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Date: (Filing No. S-)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 562, L.D. 1416, “An Act to Require the Department of Health and Human Services to Immediately Take Custody of Persons Sentenced to Mental Health Facilities That May Not Include County or Regional Jails”

Amend the bill by striking out the title and substituting the following:

'An Act to Establish a Commission to Study the Placement of Individuals Committed by a Court to the Custody of the Department of Health and Human Services and to Update a Cross-reference Regarding Such Placement'

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation establishes a commission to study the placement of certain individuals sentenced to mental health facilities; and

Whereas, this legislation must take effect before the expiration of the 90-day period so that the commission may meet in a timely manner and make its report to the Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by inserting after the enacting clause and before section 1 the following:

'PART A'

Amend the bill by striking out all of sections 1 and 2.

Amend the bill by inserting after section 3 the following:

'PART B'

COMMITTEE AMENDMENT

1 **Sec. B-1. Commission established.** The Commission to Study the Placement of
2 Certain Individuals Committed to the Custody of the Commissioner of Health and Human
3 Services for Observation or upon a Finding of Incompetence to Stand Trial, referred to in
4 this Part as “the commission,” is established.

5 **Sec. B-2. Commission membership.** Notwithstanding Joint Rule 353, the
6 commission consists of 20 members as follows:

7 1. Two members of the Senate, including a member from each of the 2 parties holding
8 the largest number of seats in the Legislature, appointed by the President of the Senate;

9 2. Two members of the House of Representatives, including a member from each of
10 the 2 parties holding the largest number of seats in the Legislature, appointed by the
11 Speaker of the House of Representatives;

12 3. The Commissioner of Health and Human Services or the commissioner’s designee;

13 4. The Superintendent of the Dorothea Dix Psychiatric Center or the superintendent’s
14 designee;

15 5. The Superintendent of the Riverview Psychiatric Center or the superintendent’s
16 designee;

17 6. The director of the State Forensic Service or the director’s designee;

18 7. The Commissioner of Corrections or the commissioner’s designee;

19 8. One member who is an attorney who represents individuals in criminal matters,
20 representing an association of defense attorneys in the State, appointed by the President of
21 the Senate;

22 9. One member who is an individual representing an organization that advocates for
23 the rights of individuals with disabilities, appointed by the President of the Senate;

24 10. One member who is an individual representing an organization of county sheriffs,
25 appointed by the President of the Senate;

26 11. One member who is an individual representing an organization that advocates for
27 the interests of emergency services providers, appointed by the President of the Senate;

28 12. One member who is a district attorney representing an association of district
29 attorneys in the State, appointed by the President of the Senate;

30 13. One member who is a health care provider involved in the treatment of individuals
31 with severe mental illness, appointed by the Speaker of the House of Representatives;

32 14. Two members who are individuals with lived experience in the State’s mental
33 health system, appointed by the Speaker of the House of Representatives;

34 15. One member who is an individual representing an organization that advocates for
35 the interests of hospitals in the State, appointed by the Speaker of the House of
36 Representatives;

37 16. One member who is an individual representing an organization that advocates for
38 the interests of homeless services providers, appointed by the Speaker of the House of
39 Representatives; and

1 17. One member representing the judicial branch, appointed by the Chief Justice of
2 the Supreme Judicial Court.

3 **Sec. B-3. Chairs.** The first-named Senate member is the Senate chair and the first-
4 named House of Representatives member is the House chair of the commission.

5 **Sec. B-4. Appointments; convening of commission.** All appointments must be
6 made no later than 30 days following the effective date of this Part. The appointing
7 authorities shall notify the Executive Director of the Legislative Council once all
8 appointments have been completed. After appointment of all members, the chairs shall call
9 and convene the first meeting of the commission. If 30 days or more after the effective
10 date of this Part a majority of but not all appointments have been made, the chairs may
11 request authority and the Legislative Council may grant authority for the commission to
12 meet and conduct its business.

13 **Sec. B-5. Duties.** The commission shall study issues related to the appropriate and
14 timely placement of individuals who are committed to the custody of the Commissioner of
15 Health and Human Services pursuant to a commitment for observation order or an
16 incompetent to stand trial order issued under the Maine Revised Statutes, Title 15, section
17 101-D, subsection 4 or 5. The study must include:

18 1. A review of the current statutory requirements and the procedures for the placement
19 of individuals who are committed to the commissioner’s custody pursuant to a commitment
20 for observation order or an incompetent to stand trial order, including a review of the
21 timeliness of placements;

22 2. A survey of existing placement options available within the State and identification
23 of gaps in settings;

24 3. Identification of barriers to timely, appropriate placement of individuals; and

25 4. A review of best practices in other jurisdictions.

26 The commission shall develop a plan for the appropriate and timely placement of
27 individuals who are committed to the commissioner’s custody pursuant to a commitment
28 for observation order or an incompetent to stand trial order.

29 **Sec. B-6. Staff assistance.** The Legislative Council shall provide necessary staffing
30 services to the commission, except that Legislative Council staff support is not authorized
31 when the Legislature is in regular or special session.

32 **Sec. B-7. Report.** No later than November 4, 2026, the commission shall submit a
33 report that includes its findings and recommendations, including suggested legislation, to
34 the Joint Standing Committee on Health and Human Services. The joint standing
35 committee of the Legislature having jurisdiction over health and human services matters
36 may report out legislation related to the report of the commission to the 133rd Legislature
37 in 2027.'

38 Amend the bill by adding before the summary the following:

39 **'Emergency clause.** In view of the emergency cited in the preamble, this legislation
40 takes effect when approved.'

41 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
42 number to read consecutively.

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SUMMARY

This amendment strikes the provisions in the bill that require that when a court commits a defendant to the Commissioner of Health and Human Services for placement in an appropriate mental health institution, that placement must be immediate and may not be in a county or regional jail.

The amendment establishes the Commission to Study the Placement of Certain Individuals Committed to the Custody of the Commissioner of Health and Human Services for Observation or upon a Finding of Incompetence to Stand Trial. The commission is directed to study and develop a plan for the appropriate and timely placement of individuals who are committed to the custody of the Commissioner of Health and Human Services pursuant to a commitment for observation order or an incompetent to stand trial order. The commission must submit a report by November 4, 2026 to the Joint Standing Committee on Health and Human Services. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation related to the report to the 133rd Legislature in 2027.

The amendment also adds an emergency preamble and emergency clause.

FISCAL NOTE REQUIRED

(See attached)