

STATE OF MAINE

ONE HUNDRED AND TWELFTH LEGISLATURE FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON

HUMAN RESOURCES

BILL SUMMARY



JULY, 1985

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JOINT STANDING COMMITTEE BILL SUMMARIES JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the ll2th Legislature. The summaries are arranged by LD number and indexed separately by committee. The new draft added a definition of learning disability and conformed the rest of the law concerning advocacy for the developmentally disabled with the language and intent of the original bill.

LD: 1371 EMERGENCY				COOPER CHALMERS DRINKWATER KANE PUBLIC CH # 352
	HOUSE Emerg Enacted SENATE Emerg Enacted GOV EMER SIGNED			
S-181 S-205	SA SB	CHALMERS CHALMERS	H S	

SUMMARY:

The current law governing the disciplinary consequences for inmate misconduct at state correctional facilities or for misconduct of juveniles committed to the Maine Youth Center or to the Department of Corrections does not include the option for restitution when state property has been damaged or destroyed through misconduct. This bill allowed inmates and these juveniles to be held accountable for their behavior by requiring, when appropriate, restitution for any property that has been damaged or destroyed as a result of their misconduct.

The new draft (of LD 386) added an emergency preamble and clause to avoid the possibility that inmates will transfer their assets before the effective date of this Act to avoid their responsibilities to pay for property they damage. It also clarified some of the language in the original bill.

In addition, the new draft allowed county jails to obtain restitution from inmates in the jails for property damages caused by the inmates. It also added a provision to ensure that payments for the support of dependents, when required by the Department of Human Services, will not be available for restitution.

The new draft was tabled in the Senate for consideration of some legal issues. There was some concern expressed that the bill would violate the involuntary servitude provisions of the U.S. constitution. In addition Senate Amendment "A" (S-181) was proposed to delete a provision which was alleged to violate the peonage law of the U.S. Civil Rights Act and to impose the garnishment limitations of Title 14, Maine Revised Statutes, in the restitution provisions. After some deliberation, Senate Amendment "B" (S-205) was adopted to address the issue of peonage. It changed the focus of the bill to allow the facility to require an inmate to work as a disciplinary consequence of his action, but not to require work to repay a debt, e.q. the cost of the damage. (This addressed the peonage issue.)