



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1755

S.P. 603

In Senate, January 10, 2012

### **An Act Regarding the Interstate Compact for Adult Offender Supervision**

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Submitted by the Department of Corrections pursuant to Joint Rule 204.  
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered  
printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator MASON of Androscoggin.

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

2 **Sec. 1. 34-A MRSA §9887**, as enacted by PL 2005, c. 329, §13, is amended to  
3 read:

4 **§9887. Supervision fee**

5 The department may impose on a person accepted for supervision under this compact  
6 a supervision fee of between \$10 and \$50 per month, as determined by the department,  
7 for the term of supervision by the department. In determining the amount of the fee, the  
8 department shall take into account the financial resources of the person and the nature of  
9 the burden the payment imposes. A request for transfer of supervision may not be denied  
10 solely because the person is not able to pay the fee. When a person fails to pay the  
11 supervision fee, the department may request the person's return to the sending state unless  
12 the failure to pay was not attributable to the person's willful refusal to pay or to a failure  
13 on the person's part to make a good faith effort to obtain the funds required for the  
14 payment. Fees received by the department pursuant to this section must be deposited into  
15 the department's adult community corrections account, which may not lapse. Fees  
16 deposited pursuant to this section must be used to defray costs associated with the  
17 supervision of persons accepted for transfer, including, but not limited to, the purchase of  
18 materials and equipment for and operation of electronic monitoring and substance testing  
19 programs, the purchase of materials, equipment and training for probation officers and  
20 administrative costs.

21 **Sec. 2. 34-A MRSA §9887-A** is enacted to read:

22 **§9887-A. Application fee**

23 The department may impose on a person applying for transfer of supervision to  
24 another state under this compact an application fee of between \$100 and \$250, as  
25 determined by the department. In determining the amount of the fee, the department shall  
26 take into account the financial resources of the person and the nature of the burden the  
27 payment imposes. An application for transfer of supervision may not be denied solely  
28 because the person is not able to pay the fee. When a person fails to pay the application  
29 fee, the department may refuse to process the application unless the failure to pay was not  
30 attributable to the person's willful refusal to pay or to a failure on the person's part to  
31 make a good faith effort to obtain the funds required for the payment. Fees received by  
32 the department pursuant to this section must be deposited into the department's adult  
33 community corrections account, which may not lapse. Fees deposited pursuant to this  
34 section must be used to defray costs associated with processing the applications for  
35 transfer, including, but not limited to, the purchase of materials, equipment and training  
36 for probation officers and administrative costs.

37 **Sec. 3. 34-A MRSA §9887-B** is enacted to read:

38 **§9887-B. Biological sample for DNA analysis**

39 A person accepted for supervision under this compact shall submit to having a DNA  
40 sample taken if the offense for which supervision is being provided includes the essential

1 elements of an offense set out in Title 25, section 1574, subsection 5. The DNA sample  
2 may be taken at any time following commencement of the supervision period as directed  
3 by the person's probation officer. All other provisions of Title 25, chapter 194 govern the  
4 collection and use of the DNA sample as applicable.

5 **SUMMARY**

6 This bill permits the Department of Corrections to require the payment of a fee by  
7 adult probationers who apply for a transfer of supervision under the Interstate Compact  
8 for Adult Offender Supervision to another state. It includes appropriate safeguards to  
9 ensure that lack of ability to pay the fee does not result in an adverse action.

10 The bill also requires that application fees paid by persons applying to transfer to  
11 other states and supervision fees paid by persons transferring to Maine must be deposited  
12 into the department's nonlapsing adult community corrections account to offset associated  
13 costs.

14 The bill also requires that a person transferring to Maine for supervision in the  
15 community submit to the taking of a DNA sample if the offense for which the person is  
16 being supervised is one that includes the essential elements of a Maine crime requiring  
17 submission to the taking of a DNA sample.