

MAINE STATE LEGISLATURE

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L.D. 1674

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Date: 6-14-21

(Filing No. H-615)

MAJORITY

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

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130TH LEGISLATURE

8

FIRST SPECIAL SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1245, L.D. 1674, "An Act To Improve Access to Medical Care for and Expand the Rights of Adult Clients of State Correctional Facilities"

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

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'Sec. 1. 34-A MRSA §3014 is enacted to read:

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§3014. Input into health care services

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1. Input from clients. The chief administrative officer of each correctional facility housing adult clients shall seek input from the clients of that facility on at least a quarterly basis relating to the adequacy of the medical and mental health services being provided and suggestions for the development, expansion and improvement of those services.

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2. Diversity of clients providing input. The chief administrative officer of each correctional facility shall solicit input pursuant to subsection 1 from adult clients who are representative of the diversity of adult clients housed by the facility, including diversity with respect to race, ethnicity, age and gender, as well as security classification level.

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3. Documentation of input. The chief administrative officer of each correctional facility shall document input under this section from the facility's clients in the facility's yearly reports.

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Sec. 2. 34-A MRSA §3031, sub-§2, ¶A-1 is enacted to read:

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A-1. A client who is indigent is exempt from fees charged for requesting or obtaining records of medical, dental or mental health care provided to the client pursuant to this subsection.

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Sec. 3. 34-A MRSA §3031, sub-§2, ¶B, as amended by PL 2015, c. 291, §5, is further amended to read:

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~~B.~~ Notwithstanding paragraph paragraphs A and A-1, the State may bring a civil action in a court of competent jurisdiction to recover the cost of medical, dental, psychiatric

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COMMITTEE AMENDMENT

ROS

- 1 or psychological expenses incurred by the State on behalf of a client incarcerated in a
- 2 facility. The following assets are not subject to judgment under this paragraph:
- 3 (1) Joint ownership, if any, that the client may have in real property;
- 4 (2) Joint ownership, if any, that the client may have in any assets, earnings or other
- 5 sources of income; and
- 6 (3) The income, assets, earnings or other property, both real and personal, owned
- 7 by the client's spouse or family;
- 8 **Sec. 4. Policies on property searches, strip searches and body cavity**
- 9 **searches.** The Commissioner of Corrections shall adopt policies distinguishing between
- 10 searches of a client's physical property and cell or living space and searches of a client's
- 11 person, including strip searches and body cavity searches, and establishing processes for
- 12 conducting strip searches and body cavity searches. The policies must establish processes
- 13 for conducting strip searches and body cavity searches in a trauma-informed and gender-
- 14 responsive manner.'
- 15 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
- 16 number to read consecutively.

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SUMMARY

18 This amendment is the majority report of the committee. The amendment replaces the
19 bill. The amendment provides a mechanism for adult clients housed in correctional
20 facilities to provide input to the chief administrative officers of the facilities regarding
21 health care and mental health services. The amendment exempts clients who are indigent
22 from fees charged for health care, dental and mental health records. The amendment
23 requires the Commissioner of Corrections to adopt policies regarding property searches,
24 strip searches and body cavity searches.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 1674

LR 240(02)

An Act To Improve Access to Medical Care for and Expand the Rights of Adult Clients of State Correctional Facilities

Fiscal Note for Bill as Amended by Committee Amendment *ACH-615*
Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue decrease - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Corrections associated with adopting routine technical rules establishing policies regarding property, strip and body cavity searches are anticipated to be minor and can be absorbed within existing budgeted resources. Any revenue reduction from not charging a fee to indigent individuals for health records is expected to be minor.