

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1756

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H.P. 1250

House of Representatives, May 21, 2019

### **An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community**

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

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

ROBERT B. HUNT  
Clerk

Presented by Representative TALBOT ROSS of Portland.  
Cosponsored by Senator DESCHAMBAULT of York and  
Representatives: BAILEY of Saco, EVANGELOS of Friendship, MADIGAN of Waterville,  
MORALES of South Portland, TUELL of East Machias, WARREN of Hallowell, Senators:  
CARPENTER of Aroostook, MOORE of Washington.

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

2 **Sec. 1. 34-A MRSA §1206-B** is enacted to read:

3 **§1206-B. Reentry agreements**

4 **1. Agreements with state agencies.** The commissioner shall negotiate joint  
5 working agreements with the Department of Health and Human Services, the Department  
6 of Labor, the Department of Education and other appropriate state agencies to ensure that  
7 prisoners and juvenile clients receive coordinated assistance with reentry and receive all  
8 the services and benefits for which they are eligible upon their release into the  
9 community.

10 **2. Agreements with federal and community agencies.** The commissioner may  
11 negotiate agreements with appropriate federal agencies and community agencies as  
12 defined in section 1206, subsection 1, paragraph B to provide prisoners and juvenile  
13 clients additional assistance with reentry and with the receipt of services and benefits  
14 upon their release into the community.

15 **Sec. 2. 34-A MRSA §3036-A, sub-§2, ¶B,** as amended by PL 2001, c. 141, §1,  
16 is further amended to read:

17 ~~B. A prisoner may not be transferred to supervised community confinement until the~~  
18 ~~prisoner has served at least 2/3 of the term of imprisonment imposed or, in the case of~~  
19 ~~a split sentence, at least 2/3 of the unsuspended portion, after consideration of any~~  
20 ~~deductions that the prisoner has received and retained under Title 17-A, section 1253~~  
21 ~~if the term of imprisonment or, in the case of a split sentence, the unsuspended~~  
22 ~~portion is more than 5 years. A prisoner may not be transferred to supervised~~  
23 ~~community confinement until the prisoner has served at least 1/2 of the term of~~  
24 ~~imprisonment imposed or, in the case of a split sentence, at least 1/2 of the~~  
25 ~~unsuspended portion after consideration of any deductions that the prisoner has~~  
26 ~~received and retained under Title 17-A, section 1253 if the term of imprisonment or,~~  
27 ~~in the case of a split sentence, the unsuspended portion is 5 years or less.~~

28 **Sec. 3. 34-A MRSA §3036-A, sub-§2, ¶C,** as amended by PL 2007, c. 240, Pt.  
29 ZZZ, §2, is further amended to read:

30 ~~C. Except as provided in paragraph C-1, a~~ A prisoner may not be transferred to  
31 supervised community confinement unless the prisoner has no more than ~~48~~ 36  
32 months remaining on the term of imprisonment or, in the case of a split sentence, on  
33 the unsuspended portion, after consideration of any deductions that the prisoner has  
34 received and retained under Title 17-A, section 1253.

35 **Sec. 4. 34-A MRSA §3036-A, sub-§2, ¶C-1,** as enacted by PL 2003, c. 711, Pt.  
36 A, §22 and affected by Pt. D, §2, is repealed.

37 **Sec. 5. 34-A MRSA §3061, sub-§1,** as amended by PL 2017, c. 148, §7, is  
38 further amended to read:

1 **1. Transfer.** The commissioner may transfer any client from one correctional or  
2 detention facility or program, including prerelease centers, work release centers, halfway  
3 houses, sober houses, transitional housing, reentry programs, supervised community  
4 confinement or specialized treatment facilities, to another. A juvenile may not be  
5 transferred to another facility or program for adult offenders and an adult offender may  
6 not be transferred to another facility or program for juveniles, except that an adult  
7 offender may be housed in the Long Creek Youth Development Center or the Mountain  
8 View Correctional Facility pursuant to section 4117 or Title 17-A, section 1259.

9 **SUMMARY**

10 This bill requires the Commissioner of Corrections to enter into agreements with  
11 other state agencies to ensure that prisoners and juvenile clients receive coordinated  
12 assistance with reentry and receive services and benefits upon release into the  
13 community. It also authorizes the commissioner to enter into similar agreements with  
14 federal agencies and community agencies.

15 Under current law, the amount of time a prisoner must serve prior to being transferred  
16 to supervised community confinement is based on the term of imprisonment. The bill  
17 removes that distinction.

18 The bill removes a provision of law providing that if the commissioner determines  
19 that the average statewide probation case load is no more than 90 probationers to one  
20 probation officer, a prisoner may be transferred to supervised community confinement if  
21 the prisoner has no more than 2 years remaining on the term of imprisonment or  
22 unsuspended portion of a split sentence.

23 Under current law, the commissioner may transfer any client from one correctional or  
24 detention facility or program to another. The bill adds sober houses, transitional housing  
25 and reentry programs to the list of such facilities in current law.