

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT SELECT COMMITTEE
ON
CORRECTIONS

MAY 1994

Staff:
John B. Knox, Legislative Analyst

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. Beverly Miner Bustin
Sen. Gerard P. Conley, Jr.
Sen. R. Leo Kieffer*

**Rep. Anne M. Larrivee
Rep. James V. Oliver
Rep. Joline L. Bean
Rep. Sophia Douglass Pfeiffer
Rep. Birger T. Johnson
Rep. Hugh A. Morrison
Rep. Harry W. Bailey
Rep. Dean F. Clukey
Rep. Ruel P. Cross
Rep. John P. Marshall*

**Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
MARION HYLAN BARR
JON CLARK
LISA COPENHAVER
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
JILL IPPOLITI



JOHN B. KNOX
ROY W. LENARDSON
PATRICK NORTON
JANE ORBETON
MARGARET J. REINSCH
PAUL J. SAUCIER
JOHN G. KELLEY, RESEARCHER
DARLENE A. SHORES LYNCH, RESEARCHER
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 287-1670
FAX (207) 287-1275

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

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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

ONTP

INDEF PP

FAILED ENACTMENT

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

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

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 unable to agree; bill died

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

5581LHS

This bill also places the funds collected in a nonlapsing account, which is consistent with the treatment of funds collected from participants in the supervised community confinement program.

COMMITTEE AMENDMENT "A" (S-408) adds a fiscal note to the bill.

LD 1632 An Act to Amend the Community Correction Law

PUBLIC 517

SPONSOR(S)
CLUKEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-738

SUMMARY

Currently, the courts are required to specify the county jail for persons convicted of Class D and E crimes and for other classes of crime for which the sentence is 9 months or less. The Department of Corrections is required to reimburse the jails for those prisoners, except that in fiscal years 1991-95 the obligation for this reimbursement may not exceed the amount appropriated for that purpose. It is required that 30% of the reimbursed funds claimed be used by the county for community corrections programs. This amount must be equally split between adult and juvenile corrections. Any funds not used by a county after 3 years are to be placed in a pool available to all counties on a competitive basis. This bill states that funds being retained by the Department of Corrections pending demonstration by the county of an adult community corrections program may be shifted to fund juvenile diversion programs of that county upon application by the county.

COMMITTEE AMENDMENT "A" (H-738) adds a fiscal note to the bill.

LD 1648 An Act to Amend Conditions of the Supervised Community Confinement Program

PUBLIC 503

SPONSOR(S)
KIEFFER

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-405

SUMMARY

This bill allows the Department of Corrections to require a person participating in the supervised community confinement program to pay fees directly to a provider of electronic monitoring, drug testing or other services. The intent of this change is to save the department the expense of collecting, accounting for and disbursing these funds.

COMMITTEE AMENDMENT "A" (S-405) adds a fiscal note.

LD 1656 An Act to Clarify the Method for Calculating Inmate Good Time

PUBLIC 518

SPONSOR(S)
BUSTIN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-413

SUMMARY

Under current law:

1. A person sentenced to more than 6 months is entitled to 10 days a month good time for observing all rules.
2. A person sentenced to 6 months or less is entitled to 3 days per month.

3. An additional 3 days per month may be earned by inmates who are assigned or participating in work, education or other responsibilities within the institution or a program that is determined to be of sufficient importance to warrant these deductions according to Department policy and guidelines.
4. An additional 2 days a month are available to inmates assigned to minimum security community programs administered by the Department.

The purpose of this bill is to clarify the method of calculating inmate good time and to provide an opportunity for minimum security prisoners at all facilities to be eligible to earn the 2 days per month of meritorious good time in order to comply with federal nondiscrimination requirements.

COMMITTEE AMENDMENT "A" (S-413) makes necessary technical and stylistic changes to the bill.

**LD 1677 An Act Requiring the Courts to Report to Corrections
Facilities Concerning Balances Owed to the Victims'
Compensation Fund**

PUBLIC 570

SPONSOR(S)
PLOWMAN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-802

SUMMARY

Currently, as part of the sentence, a court is required to impose assessments of \$10 to \$25 which are to go to the Victims' Compensation Fund.

The bill requires that this assessment be collected from the earned income of incarcerated persons if it has not previously been collected.

COMMITTEE AMENDMENT "A" (H-802) requires that the court notify the agency with whom a person is to be incarcerated of any uncollected assessments due the Victims' Compensation Fund.

**LD 1706 An Act to Revise the Execution of Certain Mandatory
Consecutive Sentences**

PUBLIC 522

SPONSOR(S)
HANLEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-412

SUMMARY

This bill addresses the problem that arises when prisoners are convicted of escape or of another crime that requires a consecutive sentence. While a consecutive sentence is usually interpreted as being served after the sentence to which it is consecutive, when the "undischarged sentence" is a split sentence, a conflict occurs between the requirement that sentences for offenses be consecutive and not suspended and the prohibition on a term of imprisonment following a split sentence.

This bill allows the court to toll the running of the prisoner's undischarged sentences so that the prisoner will serve the new sentence immediately and separately. When the prisoner completes the sentence for the new crime, the prisoner goes back into execution of the undischarged sentences. Any period of probation on the undischarged sentences must still be served and any counseling attended, restitution paid and contact with the victim avoided.

Under this bill, the court has the option to order immediate service of the new, "consecutive" sentence, and is required to do so when the prisoner is already subject to wholly or partially suspended periods of incarceration with probation.