, healthful and secure facilities. The standards must include standards for  
16 the delivery of women's health care services, for which compliance must be evaluated at  
17 least every 2 years and documented in the audit of the facility.

18 **Sec. 4. 34-A MRSA §1208-B, sub-§1, ¶A**, as amended by PL 2017, c. 407, Pt. A,  
19 §152, is further amended to read:

20 A. The standards, policies and procedures must address record keeping and reporting  
21 of financial data, capital improvement planning, jail staffing, administration and  
22 management of prisoners, transfer of inmates, notification to prisoners of prohibition  
23 on contact with victims and other persons, pretrial assessments and services, evidence-  
24 based programming, literacy programs, mental health and substance use disorder  
25 programs and correctional officer training. The standards must include standards for  
26 the delivery of women's health care services, for which compliance must be evaluated  
27 at least every 2 years and documented in the audit of the jail.

28 **Sec. 5. 34-A MRSA §3001-A, sub-§1-A** is enacted to read:

29 **1-A. Board of visitors for women's services; membership.** The Governor shall  
30 appoint a board of visitors for women's services to inspect correctional facilities used for  
31 female clients and, with regard to female clients, perform the duties assigned to facility  
32 boards of visitors. The board of visitors for women's services shall ensure that the  
33 incarceration of and services provided to female clients are designed to meet their gender  
34 identity needs and reflect best practices established for such incarceration and services.  
35 The board of visitors for women's services must include one member who was formerly  
36 incarcerated in the custody of the Department of Corrections, one member who represents  
37 a health care provider that provides sexual and reproductive health care and education, one  
38 member who is a person who as a health care practitioner provides sexual and reproductive  
39 health care and education to women and one member who has an understanding of or  
40 experience with domestic violence.

41 **Sec. 6. 34-A MRSA §3031, sub-§8**, as amended by PL 2019, c. 139, §2, is further  
42 amended to read:





# 129th MAINE LEGISLATURE

LD 1422

LR 1277(02)

## An Act Regarding Conditions in Correctional Facilities for Female Prisoners

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

**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

Any additional costs to the Department of Health and Human Services, the Department of Corrections and the Executive Department to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources.