

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Criminal Justice and Public Safety

LD 195

An Act Regarding County Jails

ONTP

Sponsor(s)

DAVIS P
BLACK R

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows the county jails to apply savings from the county's correctional budget to jail debt service without a reduction in payments from the State Board of Corrections.

LD 440

An Act To Create a Secure, Therapeutic Mental Health Unit

**Accepted Majority
(ONTP) Report**

Sponsor(s)

GERZOFSKY S
DION M

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows the county jails to apply savings from the county's correctional budget to jail debt service without a reduction in payments from the State Board of Corrections.

Committee Amendment "A" (S-458)

This amendment is the minority report of the committee. The amendment does the following.

1. It retains the provisions of the bill that establish a secure, therapeutic mental health unit for defendants undergoing court-ordered assessments to determine their competency to stand trial or their criminal culpability, to provide therapeutic care for forensic patients and to provide care for jail inmates who meet the criteria for involuntary civil commitment under the Maine Revised Statutes, Title 34-B, chapter 3. The amendment directs the Department of Health and Human Services to establish one or more units.

2. It adds to the laws governing the placement process a requirement for a determination by a court that a secure, therapeutic mental health unit is appropriate for the defendant.

3. It assigns responsibility for operation of a secure, therapeutic mental health unit to the Commissioner of Health and Human Services and allows contracts with multiple jails for multiple secure, therapeutic mental health units. It specifies that staffing must be dedicated to the units, that staff must be trained, who may provide the training, that a unit must be separated from the general jail population at all times and that the Department of Health and Human Services and the county sheriff for the county in which a unit is located must work to obtain and maintain any federal certification that is required or available and through which funding may be secured for the unit.

4. It directs the Department of Health and Human Services, by January 15, 2017, after consultation with the county sheriff of a county in which a secure, therapeutic mental health unit is located, to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the operations of the units. The report must include data on population, length of stay, staffing and services. The