

MAINE STATE LEGISLATURE

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5/20/24
ROS

L.D. 1863

Date: 3/20/24

(Filing No. S-587)

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STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1193,
L.D. 1863, "An Act to Facilitate the Provision of Medically Appropriate Levels of Care for
Clients of Correctional Facilities"

Amend the amendment striking out everything after the title and inserting the
following:

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

'Sec. 1. 34-A MRSA §1402, sub-§5, as amended by PL 2021, c. 620, §4, 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. The commissioner
shall track data for all grievances filed by prisoners about their medical or mental health
treatment and shall publish monthly on the department's publicly accessible website the
data tracked pursuant to this subsection in a manner that does not violate the confidentiality
requirements of section 1216 or any other provision of state or federal law.

Sec. 2. 34-A MRSA §3036-A, sub-§10, as amended by PL 2023, c. 399, §1, 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

ROS

1 approved by the commissioner, the prisoner may receive hospice services from an entity
2 licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services provided by
3 an entity approved by the commissioner and, subject to approval by the commissioner, may
4 live at home while receiving these services. The commissioner may exempt a prisoner
5 transferred to supervised community confinement pursuant to this subsection from any
6 mandatory condition under subsection 3 that the commissioner determines to be
7 inapplicable. The prisoner shall provide any information pertaining to the prisoner's
8 medical condition or care that is requested by the commissioner at any time while the
9 prisoner is on supervised community confinement. If the commissioner determines that
10 the prisoner has failed to fully comply with a request or if at any time the department's
11 director of medical care determines that the prisoner does not have a terminal or severely
12 incapacitating medical condition or a worsening prognosis that is likely to result in a
13 terminal or severely incapacitating medical condition or that care outside a correctional
14 facility is not medically appropriate, the commissioner shall revoke the transfer to
15 supervised community confinement.

16 Sec. 3. 34-A MRSAs 3036-A, sub-12, as enacted by PL 2021, c. 376, 6, is
17 amended to read:

18 12. Information for prisoners. The department shall make available to all prisoners
19 written information about supervised community confinement, including eligibility
20 requirements, the application process and the criteria and process for determining whether
21 a prisoner eligible for transfer to supervised community confinement may be approved for
22 transfer. The department shall include information about the determination and approval
23 process for prisoners who have a terminal or severely incapacitating medical condition or
24 have a worsening prognosis that is likely to result in a terminal or severely incapacitating
25 medical condition and for whom care outside a correctional facility is medically
26 appropriate. The department shall publish this information on its publicly accessible
27 website.

28 Sec. 4. 34-A MRSAs 3036-A, sub-13, as amended by PL 2023, c. 399, 2, is
29 further amended to read:

30 13. Data tracking. The department shall track data for all prisoners who apply for
31 supervised community confinement and approval, denial and, if approved, completion of
32 the program. The department also shall track data for all prisoners who are transferred to
33 supervised community confinement under subsection 10. Such data must include, but is
34 not limited to, demographic data regarding race and ethnicity, gender, age and convictions
35 leading to the prisoner's current incarceration. The department shall publish monthly on its
36 publicly accessible website the data tracked pursuant to this subsection in a manner that
37 does not violate the confidentiality requirements of section 1216 or any other provision of
38 state or federal law.'

39 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
40 section number to read consecutively.

SUMMARY

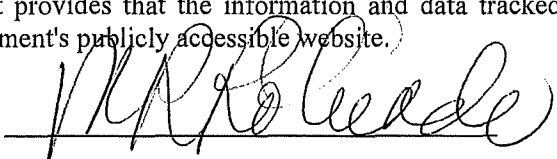
41 This amendment strikes the bill and Committee Amendment "A" and instead:
42
43 1. Requires the Commissioner of Corrections to track data for grievances filed by
44 prisoners about their medical or mental health treatment;

SENATE AMENDMENT

ROS

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1193, L.D. 1863 (5587)

- 1 2. Clarifies when the Commissioner of Corrections is required to revoke a transfer to
- 2 supervised community confinement;
- 3 3. Includes, in the information the department is required to provide to prisoners, what
- 4 the process is for determining eligibility for transfer to supervised community confinement;
- 5 and
- 6 4. Includes, in information the department tracks, data for prisoners who are transferred
- 7 to supervised community confinement for a medical reason.
- 8 The amendment provides that the information and data tracked are required to be
- 9 posted on the department's publicly accessible website.

10 SPONSORED BY: 

11 (Senator ROTUNDO, M.)

12 COUNTY: Androscoggin

FISCAL NOTE REQUIRED
(See attached)

SENATE AMENDMENT



131st MAINE LEGISLATURE

LD 1863

LR 1372(04)

An Act to Facilitate the Provision of Medically Appropriate Levels of Care for Clients of Correctional Facilities

Fiscal Note for Senate Amendment "A" to Committee Amendment "A" (S-587)

Sponsor: Sen. Rotundo of Androscoggin

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$0	(\$26,404,551)	(\$8,334,958)	(\$8,415,358)
Appropriations/Allocations				
General Fund	\$0	(\$26,404,551)	(\$8,334,958)	(\$8,415,358)

Fiscal Detail and Notes

This amendment removes the General Fund appropriations to the Department of Corrections and eliminates the 25 positions in the bill. Any additional costs to the department are expected to be minor and can be absorbed within existing budgeted resources.