

MAINE STATE LEGISLATURE

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and establishing the procedures for judicial commitment; requiring that voluntary patients at a mental health hospital be given an examination before they leave; allowing the department to have a comprehensive evaluation performed by a licensed psychologist or physician, rather than the interdisciplinary team, and to develop either a service plan or a prescriptive program plan; improving the licensure process; and conforming the statutes on judicial certification and recertification to judicial practice.

1779

AN ACT TO AMEND THE STATUTES Rep. Manning
REGARDING CORRECTIONS

OIP
HSE-ENACT.
SEN-ENACT.
GOV-SIGNED
PL 83, c. 581

SUMMARY: This document was never referred to the Committee as a bill, but as the so-called "Substantive Amendments for Corrections" to LD 832, it had had a public discussion and numerous work sessions within the Committee. After numerous changes proposed by Committee members, the Department of Corrections and others, the Committee voted "Ought to Pass." After the Governor had signed LD 832, the bill was printed.

It is effective on January 16, 1984, one day after the recodification (LD 832).

Among the major provisions: making all commitments to the Department of Corrections, not to a particular institution; transferring duties relating to jails from Title 34-A to Title 30, but establishing standards for county and municipal facilities; modifying former provisions on inmates' accounts and property; broadening the Commissioner's power to grant deathbed visits, authorize work by inmates for charitable, non-profit organizations, pay a gratuity or transportation to paroled or discharged inmates, and review provisions for medical treatment; modifying former provisions on transfer of inmates among state facilities, and between state and federal facilities; establishing a prison industries program at the Maine Correctional Center; enabling the Department of Corrections to set up programs and a facility for mentally-retarded offenders, in consultation with the Department of Mental Health and Mental Retardation.

Numerous amendments to the bill were proposed; only 3 were adopted. Not adopted were amendments to add an additional criterion justifying transfer (H-421), requiring segregation to be discontinued if a physician stated it was harmful to the inmate's mental or physical health (H-419), restoring a provision to allow a "good time" deduction for blood donations (H-417), deleting provisions that funds received from boarding inmates would accrue to the boarding facility, and that revenues from the MCC industries program would accrue to MCC, adding a fiscal note for the establishment and operating costs of the MR facility (S-266), and making the establishment of an industries program permissive, deleting the provision about funds for boarding prisoners, deleting the section on

the facility for mentally-retarded offenders and replacing it with a statement of legislative intent that the two departments should study the need for such a facility and report back to the Legislature (S-269).

The 3 amendments that were adopted made the decisions concerning medical treatment consistent among the state correctional facilities (S-226), incorporated changes made through recommendations of the Audit and Program Review Committee which had been enacted (S-224), and deleted the provision that funds received from boarding inmates accrue to the boarding facility, made it permissive for the MCC industries program to make goods and services available for purchase, eliminated the enabling legislation for a facility for mentally-retarded offenders, and instead required the department to study the need for such a program and to submit its recommendations to the Legislature (S-270). This last amendment also added an appropriation to cover the cost of providing money to indigents on the release.