

MAINE STATE LEGISLATURE

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SAC
ROFS

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L.D. 1721

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Date: 3/22/22

(Filing No. H-824)

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

130TH LEGISLATURE

8

SECOND REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 1276, L.D. 1721, "An Act Regarding Dignity for Women in 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. 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:

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5. Report on children in department's custody and children of incarcerated parents. 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 ~~easelead~~ case load, the location of the children in the department's custody 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. The report must also include information on the number of children in the department's custody known to have one or more incarcerated parents and information on the number of those children for whom the case goal is reunification.

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Sec. 2. 30-A MRSA §1561-A is enacted to read:

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§1561-A. Transportation of female prisoners to and from medical appointments

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A county jail housing female prisoners shall ensure to the greatest extent practicable the presence of a female corrections officer during the transportation of a female prisoner to and from a medical appointment and shall ensure that the prisoner is afforded the greatest amount of privacy practicable during the appointment consistent with safety and security considerations.

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Sec. 3. 30-A MRSA §1651, sub-§2, as enacted by PL 2003, c. 482, Pt. A, §1, is amended to read:

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2. Appointment. The sheriff for each county shall appoint a board of ~~5~~ 7 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 must be for a term of one year.~~

B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms. The boards of visitors must be representative of a broad range of professionals, family members and citizens interested in the well-being of prisoners, including representatives of advocacy groups for human and civil rights, medical and psychiatric professionals, persons who have served in corrections settings and other interested citizens. One member of each board of visitors must be a person with knowledge of issues related to the incarceration of women. One member of each board of visitors must be a woman who has been incarcerated in the State and who has prior child welfare experience with the Department of Health and Human Services, Office of Child and Family Services.

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

D. The sheriffs of 2 or more counties, at their discretion, may appoint a joint board of visitors of ~~5~~ 7 or more members.

Sec. 4. 34-A MRSA §1402, sub-§5, as amended by PL 2009, c. 1, Pt. S, §3, is further amended to read:

5. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients. The commissioner shall establish a separate grievance process for addressing complaints by prisoners about their medical and mental health treatment as well as a separate grievance process for addressing complaints regarding compliance with the standards established pursuant to sections 1208, 1208-A and 1208-B.

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

1-A. Boards of visitors for women's services; membership. The Governor shall appoint boards of visitors for women's services to inspect correctional facilities housing female clients and, with regard to female clients, perform the duties assigned to boards of visitors appointed pursuant to subsection 1. Boards of visitors for women's services shall ensure that the incarceration of and services provided to female clients are designed to meet their gender identity needs and reflect best practices established for such incarceration and services. Boards of visitors for women's services are otherwise subject to the same requirements and responsibilities under this section as a board of visitors appointed pursuant to subsection 1, except that, in addition to the member described in subsection 1, paragraph D, a board of visitors for women's services must include one member who was formerly incarcerated in the custody of the department and who has prior child welfare experience with the Department of Health and Human Services, Office of Child and Family Services, one member who represents a health care provider that provides sexual and reproductive health care and education, one member who is a health care practitioner who provides sexual and reproductive health care and education to women and one member who has an understanding of or experience with domestic violence.

Sec. 6. 34-A MRSA §3031, sub-§8, as amended by PL 2021, c. 263, §3, is further amended to read:

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1 **8. Visitation.** A reasonable opportunity to visit with relatives and friends, in
2 accordance with departmental policies and institutional procedures, except that the
3 department may restrict or prohibit visits when the restriction or prohibition is necessary
4 for the security of the institution. Departmental policies and institutional procedures must
5 provide to a person in a correctional facility or detention facility opportunities and
6 conditions for visits with the child of the person that provide time together in settings that
7 allow for as positive a parent-child interaction as practicably can be achieved while
8 protecting the emotional and physical well-being of the child, as long as such visits are not
9 prohibited by court order, prohibited by a department policy due to the child's being a
10 victim of the person, contrary to the wishes of the child's other parent or guardian or
11 inconsistent with the security of the institution;

12 **Sec. 7. 34-A MRSA §3039, sub-§5** is enacted to read:

13 **5. Billing.** A correctional facility or detention facility may not bill an indigent client
14 for future payment of services and medications.

15 **Sec. 8. 34-A MRSA §3050** is enacted to read:

16 **§3050. Report regarding juveniles in custody**

17 By February 1, 2023 and annually thereafter, the department shall report to the joint
18 standing committee of the Legislature having jurisdiction over criminal justice and public
19 safety matters on the number of juveniles in the custody of the department as juvenile
20 detainees or juvenile clients or under department supervision on probation whose parents
21 or primary caregivers are known to the department to be in the custody of the department
22 or under the supervision of the department.

23 **Sec. 9. 34-A MRSA §3051** is enacted to read:

24 **§3051. Transportation of female clients to and from medical appointments**

25 A correctional facility or detention facility housing female clients shall ensure to the
26 greatest extent practicable the presence of a female corrections officer during the
27 transportation of a female client to and from a medical appointment and shall ensure that
28 the client is afforded the greatest amount of privacy practicable during the appointment
29 consistent with safety and security considerations.

30 **Sec. 10. Provision of contact information for Office of Child and Family**
31 **Services required.** The Department of Corrections shall adopt rules to provide any
32 person residing in a correctional facility or detention facility in the State with the contact
33 information for the Department of Health and Human Services, Office of Child and Family
34 Services as well as information on the relevance of that contact to the family reunification
35 provisions of the Maine Revised Statutes, Title 22, section 4041. Contact with the Office
36 of Child and Family Services must be provided at no cost to the person. Rules adopted
37 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
38 subchapter 2-A.

39 **Sec. 11. Publicly available information regarding persons incarcerated at**
40 **county jails; report.** The Department of Health and Human Services, Office of Child
41 and Family Services shall evaluate options for obtaining publicly available information
42 regarding persons incarcerated at county jail facilities and, by January 31, 2024, submit a
43 report to the joint standing committee of the Legislature having jurisdiction over criminal

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1 justice and public safety matters regarding its progress in obtaining that information and
2 any findings or recommendations based on the information. After reviewing the report, the
3 joint standing committee may report out legislation related to the report to the 131st
4 Legislature in 2024.'

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

7 **SUMMARY**

8 This amendment makes the following changes to the bill.

9 1. It removes from the bill the provision that requires the Department of Health and
10 Human Services to report annually on the current number and case specifics of children
11 served by the department's Office of Child and Family Services. It instead amends an
12 existing legislative reporting requirement by that office regarding the status of children in
13 the department's custody to include in that report information on the number of children in
14 the department's custody known to have one or more incarcerated parents and information
15 on the number of those children for whom the case goal is reunification.

16 2. It amends the provision of the bill that adds additional persons to the board of visitors
17 of each county jail to clarify that one additional person must be a person who has prior
18 child welfare experience with the Department of Health and Human Services, Office of
19 Child and Family Services.

20 3. It amends the provision of the bill that establishes a board of visitors for women's
21 services in certain correctional facilities to clarify for those boards the applicability of the
22 general requirements and responsibilities of facility boards of visitors and to clarify the
23 membership of boards of visitors for women's services.

24 4. It amends the provision of the bill regarding child visitation policies and procedures
25 in correctional facilities or detention facilities to specify the conditions under which such
26 visits are not allowed.

27 5. It amends the provision of the bill requiring a correctional facility or detention
28 facility to ensure the presence of a female law enforcement officer during the transportation
29 of a female prisoner to and from medical appointments by providing that a correctional
30 facility or detention facility is required to ensure the presence of a female corrections officer
31 to the greatest extent practicable. The amendment also adds a similar provision applicable
32 to county jails.

33 6. It adds a new provision requiring the Department of Health and Human Services,
34 Office of Child and Family Services to evaluate options for obtaining publicly available
35 information regarding persons incarcerated at county jail facilities and, by January 31,
36 2024, submit a report to the joint standing committee of the Legislature having jurisdiction
37 over criminal justice and public safety matters regarding its progress in obtaining that
38 information and any findings or recommendations based on the information. After
39 reviewing the report, the joint standing committee may report out legislation related to the
40 report to the 131st Legislature in 2024.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1276, L.D. 1721

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7. It makes other technical changes and corrections to the bill.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 1721

LR 1572(02)

An Act Regarding Dignity for Women in Correctional Facilities

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

A (H-824)

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Departments of Health and Human Services and Corrections to implement the provision of this bill are expected to be minor and can be absorbed within existing budgeted resources. Payments to members of the board of visitors for women's services are expected to be minor and can also be absorbed within existing budgeted resources.