

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1543

H.P. 995

House of Representatives, April 6, 2023

**Resolve, to Establish the Commission to Recommend Cost-effective,
Safe, Administrable and Healthful Programs to Reduce Violence in
Prisons and Jails**

(EMERGENCY)

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 MOONEN of Portland.
Cosponsored by Representative: SALISBURY of Westbrook.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this resolve establishes the Commission to Recommend Cost-effective,
4 Safe, Administrable and Healthful Programs to Reduce Violence in Prisons and Jails, an
5 interagency, stakeholder and expert commission to advance cost-effective, safe,
6 administrable and healthful programs to reduce violence in Maine prisons and jails; and

7 **Whereas,** the work of the commission must be initiated before the 90-day period
8 expires in order that the work may be completed and a report submitted in time for
9 submission to the next legislative session; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore, be it

14 **Sec. 1. Commission established. Resolved:** That the Commission to
15 Recommend Cost-effective, Safe, Administrable and Healthful Programs to Reduce
16 Violence in Prisons and Jails, referred to in this resolve as "the commission," is established.

17 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
18 353, the commission consists of 15 members as follows:

19 1. Two members of the Senate appointed by the President of the Senate, including one
20 member from each of the 2 parties holding the largest number of seats in the Legislature;

21 2. Three members of the House of Representatives appointed by the Speaker of the
22 House, including at least one member from each of the 2 parties holding the largest number
23 of seats in the Legislature;

24 3. The Commissioner of Corrections or the commissioner's designee;

25 4. A member representing the Maine Medical Association, appointed by the President
26 of the Senate;

27 5. A member representing a statewide organization advocating for the interests of
28 people who are incarcerated, appointed by the President of the Senate;

29 6. A member representing the organization responsible for collective bargaining for
30 correctional officers in the State, appointed by the President of the Senate;

31 7. A member representing an organization advocating for the interests of persons with
32 developmental disabilities or behavioral health issues, including substance use disorder,
33 appointed by the President of the Senate;

34 8. A member representing a public health organization, appointed by the President of
35 the Senate;

36 9. A member representing the Maine Sheriffs' Association, appointed by the Speaker
37 of the House;

38 10. A member with lived experience of solitary confinement, appointed by the Speaker
39 of the House;

1 11. A member representing an organization advocating for the interests of racial
2 minorities, appointed by the Speaker of the House; and

3 12. A member representing the Maine Association of Psychiatric Physicians,
4 appointed by the Speaker of the House.

5 The commission may request that individuals with specific expertise in methods, costs
6 and impacts of reducing violence in prisons and jails, including but not limited to current
7 staff of the Department of Corrections, members of the State Sheriffs' Association and other
8 experts, serve as consultants to the commission.

9 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
10 and the first-named House of Representatives member is the House chair of the
11 commission.

12 **Sec. 4. Appointments; convening of commission. Resolved:** That all
13 appointments must be made no later than 30 days following the effective date of this
14 resolve. The appointing authorities shall notify the Executive Director of the Legislative
15 Council once all appointments have been completed. After appointment of all members,
16 the chairs shall call and convene the first meeting of the commission. If 30 days or more
17 after the effective date of this resolve a majority of but not all appointments have been
18 made, the chairs may request authority and the Legislative Council may grant authority for
19 the commission to meet and conduct its business.

20 **Sec. 5. Duties. Resolved:** That the commission shall examine violence in prisons
21 and jails in the State, including resident or inmate on staff violence, resident or inmate on
22 resident or inmate violence, staff on resident or inmate violence, self-harm by residents or
23 inmates and self-harm by staff, and the current methods of responding to that violence. In
24 conducting its examination, the commission shall consider:

25 1. The conditions, including, but not limited to housing, health, health treatment and
26 program status, surrounding the violence in each case;

27 2. Different models of care and management, both domestic and international, used to
28 reduce violence in prisons and jails;

29 3. The costs and savings of instituting model administrable violence reduction
30 programs in prisons and jails in the State;

31 4. The effects of violence in prisons and jails on staff retention and recruitment, health
32 care costs, reentry success and recidivism; and

33 5. The development of measures to reduce violence in prisons and jails in the State.

34 The Commissioner of Corrections shall ensure that members of the commission have
35 complete access to the inside of the jails or prisons in the State as needed during the course
36 of the commission's performance of its duties under this section and have the ability to
37 interview any persons who are incarcerated.

38 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
39 necessary staffing services to the commission, except that Legislative Council staff support
40 is not authorized when the Legislature is in regular or special session.

