

MAINE STATE LEGISLATURE

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REFERENCE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND SPECIAL SESSION
JUNE 1986
AND
THIRD SPECIAL SESSION
OCTOBER 1986

JOINT STANDING COMMITTEE

BILL SUMMARIES



DECEMBER 1986

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[Law Library note: No explanatory memorandum was included with the bill summaries for the Second Special Session and the Third Special Session. The following is adapted from the explanatory memorandum for the Second Regular Session, 112th Legislature.]

ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND SPECIAL SESSION
AND
THIRD SPECIAL SESSION

JOINT STANDING
COMMITTEE BILL
SUMMARIES
DECEMBER 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Special Session and the Third Special Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

3. Extending Periods of Probation

This bill increases the maximum periods of probation which may be imposed by the courts for Class A, Class B or Class C crimes. This change, recommended by the Commission, would afford the courts greater flexibility in sentencing by allowing a longer period of supervision in the community upon release from confinement.

4. Commencement of sentence: The bill clarifies the point when a person's sentence actually commences.

5. Business day release. The bill authorizes release of any prisoner who is scheduled for release on a Saturday, Sunday, or holiday on the immediate preceding business day. Currently this was only allowed for prisoners in the Maine State Prison.

6. Work program: The bill authorizes the Commissioner to establish a uniform system for paying inmates for work done in the prison.

7. Transfer of non-citizens. The bill establishes procedures for transfer or exchange of prisoners under international treaties.

LD
2434

AN ACT TO IMPLEMENT CERTAIN RECOMMENDATIONS OF
THE BLUE RIBBON COMMISSION ON CORRECTIONS

PL 1985
c. 821

Sponsor: MANNING, Chalmers, Gauvreau, Priest
Committee Report: New Draft of LD 2408 (Majority report)

H-758	HA		
H-761	HB	H	S
H-764	HC		
H-765	HD		
S-559	SA	H	S
S-560	SB		
S-566	SC		

SUMMARY: This new draft (the majority report) incorporates the major provisions of the original bill with the following changes.

1. Intensive Supervision Program

It amends the provision of the Intensive Supervision Program as follows:

- a. It rewrites portions of the original bill without substantive change for purposes of clarity or to make technical corrections;

- b. It requires a minimum of 5 contacts by the Intensive Supervision Program officers with each offender;
- c. It tracks the provisions for revocation, termination or modification of a prisoner's Intensive Supervision Program or subsequent probation with the current provisions for revocation, termination or modification of probation;
- d. It clarifies the mandatory conditions of intensive supervision to specify that the administration of certain conditions is determined by the Intensive Supervision Program officer, such as the specific hours of curfew or the travel or movement restrictions;
- e. It requires that a violation of state or Federal criminal laws is a violation of the mandatory conditions of intensive supervision; and
- f. It clarifies the provision regarding search of the prisoner or his residence, etc. It requires a waiver of the constitutional search requirements for someone living with the prisoner to the extent that the search would involve areas related to the prisoner's area of residence. This provision does not modify the department's authority to approve or disapprove all living arrangements under the bill.

2. Mandatory Sentencing to County Jails

This new draft amends the county prisoner provisions as follows:

- a. It adds a definition section;
- b. It clarifies the reimbursement section to require reimbursement for actual expenses for the support of prisoners and provides a method of arbitration to determine the actual cost in case of a dispute between the county commissioners and the Department of Corrections;
- c. It incorporates technical changes;
- d. It requires a uniform system of accounting by the counties for support of prisoner expenses;
- e. It adds building expenses to the reimbursable expenses;
- f. It mandates the county correctional improvement fund; and
- g. It establishes a full-time position to provide technical assistance to the counties and a full time position to oversee community correctional programs.

3. Extending Periods of Probation

It increases the authorized periods of probation to a lesser degree than they were increased in the original bill;

4. Work Program

It requires the development of policies concerning safety of prison employees in work programs, job displacement due to prison industries programs and the development of opportunities for jobs for prisoners; and

5. Report

It requires the department to report on the status of the programs enacted by this new draft to the Legislature in 1991.

The new draft was amended twice. The House Amendment (H-761) deleted legal fees in the calculation of the costs which make up the fee the State pays the counties for care of prisoners. Legal fees were incorrectly included in the new draft. It also deleted the appropriation section. LD 2410, which was heard by the Appropriations Committee, provided the appropriations for this bill. The Senate Amendment (S-559) made it mandatory, instead of discretionary, for the Commissioner of Corrections to develop policies for the work program.

Five amendments were introduced, but not enacted. H-758 was an earlier version of H-761. It would have deleted the reference to legal fees and amended the appropriations section. H-764 and S-566 would have required intensive supervision candidates to serve at least 90 days of their sentence in a correctional facility. H-765 would have delayed implementation of the transfer of state prisoners to county jails for one year for both the 6-month and under sentencing and the 12-month and under sentencing. S-560 would have permitted sentencing of Class A, B & C offenders to county jails only if they had agreed to house those prisoners, subject to reimbursement.