

# MAINE STATE LEGISLATURE

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L D 720

Date 6/21/23

(Filing No S-388)

MAJORITY

JUDICIARY

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STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 278, L D 720, "An Act to Implement Certain Recommendations of the Commission to Examine Reestablishing Parole"

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

**'An Act to Expand Eligibility for Supervised Community Confinement for Prisoners with a Prognosis Likely to Result in an Incapacitating Medical Condition'**

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

**'Sec. 1. 34-A MRSA §3036-A, sub-§10, as amended by PL 2021, c 376, §5, is further amended to read**

**10. Terminally ill or incapacitated prisoner** With the consent of the prisoner, the commissioner may transfer a prisoner committed to the department from a correctional facility to supervised community confinement without meeting the eligibility requirements of subsection 2, paragraphs B and C and without meeting the criteria or fulfilling the process provided for under subsection 2-A if the department's director of medical care has determined that the prisoner has a terminal or severely incapacitating medical condition or has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition and that care outside a correctional facility is medically appropriate Except as set out in this subsection, the prisoner must live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or a facility that is a licensed hospice program pursuant to Title 22, section 8622, approved by the commissioner As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services provided by an entity approved by the commissioner and, subject to approval by the commissioner, may live at home while receiving these services The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable The prisoner shall provide any information pertaining to the prisoner's medical condition or care that is requested by the commissioner at any time while the

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to S P 278, L D 720

1 prisoner is on supervised community confinement If the commissioner determines that  
2 the prisoner has failed to fully comply with a request or if at any time the department's  
3 director of medical care determines that the prisoner does not have a terminal or severely  
4 incapacitating medical condition or that care outside a correctional facility is not medically  
5 appropriate, the commissioner shall revoke the transfer to supervised community  
6 confinement '

7 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
8 number to read consecutively

9 **SUMMARY**

10 This amendment replaces the bill, which is a concept draft, and changes the title The  
11 amendment expands the ability of the Department of Corrections to transfer a prisoner from  
12 a correctional facility to the supervised community confinement program, when the  
13 prisoner does not otherwise meet the eligibility criteria of the supervised community  
14 confinement program, to include circumstances when the prisoner has a worsening  
15 prognosis that is likely to result in a terminal or severely incapacitating medical condition

16 **FISCAL NOTE REQUIRED**

17 (See attached)



# 131st MAINE LEGISLATURE

LD 720

LR 513(02)

**An Act to Implement Certain Recommendations of the Commission to Examine Reestablishing Parole**

**Fiscal Note for Bill as Amended by Committee Amendment "H" (S 388)**

**Committee: Judiciary**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Corrections associated with implementing this legislation can be absorbed within existing budgeted resources