

Date:

(Filing No. H- )

# CRIMINAL JUSTICE AND PUBLIC SAFETY

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## STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 415, L.D. 647, “An Act Regarding Telephone and Video Call Access in Detention and Correctional Facilities and Jails”

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

**'An Act to Expand County Jail and Correctional Facility Services to Indigent Residents'**

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

**'Sec. 1. 30-A MRSA §1561, sub-§1, ¶H,** as enacted by PL 1995, c. 201, §1, is amended to read:

H. Has less than ~~\$15~~ \$100 in the prisoner's facility account and did not receive additional money from any source for 6 months following the medical or dental service or provision of the prescription, medication or prosthetic device.

**Sec. 2. 34-A MRSA §3015, sub-§2, ¶A,** as enacted by PL 2021, c. 615, Pt. A, §1, is amended to read:

A. The department shall provide a resident with a reasonable opportunity to make telephone calls to relatives and friends, except that the department may restrict or prohibit telephone calls when the restriction or prohibition is necessary for the security of the department facility. The department shall provide to a resident who has less than ~~\$10~~ \$100 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls per week under this paragraph.

**Sec. 3. 34-A MRSA §3015, sub-§2, ¶B,** as enacted by PL 2021, c. 615, Pt. A, §1, is amended to read:

B. The department shall provide a resident with a reasonable opportunity to make telephone calls protected by the attorney-client privilege. The department shall provide to a resident who has less than ~~\$10~~ \$100 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls per week under this paragraph.

**Sec. 4. 34-A MRSA §3031, sub-§2, ¶A,** as amended by PL 2015, c. 291, §5, is further amended by amending subparagraph (8) to read:

(8) Has less than \$15 \$100 in the client's facility account and did not receive additional money from any source for 6 months following the medical or dental service or provision of the prescription, medication or prosthetic device.

**Sec. 5. 34-A MRSA §3039, sub-§7** is enacted to read:

**7. Facility services charges.** Notwithstanding any provision of law to the contrary, a correctional facility or detention facility may not charge a client who has less than \$100 in the client's facility account for any facility services. A correctional facility or detention facility may not prevent a client from using any facility services based solely on the client's inability to pay. If a chief administrative officer, or the chief administrative officer's designee, determines that a client has manipulated funds in the client's facility account for the purposes of obtaining free facility services, the chief administrative officer, or the chief administrative officer's designee, may charge the client for facility services, even if the client would otherwise qualify for free facility services, for up to 90 days. For the purposes of this subsection, "facility services" includes, but is not limited to, telephone services, medical services, dental services and mailing services. This subsection may not be construed to apply to commissary sales under section 3012.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF**

**Administration - Corrections 0141**

Initiative: Provides funding for telephone and video calls, and postage, that are no longer paid by residents.

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
All Other	\$3,050,400	\$3,050,400
<b>GENERAL FUND TOTAL</b>	<u>\$3,050,400</u>	<u>\$3,050,400</u>

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

**SUMMARY**

This amendment, which is the minority report of the committee, replaces the bill and changes the title. The amendment reduces the financial barrier regarding when a client in a correctional or detention facility is eligible for free medical, dental and telecommunications services and reduces the financial barrier regarding when a prisoner in a county jail is eligible for free medical or dental services. The amendment also prohibits a correctional facility or detention facility from charging a client for the use of facility services if the client has less than \$100 in the client's facility account or preventing the client from using the facility services based solely on the client's inability to pay. If the chief administrative officer of a correctional facility or detention facility determines a client has manipulated the client's facility account funds for the purposes of obtaining free facility services, the

1 chief administrative officer may charge the client for facility services, even if the client  
2 would otherwise qualify for free facility services, for up to 90 days. The amendment also  
3 adds an appropriations and allocations section.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**