



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 414

H.P. 323

House of Representatives, January 29, 2019

**An Act To Provide Intensive Case Managers to Counties That Do
Not Have County Jails or Regional Jails**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DODGE of Belfast.
Cosponsored by Representative KINNEY of Knox, Senator HERBIG of Waldo and
Representatives: AUSTIN of Skowhegan, BEEBE-CENTER of Rockland, CLOUTIER of
Lewiston, DOUDERA of Camden, MADIGAN of Waterville, McCREIGHT of Harpswell,
MEYER of Eliot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 34-B MRSA §1227** is enacted to read:

3 **§1227. Intensive case manager**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Condition" means an intellectual disability, a mental health condition or
7 substance misuse, at any level, as determined by a qualified mental health
8 professional.

9 B. "Diversion plan" means a plan to reduce or eliminate the time a person with a
10 condition is incarcerated or detained by a law enforcement officer by redirecting the
11 person from the criminal justice system to community-based treatment and support.

12 C. "Intensive case manager" means a person who coordinates and oversees mental
13 health support and services for persons with a condition who are incarcerated in a
14 county or regional jail or detained by a law enforcement officer.

15 **2. Assignment to counties.** The department shall assign at least one intensive case
16 manager to work in each county. An intensive case manager must be based in a county or
17 regional jail or, in the absence of a county or regional jail, in the county sheriff's office.

18 **3. Intensive case manager duties.** The duties of intensive case managers include
19 but are not limited to:

20 A. Overseeing all persons detained by a law enforcement officer who are evaluated
21 for a condition, including:

22 (1) Connecting a person with a condition to services provided at the county or
23 regional jail;

24 (2) Developing and implementing a reentry-focused treatment plan for a person
25 with a condition to be implemented upon the person's release and ensuring
26 adequate monitoring of the person's compliance with the treatment plan for at
27 least 60 days after the person reenters the community; and

28 (3) For a person with a condition who is incarcerated for a Class D or Class E
29 crime or is otherwise detained by a law enforcement officer, developing a
30 diversion plan;

31 B. Identifying any person with a condition detained by a law enforcement officer
32 who may be eligible for services through the MaineCare program, completing an
33 application for MaineCare coverage with that person and confirming activation of
34 MaineCare benefits or the continuation of MaineCare benefits pursuant to Title 22,
35 section 3174-CC prior to that person's release from the county or regional jail and
36 during the implementation of any diversion plan or reentry-focused treatment plan;
37 and

1 C. Working with the court system to ensure that all persons detained by a law
2 enforcement officer who are identified as having a condition are provided due
3 process and a speedy trial.

4 **Sec. 2. Department of Health and Human Services to increase the**
5 **number of the State's intensive case manager positions.** The Department of
6 Health and Human Services shall increase the number of intensive case manager
7 positions from the 15 currently serving county jails and regional jails to meet the
8 requirements of the Maine Revised Statutes, Title 34-B, section 1227.

9 **SUMMARY**

10 This bill directs the Department of Health and Human Services to create additional
11 intensive case manager positions so that counties that do not have a county jail or
12 regional jail will have an intensive case manager. An intensive case manager oversees
13 persons who are detained by a law enforcement officer and who have intellectual
14 disabilities or mental health conditions or have misused substances and connects them to
15 the services for which they qualify, works with the court system to ensure that they
16 receive due process and speedy trials and assists persons who qualify for the MaineCare
17 program to apply for and receive MaineCare benefits and services while being detained
18 or incarcerated, including during the implementation of diversion and reentry plans.