

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

correctional facilities construction projects located in Warren and Windham.

Sec. 45. Allocation. The proceeds from the sale of the securities issued by the Maine Governmental Facilities Authority pursuant to this Act must be expended as follows:

Correctional Facilities Construction	\$85,000,000
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See title page for effective date.

CHAPTER 753

H.P. 40 - L.D. 65

An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, fair and efficient administration of the County Jail Prisoner Support and Community Corrections Fund to support payment of boarding state prisoners and community corrections is of great importance to the counties of this State; and

Whereas, it is the Legislature's intent that the transfer of funds to the counties and the Department of Corrections occur on July 1, 1998; and

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

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

Sec. 1. 34-A MRSA §1210, as amended by PL 1997, c. 533, §1, is repealed.

Sec. 2. 34-A MRSA §1210-A is enacted to read:

§1210-A. Community corrections

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Community corrections" means the delivery of correctional services for juveniles or adults in the least restrictive manner that ensures the public safety by the county or for the county under contract with a public or private entity. "Community corrections" includes, but is not limited to, preventive or diversionary correctional programs, pretrial release or conditional release programs, alternative sentencing or housing programs, electronic monitoring, residential treatment and halfway house programs, community correctional centers and temporary release programs from a facility for the detention or confinement of persons convicted of crimes or adjudicated delinquents.

2. Establishment of County Jail Prisoner Support and Community Corrections Fund. The County Jail Prisoner Support and Community Corrections Fund is established for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections as defined in subsection 1.

3. Distribution. Beginning July 1, 1998 and annually thereafter, the department shall distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former section 1210 in fiscal year 1996-97. The percent distribution per county is as follows:

- A. Androscoggin: 8.5%;
- B. Aroostook: 6.6%;
- C. Cumberland: 17.6%;
- D. Franklin: 2.4%;
- E. Hancock: 3.3%;
- F. Kennebec: 6.9%;
- G. Knox: 6.4%;
- H. Lincoln: 3.7%;
- I. Oxford: 4.7%;
- J. Penobscot: 13.7%;
- K. Piscataquis: 1.3%;
- L. Sagadahoc: 2.7%;
- M. Somerset: 5.5%;

N. Waldo: 3.7%;

O. Washington: 1.8%; and

P. York: 11.2%.

4. Change in state funding of county jails. If a county experiences at least a 10% increase in the total annual jail operating budget or if a county issues a bond for the construction of a new jail or renovation of an existing jail, the county may file with the department a request for an increase in the amount of state funds the county receives for the support of prisoners. The department shall review the request, and if the county demonstrates a need for the increase, the department shall forward the request to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters.

5. Community Corrections Program Account. Each county treasurer shall place 20% of the funds received from the department pursuant to this section into a separate community corrections program account. Funds placed in this account may be used only for adult or juvenile community corrections as defined in subsection 1.

6. Report. Beginning January 15, 1999 and annually thereafter, each county shall submit a written report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters. Reports must include descriptions of each county's community corrections programs and an accounting of expenditures for its community corrections.

7. Technical assistance. The commissioner shall provide technical assistance to counties and county advisory groups to aid them in the planning and development of community corrections.

8. Review. By July 1, 2001, the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters shall review the County Jail Prisoner Support and Community Corrections Fund and its purpose and functions.

Sec. 3. One-time distribution of adult community corrections funds. Notwithstanding any other provision of law, on July 1, 1998 the Department of Corrections shall transfer to each county that county's unexpended and uncommitted adult community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to the Maine Revised Statutes, Title 34-A, former section 1210, subsection 6 at the end of fiscal year 1997-98. Funds released under this section must be placed in a community corrections program account and may be used only for adult or juvenile community corrections.

Sec. 4. One-time distribution of juvenile funds. Notwithstanding any other provision of law, on July 1, 1998 any unexpended or uncommitted juvenile community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to the Maine Revised Statutes, Title 34-A, former section 1210, subsection 6 at the end of fiscal year 1997-98 must be transferred to the Department of Corrections, General Fund, Correctional Services Account. The Department of Corrections shall use these funds for the purpose of maintaining or developing juvenile community corrections. The Department of Corrections may contract with counties in order to maintain current or develop new juvenile community corrections.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

**CORRECTIONS,
DEPARTMENT OF**

Community Based Corrections

All Other (\$5,551,803)

Deappropriates funds through the transfer of 85% of this program to the County Jail Prisoner Support and Community Corrections Fund program and a transfer of the remaining 15% of this program to the Correctional Services program.

Correctional Services

All Other 832,771

Provides funds for juvenile community corrections programs.

County Jail Prisoner Support and Community Corrections Fund

All Other 4,719,032

Provides funds for a portion of the counties' costs of supporting prisoners in county jails and for community corrections programs.

DEPARTMENT OF
CORRECTIONS
TOTAL

-\$0-

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect on July 1, 1998.

Effective July 1, 1998.

CHAPTER 754

S.P. 320 - L.D. 1060

An Act to Provide Health Insurance
Coverage for Prostate Cancer
Screening

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

Sec. 1. 24 MRSA §2325-C is enacted to read:

§2325-C. Coverage for prostate cancer screening

1. Definition. As used in this section, "services for the early detection of prostate cancer" means the following procedures provided to a man for the purpose of early detection of prostate cancer:

- A. A digital rectal examination; and
- B. A prostate-specific antigen test.

2. Required coverage for prostate cancer screening. All individual and group nonprofit hospital and medical services plan contracts must provide coverage for services for the early detection of prostate cancer. The contracts must reimburse for services for the early detection of prostate cancer, if recommended by a physician, at least once a year for men 50 years of age or older until a man reaches the age of 72.

3. Application. The requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after September 1, 1998. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 2. 24-A MRSA §2745-E is enacted to read:

§2745-E. Coverage for prostate cancer screening

1. Definition. As used in this section, "services for the early detection of prostate cancer" means the

following procedures provided to a man for the purpose of early detection of prostate cancer:

- A. A digital rectal examination; and
- B. A prostate-specific antigen test.

2. Required coverage for prostate cancer screening. All individual insurance policies and contracts except accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care and other limited benefit health insurance policies and contracts must provide coverage for services for the early detection of prostate cancer. The contracts must reimburse for services for the early detection of prostate cancer, if recommended by a physician, at least once a year for men 50 years of age or older until a man reaches the age of 72.

3. Application. The requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after September 1, 1998. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 3. 24-A MRSA §2837-F is enacted to read:

§2837-F. Coverage for prostate cancer screening

1. Definition. As used in this section, "services for the early detection of prostate cancer" means the following procedures provided to a man for the purpose of early detection of prostate cancer:

- A. A digital rectal examination; and
- B. A prostate-specific antigen test.

2. Required coverage for prostate cancer screening. All group insurance policies and contracts except accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care and other limited benefit health insurance policies and contracts must provide coverage for services for the early detection of prostate cancer. The contracts must reimburse for services for the early detection of prostate cancer, if recommended by a physician, at least once a year for men 50 years of age or older until a man reaches the age of 72.

3. Application. The requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after September 1, 1998. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 4. 24-A MRSA §4243 is enacted to read: