

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice*

May 2002

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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PASSED..... Joint Order passed in both bodies
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Criminal Justice

1. It directs the Department of Behavioral and Developmental Services to examine the efficiency and effectiveness of the current ride-along program.
2. It directs the Department of Human Services to establish procedures to ensure that a person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility merely as a result of that incarceration.
3. It directs the Department of Behavioral and Developmental Services to work with the Department of Corrections and the county jail administrators to develop memoranda of agreement to improve access to forensic beds for transfers of inmates who require care in a State mental health institution.
4. It directs the Department of Behavioral and Developmental Services to develop, in consultation with appropriate state and county correctional facility administrators, procedures to ensure that any inmate of a state or county facility that is hospitalized for treatment of mental illness has a written treatment plan describing the mental health treatment to be provided when the inmate is returned to the correctional facility for the remainder of the inmate's incarceration.
5. It directs the Department of Corrections and the Maine County Jail Association to examine and develop ways of treating inmates with mental illness in the least restrictive setting possible that does not compromise security.
6. It allows county jails to grant furloughs for longer than 3 days to provide treatment for mental conditions, including a substance abuse condition, as determined by a qualified licensed professional.
7. It creates a collaborative process to create a pilot program to address the needs of persons with mental illness who are incarcerated in county correctional facilities and appropriates \$65,000 to the program.
8. It requires the formulary used by the Department of Corrections to be comparable to that used at State mental institutions.
9. It directs the Department of Corrections to develop a grievance process for addressing complaints about medical or mental health treatment.

LD 2075

An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in County Jails

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2075 proposed to implement recommendations of the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated relating to treatment and aftercare planning in county jails. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. LD 2075 was one of 4 bills produced by the committee. (See also LDs 2065, 2068, and 2088.) Specifically, LD 2075 proposed to:

Joint Standing Committee on Criminal Justice

1. Allow county jails to grant furloughs for longer than 3 days to provide treatment for mental conditions, including a substance abuse condition, as determined by a qualified medical professional;
2. Create a pilot program to address the needs of persons with mental illness who are incarcerated in county correctional facilities. The pilot would include 3 pilot locations, one in each of the three Department of Behavioral and Developmental Services service regions, and involve programs for intake, triage, case management/short term treatment, and discharge planning; and
3. Direct the Department of Behavioral and Developmental Services to provide mental health staffing resources to county correctional facilities so that each county facility has at least 16 hours of facility-based mental health coverage each day.

LD 2079

An Act to Clarify the Law Enforcement Authority of Capitol Security Personnel

**PUBLIC 472
EMERGENCY**

Sponsor(s)
SAXL
BENNETT

Committee Report

Amendments Adopted

LD 2079 proposed to exempt from mandatory training security officers appointed by the Commissioner of Public Safety when the commissioner has expanded their authority to include law enforcement duties and powers. LD 2079 proposed that the Legislature may direct the provision of security to legislative offices. LD 2079 also proposed to repeal the security officer training exemption December 31, 2002. LD 2079 was not referred to committee.

Enacted law summary

Public Law 2001, chapter 472 provides an exemption from mandatory training for security officers appointed by the Commissioner of Public Safety when the commissioner has expanded their authority to include law enforcement duties and powers. Public Law 2001, chapter 472 specifies that the Legislature may direct the provision of security to legislative offices. Public Law 2001, chapter 472 also includes a sunset provision that repeals the security officer training exemption December 31, 2002. LD 2079, which was enacted as Public Law 2001, chapter 472, was not referred to committee.

Public Law 2001, chapter 472 was enacted as an emergency measure effective January 22, 2002.

The sunset on the training exemption enacted in Public Law 2001, chapter 472 was repealed and new training requirements were enacted by Public Law 2001, chapter 559, Part KK.