

MAINE STATE LEGISLATURE

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**STATE OF MAINE
116TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT SELECT COMMITTEE
ON
CORRECTIONS**

JULY 1993

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Sen. Gerard P. Conley, Jr.
Sen. R. Leo Kieffer***

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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 right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

CARRIED OVER

ONTP

ENACTMENT FAILED

INDEF PP

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Bill carried over to Second Session

Ought Not to Pass report accepted

Bill failed to get majority vote

Bill Indefinitely Postponed

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference formed but unable to agree

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

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.

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

4693NRG

SPONSOR(S)
GREENLAW**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
H-578**SUMMARY**

This bill does the following in order to clarify the Maine Juvenile Code and related provisions that have been open to broad interpretation and inconsistent practice throughout the State, resulting in confusion within the juvenile justice system.

1. It eliminates references to the Attorney General, because initial detention decisions are always made by the juvenile caseworker, as reflected in a recent change to the Juvenile Code.
2. It eliminates the mandate for holding juveniles in a temporary holding resource unless the juvenile caseworker determines that a physically restrictive setting is necessary.
3. It extends the "rural exception" for detaining juveniles in county jails until 1995. In addition, this revision permits short-term detention in a rural county jail while awaiting transfer to the Androscoggin County Jail or other approved juvenile detention facility if, for example, inclement weather prevents immediate transfer.
4. It extends the time limit for using the Androscoggin County Jail for juvenile detention.
5. It eliminates the requirement that a violation of conditional release must be in a law enforcement officer's or juvenile caseworker's presence. It makes probable cause without that presence sufficient for an arrest, consistent with the law for bail violations.
6. It changes the law to reflect the fact that prosecutors do, in fact, have access to juvenile criminal records, even for Class D and Class E offenses.
7. It allows juvenile criminal records to be released with informed consent.
8. It clarifies that a juvenile adjudicated in one county who is ordered to serve time in another county must be paid for by the county of origin.
9. It eliminates language that has been construed to require a separate hearing for medical treatment and counseling orders. This change in language makes this provision consistent with the Maine Revised Statutes, Title 15, section 3314, subsection 4, relating to support orders.
10. It permits the "20 1/2-year old" to serve a reasonable amount of probation.
11. It prevents the person who is no longer a juvenile but is convicted of a juvenile offense from being sent to the Maine Youth Center for only a few months.
12. It prevents a runaway from being held in an adult correctional facility.
13. It permits the counties to establish juvenile detention diversion projects as an alternative to juvenile detention.

14. It clarifies that, after the State takes over most juvenile detention, the counties will still provide emergency detention of up to 6 hours.

Committee Amendment "A" (H-578) does the following.

1. The First Regular Session of the 115th Legislature enacted Legislative Document 1378 extending the deadline for housing juveniles in Penobscot County jails. This bill (LD 1490) and Public Law 1993, chapter 162 make the same provisions for the Androscoggin jail. This amendment removes the individual permission for the Androscoggin jail and gives permission to any county jail that meets certain requirements. It does not remove the individual permission for the Penobscot jail as the document making that provision had not been chaptered at the time of passage of this amendment.
2. The bill allowed the Department of Corrections to disseminate records if the person recorded or the person's parents gave permission. The amendment requires permission from the person and the person's parents.
3. The amendment adds a section that allows the Department of Corrections to release to the Department of Human Services information for audit purposes for Medicaid services provided by the Department of Corrections.

**LD 1497 Resolve, to Prevent the Improper Use of Correctional
Facilities**

CARRIED OVER

SPONSOR(S)

BUSTIN

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This resolve directs the Department of Mental Health and Mental Retardation and the Department of Corrections to jointly develop a proposal to create a secure forensic holding unit for prisoners for the purpose of evaluation and assessment of prisoners. The resolve also directs those departments to propose dispositional alternatives for persons who suffer from mental illness, mental retardation or head injury.

#4821NRG