

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1779

H.P. 1142

House of Representatives, April 25, 2023

**An Act to Develop a Continuum of Care for Youth Involved in the
Justice System and to Develop Alternatives for Juveniles
Incarcerated in Long Creek Youth Development Center**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative LOOKNER of Portland.
Cosponsored by Senator BEEBE-CENTER of Knox and
Representatives: ABDI of Lewiston, BOYER of Poland, CRAFTS of Newcastle, DHALAC of
South Portland, GRAMLICH of Old Orchard Beach, HASENFUS of Readfield, MILLIKEN of
Blue Hill, Speaker TALBOT ROSS of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 34-A MRSA §7001, sub-§3**, as enacted by PL 1983, c. 459, §6, is amended
3 to read:

4 **3. Proposals.** Making proposals for meeting the prevention and rehabilitation services
5 needs ~~which~~ that are not being addressed; ~~and~~

6 **Sec. 2. 34-A MRSA §7001, sub-§4**, as enacted by PL 1983, c. 459, §6, is amended
7 to read:

8 **4. Coordination.** Coordinating its efforts in discharging the responsibility given under
9 this section with those of other state or local agencies in order to effectively use existing
10 resources to the maximum extent possible to achieve the purposes of this chapter and Title
11 15, Part 6-; and

12 **Sec. 3. 34-A MRSA §7001, sub-§5** is enacted to read:

13 **5. Needs assessment; transition plan.** Establishing a process to conduct an
14 individualized needs assessment and complete a transition plan for every juvenile in the
15 department's custody, including a juvenile on community reintegration status. The process
16 must ensure the juvenile's voluntary participation in the assessment by requiring the
17 juvenile's written informed consent before participation. The assessment must, at a
18 minimum, be:

19 A. Conducted by a multidisciplinary team with expertise and experience in the
20 assessment of holistic services to juveniles and their families, including but not limited
21 to medical services, mental health services, educational services, permanency planning
22 services, housing services, advocacy services and other services for juveniles;

23 B. Designed to identify the services needed to safely and effectively meet the needs of
24 and promote the well-being of the juvenile;

25 C. Initiated in a timely manner following the juvenile's entry into the custody of the
26 department; and

27 D. Completed in the community if the juvenile is released from detention or
28 commitment within the department.

29 **Sec. 4. Community-based alternatives to incarceration for youth.** The
30 Department of Corrections and the Children's Cabinet shall develop recommendations for
31 reinvestment of corrections funds currently designated for youth incarceration into a
32 continuum of community-based alternatives by:

33 1. Reviewing and evaluating current state and national reports regarding the efficacy
34 of the use of incarceration of youth in the State and nationally. The department and the
35 Children's Cabinet shall inform its work with information published and recommendations
36 made to date around the efficacy of the youth prison model, conditions at the Long Creek
37 Youth Development Center and the steps needed to successfully create a continuum of
38 community-based alternatives for youth in the State involved in the juvenile justice system
39 that improves outcomes for youth and public safety;

40 2. Seeking input from juvenile justice system stakeholders, including judges, defense
41 attorneys, prosecutors, agency staff, residential and community-based service providers,
42 youth advocates and youth and families affected by the juvenile justice system to define

1 the community-based continuum of care and to establish funding priorities. The department
2 and the Children's Cabinet shall prioritize input from youth and families who have
3 experienced the juvenile justice system and youth and families who have been harmed by
4 the juvenile justice system; and

5 3. Conducting an analysis to determine the potential reinvestment of current youth
6 incarceration funds into community-based programming focused on those communities
7 most affected by youth incarceration, including a review of residential placement options
8 to ensure those out-of-home placements are appropriate and demonstrate positive outcomes
9 for youth. The department and the Children's Cabinet shall review funding streams and
10 costs to inform a reinvestment plan that ensures resources match the needs of youth and
11 their communities and are not diverted to the adult justice system or used for other
12 purposes. Current youth incarceration funds must be used for community-based integration
13 services for youth that are not administered by the department. These services include but
14 are not limited to supportive housing, jobs programs, educational programs and health care,
15 including mental health services and substance use disorder treatment. Compensation for
16 new positions comparable in duties and responsibilities to current positions at the Long
17 Creek Youth Development Center must be compensated at a rate of pay that is no less than
18 the current rate of pay for those positions and is consistent with law and existing contractual
19 agreements.

20 No later than February 15, 2024, the department and the Children's Cabinet shall report
21 recommendations to the Joint Standing Committee on Criminal Justice and Public Safety.
22 The committee is authorized to report out legislation to the Second Regular Session of the
23 131st Legislature.

24 **Sec. 5. Selection of entity to manage and distribute funds.** The Joint Standing
25 Committee on Criminal Justice and Public Safety shall study the selection of an entity to
26 manage and distribute corrections funds currently designated for youth incarceration
27 including staffing, transportation and operations at the Long Creek Youth Development
28 Center and funds distributed by the department to treat, support and house youth. The entity
29 must include:

- 30 1. A formerly incarcerated person or an organization that represents formerly
31 incarcerated persons;
- 32 2. A representative of an organization that advocates for the lesbian, gay, bisexual,
33 transgender, queer, questioning, intersex and asexual community;
- 34 3. A person with expertise in racial justice issues; and
- 35 4. A person with expertise in mental and behavioral health treatment.

36 The entity may not be the Department of Corrections. The Joint Standing Committee
37 on Criminal Justice and Public Safety may report out legislation by February 15, 2024
38 regarding its selection of an entity to the Second Regular Session of the 131st Legislature.

39 **Sec. 6. Workforce development.** The Department of Corrections shall create and
40 implement a workforce development plan for the Long Creek Youth Development Center
41 staff, developed in coordination with the Department of Labor, that provides and facilitates
42 retraining and professional certification options for other paid positions, including but not
43 limited to state and local positions.

