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Date: (Filing No. S-)

JUDICIARY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 278, L.D. 720, “An Act to Implement Certain Recommendations of the Commission to Examine Reestablishing Parole”

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

'An Act to Expand Eligibility for Supervised Community Confinement for Prisoners with a Prognosis Likely to Result in an Incapacitating Medical Condition'

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

'Sec. 1. 34-A MRSA §3036-A, sub-§10, as amended by PL 2021, c. 376, §5, is further amended to read:

10. Terminally ill or incapacitated prisoner. With the consent of the prisoner, the commissioner may transfer a prisoner committed to the department from a correctional facility to supervised community confinement without meeting the eligibility requirements of subsection 2, paragraphs B and C and without meeting the criteria or fulfilling the process provided for under subsection 2-A if the department's director of medical care has determined that the prisoner has a terminal or severely incapacitating medical condition or has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition and that care outside a correctional facility is medically appropriate. Except as set out in this subsection, the prisoner must live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or a facility that is a licensed hospice program pursuant to Title 22, section 8622, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services provided by an entity approved by the commissioner and, subject to approval by the commissioner, may live at home while receiving these services. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable. The prisoner shall provide any information pertaining to the prisoner's medical condition or care that is requested by the commissioner at any time while the

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1 prisoner is on supervised community confinement. If the commissioner determines that
2 the prisoner has failed to fully comply with a request or if at any time the department's
3 director of medical care determines that the prisoner does not have a terminal or severely
4 incapacitating medical condition or that care outside a correctional facility is not medically
5 appropriate, the commissioner shall revoke the transfer to supervised community
6 confinement.'

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

9 **SUMMARY**

10 This amendment replaces the bill, which is a concept draft, and changes the title. The
11 amendment expands the ability of the Department of Corrections to transfer a prisoner from
12 a correctional facility to the supervised community confinement program, when the
13 prisoner does not otherwise meet the eligibility criteria of the supervised community
14 confinement program, to include circumstances when the prisoner has a worsening
15 prognosis that is likely to result in a terminal or severely incapacitating medical condition.

16 **FISCAL NOTE REQUIRED**

17 **(See attached)**