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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 772, L.D. 1044, “An Act To Protect the Rights of Certain Incarcerated Individuals”

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 34-A MRSA §1208-B, sub-§2, as enacted by PL 2015, c. 335, §22, is amended to read:

2. Rulemaking. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. ~~Rules adopted pursuant to this section must take effect January 1, 2016.~~

Sec. 2. 34-A MRSA §1208-B, sub-§3 is enacted to read:

3. Gender affirmation. The standards, policies and procedures established pursuant to this section for the county jails and regional jail must require the jails to respect and acknowledge an incarcerated person's consistently held gender identity irrespective of anatomy or physique. Housing placements and search practices must be consistent with the person's consistently held gender identity except when such placement or search would present significant management or security problems to the jail or threaten the health and safety of the person. A person must have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the person's consistently held gender identity. County and regional jail staff shall address a person in a manner that is consistent with the person's consistently held gender identity.

Sec. 3. 34-A MRSA §3031, sub-§8, as amended by PL 2019, c. 139, §2, is further amended to read:

8. Visitation. A reasonable opportunity to visit with relatives and friends, in accordance with departmental policies and institutional procedures, ~~provided~~ except that the department may restrict or prohibit visits when the restriction or prohibition is necessary for the security of the institution; ~~and~~

COMMITTEE AMENDMENT

