

MAINE STATE LEGISLATURE

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EAK
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L.D. 842

Date: 6-16-21

(Filing No. H-718)

REPORT B
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 610, L.D. 842, "An Act To Reestablish Parole"

Amend the bill by inserting before section 1 the following:

Sec. 1. 34-A MRSA §5201, as amended by PL 1989, c. 503, Pt. B, §160, is further amended to read:

§5201. Establishment

There is established, by Title 5, section 12004-G, subsection 7, within the Department of Corrections, a State Parole Board consisting of § 7 members.

Sec. 2. 34-A MRSA §5202, as enacted by PL 1983, c. 459, §6, is amended to read:

§5202. Appointment

The Governor shall appoint as the § 7 members of the board persons who:

- 1. Citizens and residents. Are citizens and residents of the State; and
- 2. Training or experience. Have special training or experience in law, sociology, psychology or related branches of social science; as follows:
 - A. One member must be a psychiatrist;
 - B. One member must be a psychologist;
 - C. One member must be a representative of a statewide organization of defense attorneys who is an attorney admitted to practice in this State and in good standing;
 - D. One member must be a prosecutor;
 - E. One member must be professionally trained in correctional work or in some closely related general field such as social work;
 - F. One member must be a law enforcement officer; and
 - G. One member must be a representative of a statewide civil liberties organization.

COMMITTEE AMENDMENT

1 All 7 members must have a demonstrated interest in social welfare problems.

2 **Sec. 3. 34-A MRSA §5206**, as enacted by PL 1983, c. 459, §6, is amended to read:

3 **§5206. Meetings**

4 1. ~~Chairman~~ **Chair**. The members of the board shall elect a ~~chairman~~ chair who shall
5 preside at all meetings of the board when ~~he is~~ present.

6 2. **Frequency**. The board shall meet at least once every 2 months and may meet as
7 often as necessary, at such times and places as the ~~chairman~~ chair may designate.

8 3. **Quorum**. Any ~~3~~ 4 members constitute a quorum for the exercise of all powers of
9 the board.

10 **Sec. 4. 34-A MRSA §5209, sub-§3**, as enacted by PL 1983, c. 459, §6, is amended
11 to read:

12 3. **Duties**. The administrative assistant shall perform those duties assigned ~~to him~~ by
13 the board.

14 **Sec. 5. 34-A MRSA §5210, sub-§4**, as enacted by PL 1983, c. 459, §6, is amended
15 to read:

16 4. **Advice to Governor**. When requested by the Governor, advise ~~him~~ the Governor
17 concerning applications for pardon, reprieve or commutation.

18 A. The board shall hold hearings, cause an investigation to be made and collect records
19 to determine the facts and circumstances of a committed offender's crime, ~~his~~ past
20 criminal record, ~~his~~ social history and ~~his~~ physical and mental condition as may bear
21 on the application.

22 B. The board shall make recommendations regarding action by the Governor on the
23 application.

24 C. All information obtained under this subsection, and any report furnished to the
25 Governor under this subsection, is confidential.'

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

28 **SUMMARY**

29 This amendment is a minority report of the committee. It expands the Department of
30 Corrections, State Parole Board from 5 to 7 members and specifies the specific training and
31 experience required. It also updates the quorum requirements to be consistent with 7
32 members on the board and removes gender-specific terms.

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 842

LR 195(03)

An Act To Reestablish Parole

Fiscal Note for Bill as Amended by Committee Amendment *B(H-718)*

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Fiscal Detail and Notes

The Department of Corrections (DOC) will require additional General Fund appropriations to establish positive reentry parole. Costs could include establishing a reentry center for individuals released on parole, additional Probation and Parole Officers, a Victim's Advocate position and related operating expenses.

The DOC will also require additional funding to support the Parole Board. It is anticipated that there will be a significant increase in the number of parole applications received, increasing the number of hearings the board must hold. As a result, the DOC would need to hire additional staff to process the applications, gather information and organize hearings.

Any additional costs to expand the parole board from 5 to 7 members is anticipated to be minor and can be absorbed within existing resources.