

MAINE STATE LEGISLATURE

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STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT SELECT COMMITTEE
ON
CORRECTIONS

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

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. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

LD 2177 An Act to Authorize the Granting of Administrative Good Time to Those Inmates Who Are Aggressively Pursuing High School Equivalency Certificates or the Achievement of Functional Literacy

PUBLIC 737

SPONSOR(S)

ANTHONY
GILL
OLIVER
HANDY

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-1058

SUMMARY

This bill authorizes the Department of Corrections to grant up to an additional 2 days of good time per month to those inmates who are making good faith efforts toward obtaining a high school diploma or a high school equivalency certificate, learning to read or helping other inmates with their educational pursuits.

Committee Amendment "A" replaces the bill with a provision that adds education to the law that currently provides for 3 days of good time per month for participation in work assignments and other responsibilities.

LD 2224 An Act to Reinstate a System of Parole

ONTP

SPONSOR(S)

ANTHONY
MANNING
BUSTIN
RICHARDS

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill implements a system of parole for prisoners sentenced to terms of imprisonment under the Maine Revised Statutes, Title 17-A, section 1252 in the custody of the Department of Corrections after September 1, 1992. Prisoners sentenced to county jails or sentenced upon a conviction of murder are not eligible for parole. Under the bill, parole is deemed to be imprisonment for purposes of determinate sentencing under the Maine Criminal Code. A prisoner is eligible only after serving all but 4 years or 30%, whichever is less, of the unsuspended portion of the sentence. The bill provides that the State Parole Board may not discharge or alter any condition of probation or other term assigned by a court for the suspended portion of a sentence. The bill clarifies that certain victims of crimes may receive notice of the perpetrator's release on parole. The bill authorizes electric monitoring or other forms of intensive supervision as special conditions of parole.

The bill requires rulemaking by the State Parole Board to implement the new parole provisions and requires the board jointly with the Department of Corrections to submit a report, including legislation, making recommendations necessary to implement the system.

LD 2302 An Act Concerning Staffing at Correctional Facilities

ONTP

SPONSOR(S)

ANTHONY
GILL
DORE

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill requires that a prison employee may not be assigned to guard segregated prisoners for more than

90 days without receiving a break of equal length. The bill also requires that promotion of employees at the Maine Youth Center must be based on qualifications and ability, as well as longevity.

**LD 2353 An Act to Establish a Supervised Community Confinement
Program for Certain Prisoners of the Department of
Corrections**

PUBLIC 845

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GILL	OTP-AM	H-1248 ANTHONY
MANNING		S-632
HANLEY		S-772 BRANNIGAN
BUSTIN		

SUMMARY

This bill allows the Commissioner of the Department of Corrections to transfer certain eligible prisoners to supervised community confinement. To be eligible the prisoner must have served two-thirds of the term of confinement, have less than 1 year remaining of their term of imprisonment, and have a security level no higher than minimum. The confinement program requires that the prisoner be involved in work, education or treatment and that the prisoner may leave the approved residence only in connection with these activities. The prisoner and the prisoner's residence is subject to search without warrant. Additional necessary conditions may be imposed as long as they are no more restrictive than if the prisoner were in prison. The prisoner may be required to pay the costs of the program. It is a Class D crime to interfere with a prisoner's program after being warned by the Commissioner to cease association with the prisoner.

Committee Amendment "A" (S-632) accomplishes the following:

1. Currently, Title 17-A MRSA §755, sub-§3-A states that an escapee must be prosecuted in the county in which the institution from which the escape is made is located. This subsection also states that escapees may be prosecuted in the county in which apprehended. This amendment reconciles those 2 conflicting positions.
2. It makes it clear that a prisoner can only be transferred to supervised community confinement with the prisoner's permission.
3. It removes the possibility that a participant in this program would only be receiving treatment by requiring that the participant either be working or in an educational program.
4. It makes it a condition of continuing participation in the program that the prisoner not possess drugs or alcoholic beverages. It also adds the prohibition against possession of illegal drugs to the program for intensive supervision in Title 17-A.
5. It makes it clear that a prisoner may not be required to pay for participation in the program if the Commissioner of the Department of Corrections determines that the prisoner can not afford to make these payments.

House Amendment "A" (H-1248) requires that for a person to be guilty of contributing to or causing violation of a confinement program this contribution or cause must be intentional. It also changes the provision for being charged with this offense from failing to heed the commissioners' warning to cease association to failing to heed a warning to cease the offending activity.

Senate Amendment "A" (S-772) indicates that additional costs incurred by local and county governments as a result of this bill are not to be considered State mandates in terms of required reimbursement.